



Colorado Health Care Association  
& Center for Assisted Living

# ASSOCIATION UPDATE

CMDA MONTHLY MEETING 5/7/24

JENNY ALBERTSON, DIRECTOR OF  
QUALITY AND REGULATORY AFFAIRS



# FEDERAL STAFFING MANDATE

Effective Publication in Federal Register  
expected May 10th, 2024

# STAFFING MANDATE KEY ELEMENTS

3.48 hours PPD total direct care staffing

0.55 hours PPD = RN

2.45 hours PPD = C.N.A.

0.48 hours PPD = other nursing

**RN required on site 24/7**

**Staff based upon Facility Assessment (acuity)**

## EXAMPLE:

100 residents

2-3 RNs

10-11 nurse aides

2 additional nurse staff

Requirements of this rule will be ***introduced in phases***, with longer timeframes for rural communities.

## CMS OFFICIALS ACKNOWLEDGED...

"...that some facilities will end up closing, but said that **the current situation with inadequate staffing had resulted in poor quality of care being rendered and a change was necessary.** 'We cannot accept the status quo,'" officials said.

CMS is currently developing a nursing home workforce initiative that will include a national campaign to encourage employment in our sector.

[https://skillednursingnews.com/2024/04/cms-burdens-closures-likely-in-wake-of-nursing-home-staffing-mandate-but-status-quo-is-not-acceptable/?itm\\_source=parsely-api](https://skillednursingnews.com/2024/04/cms-burdens-closures-likely-in-wake-of-nursing-home-staffing-mandate-but-status-quo-is-not-acceptable/?itm_source=parsely-api)

# THERE'S NO APPLICATION FOR A WAIVER OF THE RN REQUIREMENT

To be eligible for exemption, you have to:

be in an area that has 20% below average number of available RNs in your local workforce. [likely measured by the [Bureau of Economic Analysis](#)]



CMS estimates 25% of nursing homes nationally will be eligible based on available workforce. 67% of the rural homes are expected to be eligible.

# ACCESS TO CARE IS A CENTRAL CONCERN

## HOSPITAL BOARDING NUMBERS REPORTING EXPIRED in 2021

While boarding can happen to all ER patients, **adults 65 and older, who account for nearly 20% of ER visits, are especially vulnerable during long waits for care.** Also, seniors may encounter boarding more often than other patients. The best estimates I could find, published in 2019, before the covid-19 pandemic, suggest that 10% of patients were boarded in ERs before receiving hospital care. About 30% to 50% of these patients were older adults. When these patients finally secure a hospital bed, **their stays are longer and medical complications more common.**

<https://kffhealthnews.org/news/article/emergency-room-boarding-older-adults-harm/>

## New findings (JAMA)

And [new research](#) finds that the risk of dying in the hospital is significantly higher for older adults when they stay in ERs overnight, as is the risk of adverse events such as falls, infections, bleeding, heart attacks, strokes, and bedsores.

GOOD NEWS ON  
ACCESS TO CARE

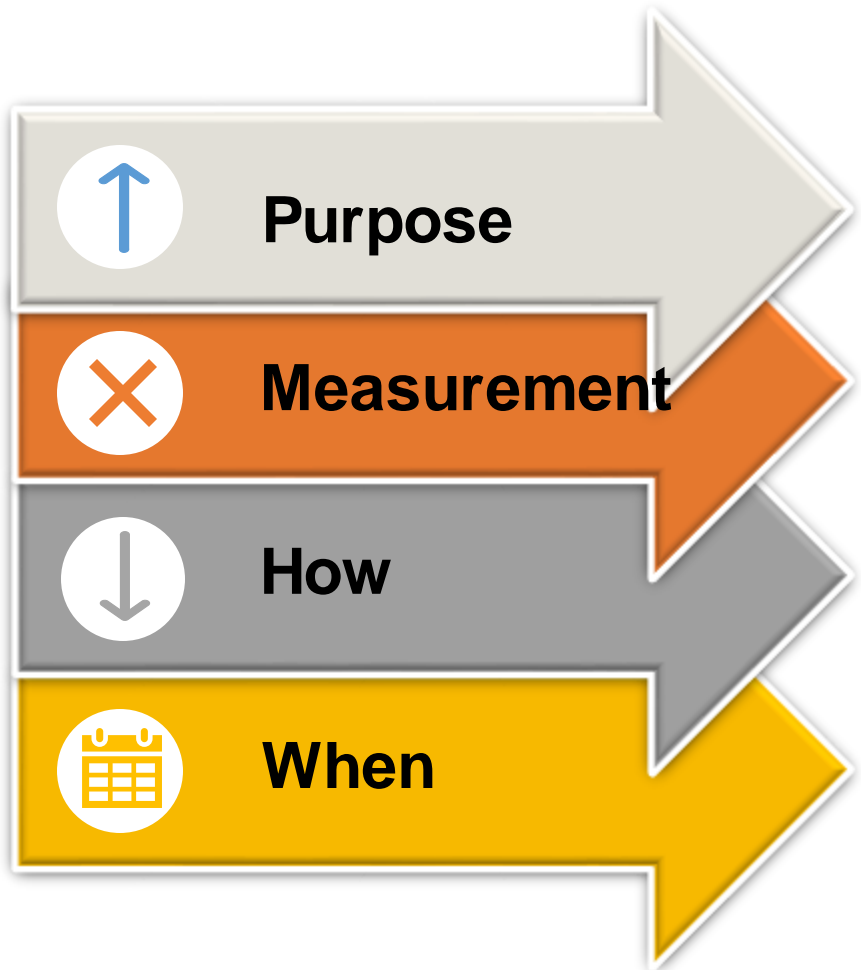
**Medicaid  
Presumptive  
Eligibility is Coming**

**If we know a resident's care will be paid for, we answer 2 significant access problems:**

- **SNFs denying Medicaid Pending residents for admission if they already have too many to balance financially.**
- **Hospice Medicaid Pending is denied summarily at most SNFs due to a requirement for a 30-day stay to establish residency during application.**

# New Survey Process?

## CMS Risk-Based Survey Pilot: What We Know



Purpose-Looking for ways to improve efficiency of the survey process. Prioritize limited resources toward areas that pose an increased risk.

History of fewer citations, higher staffing, fewer hospitalizations, & other (no citations r/t to res. harm/abuse, no pending investigations for res. at IJ, compliance with staffing and PBJ requirements). Up to 10% of providers.

Higher-quality facilities to receive a more focused survey that takes less time and resources than the traditional standard recertification survey.

Initial testing (Dec 2023.- March 2024).

April 4, 2024-CMS is working with states to test this process over the next several months.



## ENSURING TIMELY SURVEYS IS ESSENTIAL TO ACCURACY OF 5-STAR RATINGS

**“While we wait for additional data on the criteria, survey protocols, results of the pilot phase, and possible expansion, anecdotally, we have heard that the RBS is 50% shorter than the traditional survey and considers fewer residents. It still addresses all compliance and health/safety issues, and the pilot team of surveyors tries to follow the state survey team within a few days.**

**...For almost 60% of nursing homes, their Five-Star Health Inspection rating is equal to their Five-Star Overall rating. The survey process is the tail wagging the Five-Star dog.”**

<https://www.mcknights.com/blogs/guest-columns/are-cms-risk-based-surveys-enough-to-address-the-downfall-of-survey-delays/>

# UPCOMING EVENTS

