



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, Washington 98504-5600

May 17, 2024

AL TSA: NH #2024-023

**CMS FINAL RULE (CMS 3442-F) MEDICARE AND MEDICAID PROGRAMS
MINIMUM STAFFING STANDARDS FOR LONG-TERM CARE (LTC) FACILITIES AND
MEDICAID INSTITUTIONAL PAYMENT TRANSPARENCY REPORTING**

Dear Nursing Facility/Home Administrator:

Final rule, CMS 3442-F, was published in the federal register on 5/10/24 with an effective date of June 21, 2024.

Please review the finalized Center for Medicare and Medicaid Services (CMS) Rule ([CMS 3442-F](#)) and other related resources attached below for detailed information about new minimum nurse staffing standards, time-limited hardship exemptions that may be available, phased implementation timeframes, and Medicaid institutional payment transparency.

New requirements under this rule have staggered implementation timelines organized by phase and location.

Phase One: By 8/8/2024, long-term care (LTC) facilities must meet new facility assessment requirements. This includes use of the updated and newly strengthened facility assessment to determine if facility staffing must exceed the CMS minimum nurse Hours Per Resident Day (HPRD) standard, based on resident acuity and individual care needs. (CFR 42 483.71)

Phase Two: LTC facilities must ensure a minimum total nurse staffing standard of 3.48 HPRD. LTC facilities must also ensure an RN is on site 24 hours a day, seven days a week and available to provide direct resident care.

- For non-rural providers: Must be implemented by 5/11/26,
- For rural providers: Must be implemented by 5/10/27.

Phase Three: LTC facilities must ensure minimum total nurse staffing standard of 3.48 HPRD to include .55 RN and 2.45 NA HPRD. Facilities may use a combination of nurse staff to account for the additional 0.48 HPRD needed to comply with the total minimum nurse staffing standard.

- For non-rural providers: Must be implemented by 5/10/27,
- For rural providers: Must be implemented by 5/10/29.

The rural vs non-rural designation is defined by the federal Office of Management and Budget.

Temporary hardship exemptions may be available for facilities located in an area where the supply of RN, NA, or total nurse staff is not sufficient to meet area needs as evidenced by the applicable provider-to-population ratio for nursing workforce which is a minimum of 20% below the national average, as calculated by CMS using data from the U.S. Bureau of Labor Statistics and the U.S. Census Bureau. Additional criteria and the process for requesting an exemption are outlined in [CMS 3442-F](#).

ALTSA Provider Letter: **MEDICARE AND MEDICAID PROGRAMS; MINIMUM STAFFING STANDARDS FOR LONG-TERM CARE (LTC) FACILITIES AND MEDICAID INSTITUTIONAL PAYMENT TRANSPARENCY REPORTING FINAL RULE (CMS 3442-F)**

May 17, 2023

Page 2

Medicaid Institutional Payment Transparency:

- a. By May 10, 2028, the state must report to CMS the percentage of Medicaid payments for services provided in nursing home and ICFs/IID facilities that is spent on compensation for identified direct care workers and support staff.
- b. Costs for travel, training, and personal protective equipment (PPE) are excluded for the calculation of the percentage of Medicaid payments going to compensation.
- c. Indian Health Service and Tribal health programs subject to 25 U.S.C. 1641 are exempted from reporting requirements.
- d. Both states and CMS are required to make institutional payment information reported by the state available on public-facing websites.

CMS is currently developing a nursing home staffing campaign with financial incentive distribution beginning in 2025. CMS is also partnering with states to bolster nurse recruitment and development efforts.

Additional guidance and training will be rolled out as CMS releases additional information for each phase of implementation.

Thank you for your continued commitment to resident health and safety. If you have any questions, please contact Jodi Lamoreaux, NH Policy Program Manager, at (360) 464-0487 or Jodi.Lamoreaux1@dshs.wa.gov.

Sincerely,



Amy Abbott, Director
Residential Care Services

DSHS: “*Transforming Lives*”

Related References:

- [CMS 3442-F](#)
- [CMS 2024-08273](#)
- [CMS 3442-F Fact Sheet](#)
- [42 CFR 438](#)
- [42 CFR 442](#)
- [42 CFR 483](#)
- [White House Fact Sheet: Vice President Harris Announces Historic Advancements in Long-Term Care to Support the Care Economy](#)