

Aimee Delaney Explores Challenges Confronting Nursing Homes in their Fight Against a CMS Staffing Mandate

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In a recent *Skilled Nursing News* story, Aimee Delaney discusses the practical and legal obstacles faced by nursing home operators who are seeking to challenge a new staffing mandate by the Centers for Medicare & Medicaid Services (CMS).

For instance, the American Health Care Association (AHCA) plans to work with Congress to advance the Protecting America's Seniors' Access to Care Act, which would help block the CMS staffing mandate.

Changes to the staffing mandate could emerge, particularly if a new administration takes office. However, Delaney said it is unlikely that the mandate will be completely blocked:

"There's certainly consensus, from all sides, to support [efforts] to improve resident care. And that's from the communities, residents, their families, and lawmakers... but, I think it's difficult to probably look for a solution that would be successful without any staffing requirements."

Delaney anticipates that trade organizations within the healthcare industry may also pursue legal action to prevent the mandate. However, the success of such efforts will depend on the CMS' rulemaking authority:

"CMS is often found to have a lot of leeway in terms of its rulemaking authority for the conditions for participation. I don't know that a legal challenge would be the most successful – that's not to say it shouldn't be tried."

[Read the full article.](#)

"[Nursing Homes Could Challenge Staffing Mandate Via Legal, Congressional, and Funding Routes](#)" was published by *Skilled Nursing News* on April 24, 2024.

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