



Elder Law NEWS

February 2022

WORSENING NURSING HOME STAFFING CRISIS TAKING A DEVASTATING TOLL ON RESIDENTS, THEIR FAMILIES AND HOSPITALS

Overwhelmed by the stress of long hours, low pay and exposure to the COVID-19 virus, nursing home workers are quitting in record numbers.

The labor hemorrhage has turned what was already a chronic staffing problem into a full-blown crisis in many facilities and entire states as understaffed nursing homes struggle to care for patients, accommodate family visitation, and admit new patients waiting in hospitals to be discharged.

The crunch has even forced some states – including New York, New Jersey, Minnesota, Maine, New Hampshire and Indiana – to deploy the National Guard to empty bedpans, give baths and distribute meals.





Elder Law NEWS

February 2022

“It’s beyond a crisis,” Katie Smith Sloan, the president of LeadingAge, an association of nonprofit long-term care facilities, told The New York Times. “For many providers across the country, it’s a collapse.”

‘No One Would Come’

According to the U.S. Bureau of Labor Statistics, 425,000 employees, many of them of them nursing assistants, have left the nursing home workforce since February 2020. Certified Nursing Assistants (CNA), provide 80 to 90 percent of direct care for long-term care patients and make up 40 percent of nursing home employees.

In a June 2021 survey by the American Health Care Association and the National Center for Assisted Living, 94 percent of nursing home providers reported a shortage of staff, and 58 percent were limiting admissions because of the shortages.

With fewer nursing assistants working in short-staffed facilities, residents don’t get as much one-on-one interaction with their caregivers as they need, don’t get as many showers, and don’t get turned as often in bed to prevent bed sores from developing.

One North Carolina woman witnessed it first-hand with her 74-year-old mother, according to an [Associated Press](#) report.



Elder Law NEWS

February 2022

When visitors weren't allowed inside the nursing home, she saw through her mother's window that sometimes she sat for hours in a soiled diaper, with matted hair and a bedsore the size of a fist. Unable to use a phone by herself, the mother would cry for assistance.

"She would call out for help and no one would come," her daughter said. "There was no one around."

Meanwhile, although nursing homes contain less than one-half of 1 percent of the U.S. population, they account for 2 percent of the COVID-19 cases and 25 percent of the deaths, according to a report by the advocacy group U.S. PIRG.

Admissions Backlog Hurting Hospitals

Faced with the loss of employees during the pandemic and the difficulty in recruiting replacements in a competitive market economy, nursing home administrators have been forced to limit new admissions and close off whole floors in their facilities.

This has caused hospitals to keep patients longer who are waiting to be discharged to long-term care after surgery or illnesses and has resulted in fewer beds being available for COVID-19 cases flooding hospital emergency rooms.



Elder Law NEWS

February 2022

While the pandemic has made the staffing crisis in nursing homes more acute, the problem isn't a new one. It's a systemic failure in the nursing home industry that's been neglected for years, according to long-term care experts.

Nursing home workers are among the lowest paid employees in the U.S. economy, earning near-poverty wages, the [Paraprofessional Healthcare Institute](#) reported in 2016. With a median salary of \$19,000 a year, more than a third of nursing home workers relied on public benefits like food stamps, housing subsidies and cash assistance. Given the low wages, long hours and stressful work, keeping and recruiting nursing home workers when other jobs are available and less demanding is a challenge. Before the pandemic, CNAs in nursing homes had an average annual turnover rate of 129 percent, according to the journal [Health Affairs](#), with some facilities reaching a 300 percent replacement rate. (Consumers [can now find out](#) a nursing home's turnover rate.)

Nursing home owners are aware of the problem but claim that they can't raise wages for workers due to the funding that's available to them. While some long-term care patients pay their own way, most nursing home funding comes from Medicare and Medicaid. Medicare reimburses facilities for short-stay patients coming from hospitals for rehabilitative services, while Medicaid's reimbursements are determined by the states, and the program pays for the majority of long-stay patients in nursing home populations.



Elder Law NEWS

February 2022

On average, Medicaid pays half as much per day for long-term care as does Medicare (\$206 v. \$503), [according to a 2018 analysis](#) by the non-profit National Investment Center for Seniors Housing & Care.

“Everyone knows that Medicaid underpays,” David Gifford, chief medical officer for the American Health Care Association (AHCA), which represents assisted living and long-term care facilities, told CNN. “Salaries are about 70 percent of our revenue overall and so we just can’t offer competitive salaries compared to hospitals and other settings.”

Some nursing home providers as well as federal, state and local governments are taking steps to address the staffing crisis. An October 2020 U.S. Department of Health and Human Services report found that increased wages and augmented benefits like child care, transportation, housing and food support, were being offered to retain staff in some facilities and localities. Hard-hit Minnesota recently announced a plan to train 1,000 new CNAs.

Meanwhile, the Biden Administration’s Build Back Better plan would provide funding for higher wages, tuition assistance and other incentives for nursing homes to attract qualified staff, and would help reduce waiting lists for Medicaid-funded alternatives to nursing home care by giving state home and community-based service (HCBS) programs an additional \$150 billion over 10 years.



Elder Law NEWS

February 2022

The proposal would also make permanent a program called Money Follows the Person to help nursing homes return younger residents and some older adults to their homes.

For more on the rights of nursing home residents, [click here](#).



Elder Law NEWS

February 2022

YOU CAN NOW COMPARE NURSING HOMES ON STAFF TURNOVER RATES AND WEEKEND HELP

The Centers for Medicare and Medicaid Services (CMS) announced that it will add data on staff turnover rates and weekend staffing levels to its [Care Compare](#) website, giving consumers another tool when choosing a nursing home.



The official Medicare website includes a nursing home rating system. [Care Compare](#) (previously called Nursing Home Compare) offers up to five-star ratings of nursing homes based on health inspections, staffing, and quality measures. Users can search for nursing homes by location and directly compare how they measure up.



Elder Law NEWS

February 2022

Nursing homes have been plagued by chronic understaffing and high turnover rates for years, and this problem has been exacerbated by the COVID-19 pandemic.

A study by the journal [Health Affairs](#) found that the turnover among nursing staff was 94 percent in 2017 and 2018 and mean turnover rates were as high as 140.7 percent among registered nurses, 129.1 percent among certified nursing aides and 114.1 percent among licensed practical nurses. In addition, [CMS found](#) that lower turnover is often correlated to high nursing home ratings.

CMS announced that it would begin posting the following information for each nursing home on its website:

Weekend Staffing: The level of total nurse and registered nurse staffing on weekends provided by each nursing home over a quarter.



Elder Law NEWS

February 2022

Staff Turnover: The percent of nursing staff and number of administrators that stopped working at the nursing home over a 12-month period.

CMS will begin adding the information to the Care Compare website in January and it will be incorporated into the rating system in July 2022.

In adding the information, [CMS noted in a memo](#) that the correlation between nursing home quality and turnover may be because “facilities with lower nurse turnover may have more staff that are familiar with each resident’s condition and may therefore be more able to identify a resident’s change in condition sooner.” Therefore, the staff may be better able to prevent the resident from falling, getting an infection, or requiring hospitalization, all of which affect a nursing home’s quality rating. The staff’s familiarity with the facility’s policies and procedures as well as more steady leadership and direction may also affect staff turnover and nursing home quality.



Elder Law NEWS

February 2022

With regard to weekend staffing, CMS acknowledged that consumers may not realize that nursing home staffing levels can vary on weekends.

CMS hopes to encourage facilities to hire more weekend staff by adding weekend staff numbers to the nursing home rating system.

To read CMS's announcement about this new policy, [click here](#).