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# Issue Brief

FEDERAL ISSUE BRIEF



*Analysis provided for MHA by Larry Goldberg, Goldberg Consulting*

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## **CMS Releases Repeal of Minimum Staffing Standards for Long-Term Care Facilities**

The Centers for Medicare and Medicaid Services (CMS) have issued a final rule, with comment, regarding the repeal of minimum staffing requirements for long-term facilities.

A copy of the 31-page rule is currently available at: <https://public-inspection.federalregister.gov/2025-21792.pdf>. The rule is scheduled for publication on December 3.

This action is taken in view of changes made by public law, which precludes HHS from implementing, administering, or enforcing certain provisions of the final rule until September 30, 2034.

This rule, among other items, established minimum staffing standards for long-term care facilities participating in Medicare and Medicaid programs. The standards were informed by data and literature available in 2022 and 2023.

On July 4, 2025, Pub. L. 119-21 was signed into law. Section 71111 of Pub. L. 119-21 prohibits CMS from implementing, administering, or enforcing the minimum staffing standards set forth in § 483.5, definitions related to staffing requirements, and § 483.35, requirements for a registered nurse (RN) to be onsite 24 hours, 7 days per week and that each facility provides a minimum of 0.55 RN, 2.45 nurse aide (NA), and 3.48 total nurse staffing hours per resident day (HPRD), for a specified time period. This legislative action effectively suspends implementation of these provisions until September 30, 2034.

Although this interim final rule with comment period is effective in 60 days, comments are solicited from interested members of the public on all aspects of the interim final rule with comment period. CMS will consider these comments in deciding the next steps following this interim final rule with comment period.

**CMS is removing the requirement that facilities have RN coverage onsite 24 hours per day, 7 days a week (24/7 RN) and that they provide a minimum of 0.55 RN, 2.45 NA, and 3.48 total nurse staffing HPRD.**

CMS estimates that removing this requirement results in average annual savings of approximately \$431 million and \$4,307,501,380 over 10 years as shown in the table below;

| Year                  | Calendar Year | 24/7 RN Requirement |                 | Total Savings   |
|-----------------------|---------------|---------------------|-----------------|-----------------|
|                       |               | Rural               | Urban           |                 |
| Year 1                | 2025          | \$0                 | \$242,980,786   | \$242,980,786   |
| Year 2                | 2026          | \$162,877,843       | \$248,593,642   | \$411,471,485   |
| Year 3                | 2027          | \$166,640,321       | \$254,336,155   | \$420,976,476   |
| Year 4                | 2028          | \$170,489,712       | \$260,211,321   | \$430,701,033   |
| Year 5                | 2029          | \$174,428,024       | \$266,222,202   | \$440,650,227   |
| Year 6                | 2030          | \$178,457,312       | \$272,371,935   | \$450,829,247   |
| Year 7                | 2031          | \$182,579,676       | \$278,663,727   | \$461,243,402   |
| Year 8                | 2032          | \$186,797,266       | \$285,100,859   | \$471,898,125   |
| Year 9                | 2033          | \$191,112,283       | \$291,686,689   | \$482,798,972   |
| Year 10               | 2034          | \$195,526,977       | \$298,424,651   | \$493,951,628   |
| 10-Year Total Savings |               | \$1,608,909,413     | \$2,698,591,967 | \$4,307,501,380 |

**Minimum Nurse Staffing Requirement of 3.48 Total Nurse Staffing HPRD, 0.55 RN HPRD, and 2.45 NA HPRD Savings**

**(1) 3.48 Total Nurse Staff HPRD Requirement Savings**

To estimate the savings from removing the 3.48 total nurse staff HPRD requirement, CMS first calculated each facility’s savings from not needing to hire nurse staff to meet the requirement. Then, CMS aggregated the savings across all facilities for a total savings of approximately \$1.37 billion annually for all facilities if these requirements had gone into effect in 2024.

CMS estimates that removing this requirement will result in average annual savings of approximately \$1.75 billion and \$17,460,934,208 over 10 years as noted in the table below;

| Year                  | Calendar Year | 3.48 Total Nurse Staff |                  | Total Savings    |
|-----------------------|---------------|------------------------|------------------|------------------|
|                       |               | Rural                  | Urban            |                  |
| Year 1                | 2025          | \$0                    | \$1,315,408,430  | \$1,315,408,430  |
| Year 2                | 2026          | \$288,696,914          | \$1,345,794,365  | \$1,634,491,279  |
| Year 3                | 2027          | \$295,365,813          | \$1,376,882,215  | \$1,672,248,028  |
| Year 4                | 2028          | \$302,188,763          | \$1,408,688,194  | \$1,710,876,957  |
| Year 5                | 2029          | \$309,169,323          | \$1,441,228,891  | \$1,750,398,215  |
| Year 6                | 2030          | \$316,311,135          | \$1,474,521,279  | \$1,790,832,414  |
| Year 7                | 2031          | \$323,617,922          | \$1,508,582,720  | \$1,832,200,642  |
| Year 8                | 2032          | \$331,093,496          | \$1,543,430,981  | \$1,874,524,477  |
| Year 9                | 2033          | \$338,741,756          | \$1,579,084,237  | \$1,917,825,993  |
| Year 10               | 2034          | \$346,566,690          | \$1,615,561,083  | \$1,962,127,773  |
| 10-Year Total Savings |               | \$2,851,751,812        | \$14,609,182,396 | \$17,460,934,208 |

**(2) 0.55 RN HPRD and 2.45 NA HPRD Requirements Savings**

CMS estimates that removing these requirements will result in average annual savings of approximately \$3.3 billion and \$33,004,996,355 over 10 years as exhibited in the table below;

| Year                  | Calendar Year | 0.55 RN HPRD    |                  | 2.45 NA HPRD Requirement |                  | Total Savings    |
|-----------------------|---------------|-----------------|------------------|--------------------------|------------------|------------------|
|                       |               | Rural           | Urban            | Rural                    | Urban            |                  |
| Year 1                | 2025          | \$0             | \$0              | \$0                      | \$0              | \$0              |
| Year 2                | 2026          | \$0             | \$1,096,966,133  | \$0                      | \$1,772,028,616  | \$2,868,994,750  |
| Year 3                | 2027          | \$0             | \$1,122,306,051  | \$0                      | \$1,812,962,477  | \$2,935,268,528  |
| Year 4                | 2028          | \$210,818,944   | \$1,148,231,321  | \$410,835,718            | \$1,854,841,911  | \$3,624,727,894  |
| Year 5                | 2029          | \$215,688,862   | \$1,174,755,464  | \$420,326,023            | \$1,897,688,759  | \$3,708,459,108  |
| Year 6                | 2030          | \$220,671,275   | \$1,201,892,315  | \$430,035,554            | \$1,941,525,369  | \$3,794,124,513  |
| Year 7                | 2031          | \$225,768,781   | \$1,229,656,028  | \$439,969,375            | \$1,986,374,605  | \$3,881,768,790  |
| Year 8                | 2032          | \$230,984,040   | \$1,258,061,082  | \$450,132,668            | \$2,032,259,859  | \$3,971,437,649  |
| Year 9                | 2033          | \$236,319,771   | \$1,287,122,293  | \$460,530,733            | \$2,079,205,061  | \$4,063,177,858  |
| Year 10               | 2034          | \$241,778,758   | \$1,316,854,818  | \$471,168,993            | \$2,127,234,698  | \$4,157,037,267  |
| 10-Year Total Savings |               | \$1,582,030,432 | \$10,835,845,505 | \$3,082,999,063          | \$17,504,121,355 | \$33,004,996,355 |

CMS is also saying that the removal of the collection of information for the 0.55 RN and 2.45 NA HPRD requirements will result in an additional \$315,672,322.

Overall, CMS estimates that rescinding these requirements will result in approximately \$5.51 billion in annual savings for nursing home providers with total savings over 10 years estimated at \$55,089,104,265.

CMS says that removing the staffing requirements will cost Medicare \$326 million annually and \$3,255,827,043 over 10 years.

**Comment**

These costs/savings are extremely significant. It demonstrates that many ideas to improve Medicare and lower health dollars need extensive analysis. The costs of implementation may outweigh potential savings.