



For Immediate Release - October 8, 2024

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LeadingAge Missouri Joins 20 Other State Affiliates in Lawsuit to Overturn CMS' Staffing Mandate

Jefferson City, Missouri – Twenty-one LeadingAge state affiliates - membership associations representing hundreds of not-for-profit aging services providers across the nation - have joined a lawsuit initiated by 20 State Attorney Generals, including Missouri Attorney General Andrew Bailey, to overturn the Centers for Medicaid and Medicare Services' (CMS) staffing mandate. Led by LeadingAge Iowa, LeadingAge Kansas, and LeadingAge South Carolina, alongside LeadingAge Missouri and other state affiliates, the suit filed October 8 in the United States District Court's Northern District of Iowa, intends to overturn the mandate, and secure a preliminary injunction.

In April, CMS released the Nursing Home Minimum Staffing Standards final rule to the Federal Register. The rule requires all federally funded nursing homes to submit a revised facility assessment and changes the minimum number of hours per resident day (HPRD). All providers must deliver 3.48 hours of direct nursing care per patient, per day with a registered nurse on-site 24 hours a day every day. The specific breakdowns in the rule require 0.55 RN and 2.45 certified nurse aide (CNA) HPRD.

These newly-prescribed HPRDs mean nursing homes across the U.S. will need an additional 27,000 full-time registered nurses (RNs) and 78,000 full-time nurse aides costing over \$7 billion—an impossible requirement to meet amid a worldwide nursing shortage and dismal Medicaid reimbursement rates that do not fully cover the actual cost of care. Sadly, the HPRD limits the utilization of licensed practical nurses (LPNs) who provide most of the direct patient care in nursing homes, potentially displacing thousands of these workers across the U.S.

“LeadingAge Missouri is the trusted voice for aging services in Missouri. Our mission-driven members are called to challenge an unworkable “one-size-fits all” rule that will reduce access to healthcare for older Missourians,” said LeadingAge Missouri CEO, Bill Bates. “To comply with the federal staffing mandate, Missouri nursing homes will need an additional 1,600 RNs and 2,500 CNAs at a cost of more than \$500,000 for each Missouri nursing home. Operating on razor thin margins, Missouri nursing homes can’t afford this, even if there are enough RNs and CNAs available to hire – which they are not.”

LeadingAge Missouri’s Board Chair, Adam Marles, noted that aging services need solutions to the workforce shortage, not unattainable mandates. “Today Missouri nursing homes are downsizing or closing in response to staffing challenges and below-cost reimbursement for care. As we prepare to meet the needs of historic numbers of older adults, more qualified caregivers, more financial support, and continued flexibility surrounding care and service delivery are what our field needs – not inflexible federal staffing directives.”

About LeadingAge Missouri

LeadingAge Missouri is a membership association of 130 mission-driven aging services provider organizations. For over 55 years, the association has been the trusted voice for aging in Missouri delivering excellent advocacy, education, and services that advance member missions of care and service to older Missourians. Learn more at <https://leadingagemissouri.org/>