

119TH CONGRESS
1ST SESSION

S. _____

To prohibit the Secretary of Health and Human Services from implementing, enforcing, or otherwise giving effect to a final rule regarding minimum staffing for nursing facilities, and to establish an advisory panel on the nursing home workforce.

IN THE SENATE OF THE UNITED STATES

Mrs. FISCHER (for herself and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To prohibit the Secretary of Health and Human Services from implementing, enforcing, or otherwise giving effect to a final rule regarding minimum staffing for nursing facilities, and to establish an advisory panel on the nursing home workforce.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Rural Sen-
5 iors’ Access to Care Act”.

1 **SEC. 2. PROHIBITION ON IMPLEMENTING, ENFORCING, OR**
2 **OTHERWISE GIVING EFFECT TO THE FINAL**
3 **STAFFING RULE.**

4 Beginning on the date of enactment of this Act, the
5 Secretary of Health and Human Services may not imple-
6 ment, enforce, or otherwise give effect to the final rule
7 entitled “Medicare and Medicaid Programs; Minimum
8 Staffing Standards for Long-Term Care Facilities and
9 Medicaid Institutional Payment Transparency Reporting”
10 published by the Department of Health and Human Serv-
11 ices on May 10, 2024 (89 Fed. Reg. 40976–41000), and
12 may not promulgate any substantially similar rule.

13 **SEC. 3. ADVISORY PANEL ON NURSING HOME WORKFORCE.**

14 (a) IN GENERAL.—Not later than 60 days after the
15 date of the enactment of this section, the Secretary of
16 Health and Human Services (in this section referred to
17 as the “Secretary”) shall establish the Advisory Panel on
18 the Nursing Home Workforce (in this section referred to
19 as the “Panel”).

20 (b) MEMBERSHIP.—

21 (1) NUMBER AND APPOINTMENT.—The Panel
22 shall be composed of 17 members representing var-
23 ious geographic areas, appointed by the Secretary as
24 follows:

25 (A) 1 representative of the Secretary, who
26 shall serve as the chair of the Panel.

1 (B) 2 registered nurses who actively fur-
2 nish services in a skilled nursing facility or
3 nursing facility, one of whom shall represent a
4 rural area.

5 (C) 2 licensed professional nurses who ac-
6 tively furnish services in a skilled nursing facil-
7 ity or nursing facility, one of whom shall rep-
8 resent a rural area.

9 (D) 2 nurse aides who actively furnish
10 services in a skilled nursing facility or nursing
11 facility, one of whom shall represent a rural
12 area.

13 (E) 2 physicians who actively furnish serv-
14 ices in a skilled nursing facility or nursing facil-
15 ity, one of whom shall represent a rural area.

16 (F) 1 representative of the Centers for
17 Medicare & Medicaid Services.

18 (G) 1 representative of the Health Re-
19 sources and Services Administration.

20 (H) 2 individuals with professional exper-
21 tise related to the nursing home workforce, one
22 of whom shall have experience with respect to
23 the nursing home workforce in rural and under-
24 served areas.

1 (I) 1 licensed administrator or representa-
2 tive of a rural not-for-profit skilled nursing fa-
3 cility.

4 (J) 1 licensed administrator or representa-
5 tive of a rural for-profit skilled nursing facility.

6 (K) 2 representatives of State boards of
7 nursing.

8 (2) TIMING OF APPOINTMENTS.—Each of the
9 appointments under paragraph (1) shall be made not
10 later than 60 days after the date of the enactment
11 of this section.

12 (3) TERMS; VACANCIES.—Each member shall be
13 appointed for a term not to exceed 2 years, and a
14 vacancy in the Panel shall be filled in the manner
15 in which the original appointment was made.

16 (4) QUORUM.—13 members of the Panel shall
17 constitute a quorum.

18 (5) FEDERAL ADVISORY COMMITTEE ACT.—
19 Chapter 10 of title 5, United States Code, shall
20 apply to the Panel.

21 (c) DUTIES.—

22 (1) MEETINGS.—

23 (A) FREQUENCY.—The Panel shall meet
24 not later than 180 days after the date on which
25 the appointments described in subsection (b)

1 are made, and not less frequently than twice
2 per year thereafter.

3 (B) PUBLIC ACCESS.—The Panel shall
4 make available on a public website of the De-
5 partment of Health and Human Services—

6 (i) real-time virtual access to each
7 meeting of the Panel; and

8 (ii) not later than 30 days after each
9 such meeting, a recording and transcript of
10 the meeting.

11 (2) REPORTS.—

12 (A) INITIAL REPORT.—Not later than 60
13 days after the initial meeting of the Panel
14 under paragraph (1)(A), the Panel shall submit
15 to the Secretary, the Committee on Ways and
16 Means and the Committee on Energy and Com-
17 merce of the House of Representatives, and the
18 Committee on Finance of the Senate, and shall
19 publish on a public website of the Centers for
20 Medicare & Medicaid Services, a report on the
21 state of the nursing home workforce, which
22 shall include—

23 (i) an assessment of the state of the
24 nursing home workforce in rural and un-
25 derserved areas, including an analysis of—

6

1 (I) workforce shortages; and

2 (II) with respect to individuals
3 entitled to benefits under part A of
4 title XVIII of the Social Security Act
5 (42 U.S.C. 1395 et seq.) and individ-
6 uals entitled to medical assistance
7 under title XIX of such Act (42
8 U.S.C. 1396 et seq.), barriers to ac-
9 cess to skilled nursing facilities and
10 nursing facilities caused by such
11 shortages;

12 (ii) an analysis of regulations, sub-
13 regulatory guidance, and guidance to State
14 survey agencies issued by the Secretary
15 with respect to skilled nursing facilities
16 and nursing facilities, and the effects of
17 such regulations and guidance on the nurs-
18 ing home workforce;

19 (iii) recommendations for the Sec-
20 retary to strengthen the nursing home
21 workforce, including recommendations for
22 decreasing regulatory burdens for skilled
23 nursing facilities and nursing facilities and
24 making financial investments in training
25 for health professionals; and

1 (iv) other information as the Panel
2 determines necessary.

3 (B) SUBSEQUENT REPORTS.—Not later
4 than 1 year after submitting the initial report
5 under subparagraph (A), and annually there-
6 after, the Panel shall submit and publish an up-
7 dated report in the same manner as required
8 under such subparagraph.

9 (d) DEFINITIONS.—In this section, the following defi-
10 nitions apply:

11 (1) NURSING FACILITY.—The term “nursing
12 facility” has the meaning given such term in section
13 1919(a) of the Social Security Act (42 U.S.C.
14 1396r(a)).

15 (2) NURSING HOME WORKFORCE.—The term
16 “nursing home workforce” means the workforce of
17 health professionals that provide direct resident care
18 in skilled nursing facilities and nursing facilities.

19 (3) RURAL AREA.—The term “rural area”
20 means any area outside a metropolitan statistical
21 area.

22 (4) SKILLED NURSING FACILITY.—The term
23 “skilled nursing facility” has the meaning given such
24 term in section 1819(a) of the Social Security Act
25 (42 U.S.C. 1395i–3(a)).

1 (5) UNDERSERVED AREA.—The term “under-
2 served area” means an area that is—

3 (A) a health professional shortage area, as
4 such term is defined in section 332(a)(1)(A) of
5 the Public Health Service Act (42 U.S.C.
6 254e(a)(1)(A)); or

7 (B) designated as a medically underserved
8 area pursuant to section 330(b)(3)(A) of such
9 Act (42 U.S.C. 254b(b)(3)(A)).