

# MAXIMIZING NURSING EFFICIENCY: THE FUTURE OF REGULATORY INNOVATION

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## PRESENTED BY:

- Michelle Buck, MS, APRN, CNS
- Zina Gontscharow, MPP
- Brian Sims, MBA



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# Session Etiquette

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FROM  
**DATA**  
TO **ACTION**

**We have the data.**  
**We want change.**  
**It's time for action.**

# Series Host

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**Nicole Anselme**

**MBA, MSN, RN, CCRN, SCRN,  
GERO-BC**

**Senior Policy Advisor**

**Nursing Programs**

**American Nurses Association**



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# About the Series

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- **Five interactive 90-minute sessions featuring content developed and presented to you by members of the Nurse Staffing Task Force**
- **Our goal is to engage nurses in discussions around actionable steps to tackle the nurse staffing crisis.**

# Two Parts of Each Session:

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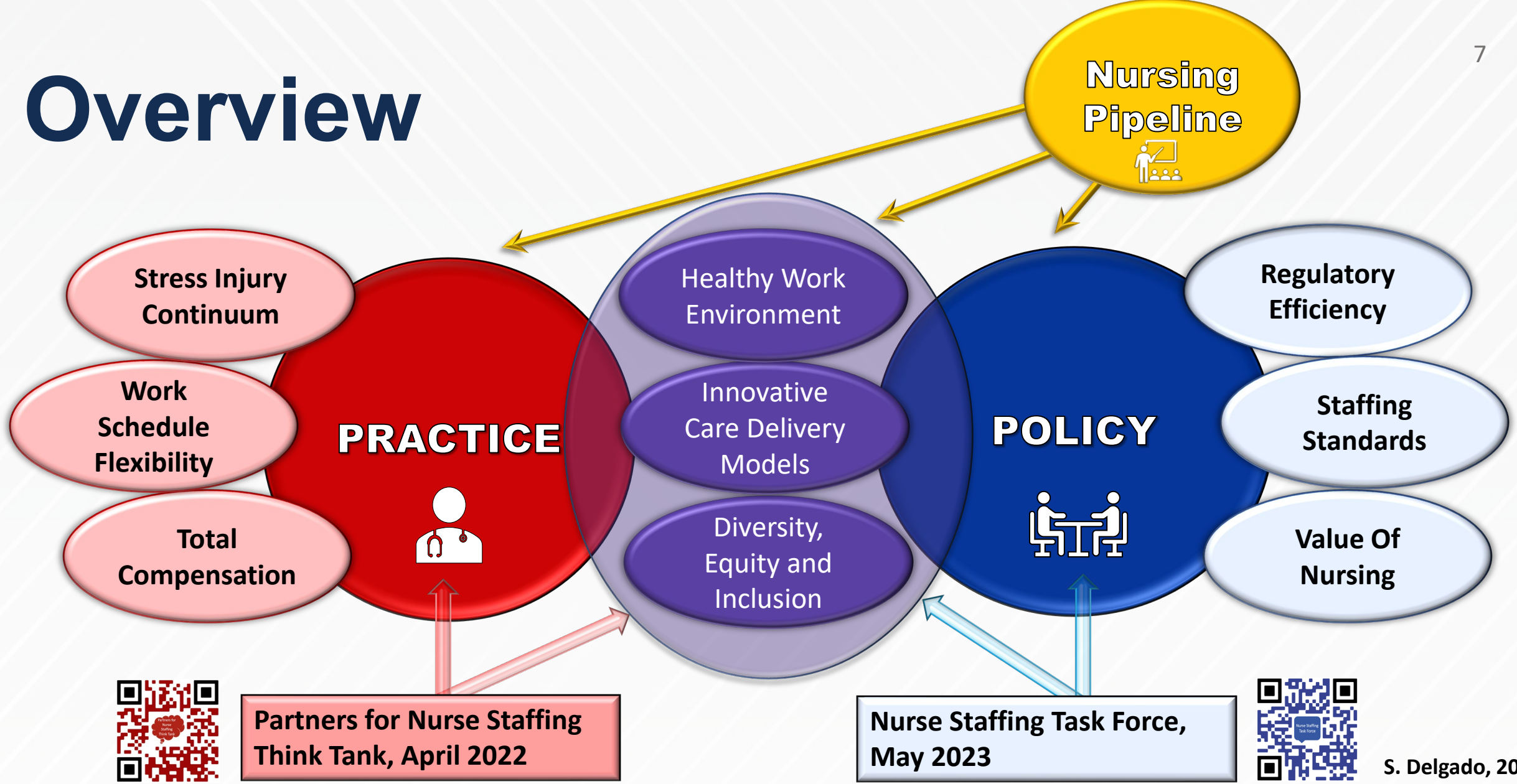


- **Imperative** is introduced; information and context are provided
- A **Q&A** will follow the presentation
- Presentation will be recorded and available on [Nursingworld.org](https://www.nursingworld.org)



- Discussions will be focused on **action**
- Please do not share patient information
- We encourage participation; speak **freely** and **openly**

# Overview



# Series Overview





# Speaker Introductions

## Michelle Buck, MS, APRN, CNS

APRN Senior Policy Advisor, National Council of State Boards of Nursing (NCSBN)

Michelle Buck is Senior Policy Advisor at the National Council of State Boards of Nursing (NCSBN). She has been a registered nurse for over 30 years and practiced as a clinical nurse specialist in orthopedics for most of her career and taught at Northern Illinois University School of Nursing. She served as the clinical nurse specialist representative on the inaugural Illinois Advanced Practice Nursing Board. She has published and presented on a variety of topics related to clinical practice, policy and nursing regulation.



# Speaker Introductions

## Zina Gontscharow, MPP

Senior Policy Advisor, Policy & Government Affairs,  
American Nurses Association

Joining the ANA Policy & Government Affairs team in September 2020, Zina Gontscharow serves as a Senior Policy Advisor, elevating the nursing profession through federal regulatory advocacy. Prior to joining the ANA, Zina was a Senior Policy Analyst for America's Essential Hospitals, playing an integral role in their policy initiatives to protect hospitals that serve a safety net role in their respective communities. In addition to her role at the ANA, Zina volunteers in her community, holding several leadership positions, including President of the Western State Hospital Advisory Council. Zina holds a Master of Public Policy and a Bachelor degree in Government and International Affairs, both from George Mason University.



# Moderator

## Brian Sims, MBA

### Vice President of Quality & Equity, Maryland Hospital Association

With over 16 years of experience working in Maryland's health care industry, Brian Sims is currently the Vice President of Quality & Equity, for the Maryland Hospital Association (MHA) where he leads the efforts to advance health equity throughout the hospital field as well as advocacy efforts for the Maryland Hospital Quality Program. Brian and his team work in partnership with legislators, regulatory agencies, hospital leadership, and various stakeholders to understand key issues and develop appropriate strategies to advance quality and equity priorities. Brian has also worked with health system finance leaders on finance and reimbursement advocacy and strategy.

Brian served as Co-Chair of the National Nurse Staffing Taskforce and is the President of the Maryland Chapter of the Healthcare Financial Management Association (HFMA). He is also an adjunct faculty member at Boise State University in the graduate level Population and Health Systems Management program.



# Improve Regulatory Efficiency

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# Session Overview

## ■ STATE

- State nursing regulation
- State-level advocacy

## ■ FEDERAL

- Regulatory advocacy
- Legislative advocacy

## ■ SESSION OBJECTIVES:

- Describe the process of **regulating nursing practice** and identify **resources for learning** how state boards carry out their mission
- Identify ways in which nurses can **advocate for legislative support to enhance the use of technology** that maximizes regulatory efficiency
- Promote **increased autonomy for state boards of nursing** to study and evaluate **licensure activities**

# Federal Advocacy

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# Nursing Home Staffing Rule

- Long-awaited rule to establish federal staffing standards in long term care facilities
  - Focused on Registered Nurses and Nurse Aides
- Implementation timeline and enforcement
- Comments due November 6

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

42 CFR Parts 438, 442, and 483

[CMS-3442-P]

RIN 0938-AV25

### Medicare and Medicaid Programs; Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would establish minimum staffing standards for long-term care facilities, as part of the Biden-Harris Administration's Nursing Home Reform initiative to ensure safe and quality care in long-term care facilities. In addition, this rule proposes to require States to report the percent of Medicaid payments for certain Medicaid-covered institutional services that are spent on compensation for direct care workers and support staff.

**DATES:** To be assured consideration, comments must be received at one of the addresses provided below, by November 6, 2023.

**ADDRESSES:** In commenting, please refer to file code CMS-3442-P.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the "Submit a comment" instructions.
2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-3442-P, P.O. Box 8016, Baltimore, MD 21244-8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-3442-P, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

For information on viewing public comments, see the beginning of the SUPPLEMENTARY INFORMATION section.

**FOR FURTHER INFORMATION CONTACT:** The Clinical Standard Group's Long Term Care Team at [HealthandSafetyInquiries@cms.hhs.gov](mailto:HealthandSafetyInquiries@cms.hhs.gov) for information related to the minimum staffing standards.

Anne Blackfield, (410) 786-8518, for information related to Medicaid institutional payment transparency reporting.

#### SUPPLEMENTARY INFORMATION:

**Inspection of Public Comments:** All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on [Regulations.gov](http://www.regulations.gov) public comments that make threats to individuals or institutions or suggest that the individual will take actions to harm the individual. CMS continues to encourage individuals not to submit duplicate comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

To assist readers in referencing sections contained in this document, we are providing the following Table of Contents.

#### Table of Contents

- I. Executive Summary
  - A. Purpose
  - B. Summary of Major Provisions
  - C. Summary of Cost and Benefits
- II. Minimum Staffing Standards for Nursing Homes in Response to the Presidential Initiative
  - A. Background
  - B. Provisions of the Proposed Regulations
- III. Medicaid Institutional Payment Transparency Reporting Provision
- IV. Collection of Information Requirements
- V. Response to Comments
- VI. Regulatory Impact Analysis

#### I. Executive Summary

##### A. Purpose

This proposed rule would establish minimum staffing standards to address ongoing safety and quality concerns for the 1.4 million<sup>1</sup> residents receiving care in Medicare and Medicaid certified Long-Term Care (LTC) facilities. On February 28, 2022, President Biden

announced that CMS would propose minimum staffing standards that nursing homes must meet, based in part on evidence from a new research study that will focus on the level and type of staffing needed to ensure safe and quality care.<sup>2</sup> In addition, on April 18, 2023, President Biden issued "Executive Order on Increasing Access to High-Quality Care and Supporting Caregivers",<sup>3</sup> which directs the Secretary of HHS to consider actions to encourage LTC facilities to reduce nursing staff turnover that is associated with improving safety and quality of care.<sup>4,5</sup>

These safety and quality concerns stem, at least in part, from chronic understaffing in LTC facilities, and are particularly associated with insufficient numbers of registered nurses (RNs) and nurse aides (NAs), as evidenced from, *inter alia*, a review of data collected since 2016 and lessons learned during the COVID-19 Public Health Emergency (PHE). Numerous studies, including our new research study as well as existing literature, have shown that staffing levels are closely correlated with the quality of care that LTC facility residents receive, and with improved health outcomes. The minimum staffing standards would also provide staff in LTC facilities the support they need to safely care for residents, help prevent staff—burnout, thereby reducing staff turnover, which can lead to improved safety and quality for residents and staff. This proposed rule would also promote public transparency related to the percent of Medicaid payments for certain institutional services that are spent on compensation to direct care workers and support staff.

##### B. Summary of Major Provisions

We are proposing to update the Federal participation "Requirements for Medicare and Medicaid Long Term Care Facilities" minimum staffing standards ("LTC requirements"). The updates to

<sup>1</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/28/fact-sheet-protecting-seniors-and-people-with-disabilities-by-improving-safety-and-quality-of-care-in-the-nations-nursing-homes/>.

<sup>2</sup> *Executive Order on Increasing Access to High Quality Care and Supporting Caregivers*. White House. Accessed at <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/18/executive-order-on-increasing-access-to-high-quality-care-and-supporting-caregivers/>. Published on April 18, 2023. Accessed on April 19, 2023.

<sup>3</sup> Zheng, Q, Williams, CS, Shulman, ET, White, AJ. Association between staff turnover and nursing home quality—evidence from payroll-based journal data. *J Am Geriatr Soc.* 2022; 70(9): 2508–2516. doi:10.1111/jgs.17843.

<sup>4</sup> Castle, Nicholas C, and John Engberg. "Staff turnover and quality of care in nursing homes." *Medical care vol.* 43.6 (2005): 616–26. doi:10.1097/01.mlr.0000163661.67170.b9.



# Legislative Advocacy

- Congressional Priorities
- Hill/Lobby Days
- Political Action Committees





# State Nursing Regulation

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# Nursing Regulatory Bodies

- Often referred to as boards of nursing
- Charged with protecting the public's health and welfare
- Responsible for assuring that safe and competent nursing care is provided by licensed nurses
- Regulate nursing practice
- Enforcement of the law



# State Nursing Advocacy

- Local engagement
- State nursing group membership
- Relationship with legislator
- Consider a position on the board
- Share your story
- APRN Full Practice Authority



# Q & A

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# Discussion Questions

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1. How does regulation and policy **affect the implementation** of the other **imperatives**?
  - Work environment
  - Economic value of nurses
  - Care delivery innovation
  - Staffing standards
2. What **barriers** do you foresee in implementing the imperatives and how do we **mitigate these challenges**?

# Key Discussion Takeaways

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# Session Wrap-Up

- You will earn **1.5 CNE credits** for today's session
- Please **scan the QR code** or follow the **link placed in the chat** to claim your CNE credits
- Earn another **1.5 CNE credits** by attending next week's sessions



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# Upcoming Sessions





FROM  
**DATA**  
TO  **ACTION**

The Nurse Staffing Task Force  
Project ECHO®

Tackling the Nurse Staffing Crisis

**Thank you for joining us!**



**Think Tank  
Recommendations**



**Task Force  
Recommendations**



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