

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish total nurse staffing hours per resident day, to require 24-hour use of registered professional nurses in nursing homes, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. WYDEN (for himself, Mr. KIM, Mr. BOOKER, Ms. WARREN, Mr. LUJÁN, Mr. MURPHY, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish total nurse staffing hours per resident day, to require 24-hour use of registered professional nurses in nursing homes, and for other purposes.

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 “Nurses Belong in  
5 Nursing Homes Act”.

6 **SEC. 2. NURSE STAFFING REQUIREMENTS.**

7       (a) ESTABLISHING TOTAL NURSE STAFFING HOURS  
8 PER RESIDENT DAY; REQUIRING 24-HOUR USE OF REG-

1 REGISTERED PROFESSIONAL NURSES IN NURSING HOMES;

2 REMOVAL OF WAIVER AUTHORITY.—

3 (1) MEDICARE.—Section 1819(b)(4) of the So-  
4 cial Security Act (42 U.S.C. 1395i-3(b)(4)) is  
5 amended by striking subparagraph (C) and inserting  
6 the following:

7 “(C) REQUIRED NURSING CARE.—

8 “(i) IN GENERAL.—A skilled nursing  
9 facility must provide—

10 “(I) 24-hour licensed nursing  
11 services which are sufficient to meet  
12 the nursing needs of its residents;

13 “(II) not later than the date de-  
14 scribed in clause (iii), a minimum  
15 staffing requirement of at least 3.48  
16 hours per resident day (or the number  
17 of hours per resident day rec-  
18 commended in the report most recently  
19 submitted by the Secretary under sec-  
20 tion 1128L(b)(2), provided that such  
21 number is at least 3.48 hours per  
22 resident day) of nursing care provided  
23 by a combination of a registered pro-  
24 fessional nurse, licensed practical



13                   “(C) REQUIRED NURSING CARE.—

1 under section 1128L(b)(2), provided  
2 that such number is at least 3.48  
3 hours per resident day) of nursing  
4 care provided by a combination of a  
5 registered professional nurse, licensed  
6 practical nurse (or licensed vocational  
7 nurse), or certified nursing assistant  
8 that—

8 (b) STUDY.—Title XI of the Social Security Act (42  
9 U.S.C. 1301 et seq.) is amended by inserting after section  
10 1128K the following new section:

11 "SEC. 1128L. STUDY AND REPORTS RECOMMENDING MIN-  
12 IMUM STAFFING REQUIREMENTS FOR  
13 SKILLED NURSING FACILITIES AND NURSING  
14 FACILITIES; PROMULGATION OF REGULA-  
15 TIONS.

16           “(a) STUDY.—

17                         “(1) IN GENERAL.—Not later than 2 years  
18                         after the date of enactment of this section, and not  
19                         less frequently than once every 4 years thereafter,  
20                         the Secretary shall direct the Assistant Secretary for  
21                         Planning and Evaluation, the Comptroller General,  
22                         or the Medicare Payment Advisory Commission, in  
23                         consultation with the Medicaid and CHIP Payment  
24                         and Access Commission, (in this section referred to  
25                         as the ‘designated entity’) to complete a study ana-

1       lyzing nurse staffing requirements at skilled nursing  
2       facilities (as defined in section 1819(a)) and nursing  
3       facilities (as defined in section 1919(a)) to provide  
4       care to individuals seeking their services.

5           “(2) CONTENTS.—With respect to each study  
6       required under paragraph (1), the designated entity  
7       shall—

8           “(A) consult with—

9               “(i) residents, family members of resi-  
10       dents, or authorized representatives of resi-  
11       dents;

12               “(ii) registered professional nurses, li-  
13       censed practical nurses (or licensed voca-  
14       tional nurses), certified nursing assistants,  
15       and other categories of direct care profes-  
16       sionals (as determined by the Secretary)  
17       who work at such skilled nursing facilities  
18       or nursing facilities;

19               “(iii) collective bargaining units or  
20       unions that represent direct care workers  
21       or direct care professionals who work at  
22       such skilled nursing facilities and nursing  
23       facilities;

24               “(iv) operators of nursing facilities  
25       and skilled nursing facilities;

1                     “(v) researchers with expertise in the  
2 nursing home and long-term care work-  
3 force, including the disclosure of funding  
4 sources for previously conducted research  
5 and conflicts of interest; and

6                     “(vi) long-term care ombudsmen; and

7                     “(B) address the following:

8                     “(i) Whether the minimum staffing  
9 requirements established in sections  
10 1819(b)(4)(C)(i)(II) and  
11 1919(b)(4)(C)(i)(II) should be maintained  
12 or increased (but in no event decreased  
13 below a minimum staffing requirement of  
14 at least 3.48 hours per resident day),  
15 based on the severity of the health condi-  
16 tions, complexity of health care needs, or  
17 other measures of patient acuity of resi-  
18 dents at such skilled nursing facilities and  
19 nursing facilities, and, if so, how such min-  
20 imum staffing requirements shall be in-  
21 creased.

22                     “(ii) Whether other minimum hours  
23 per resident day minimum staffing require-  
24 ments should be established for other cat-  
25 egories of direct care professionals or di-

1                   rect care workers in addition to the re-  
2                   quirements established in sections  
3                   1819(b)(4)(C)(i)(II)                   and  
4                   1919(b)(4)(C)(i)(II).

5                   “(iii) A review of staffing, safety, and  
6                   quality data, as well as staffing require-  
7                   ment exception data, to assess the ade-  
8                   quacy of existing staffing practices in such  
9                   nursing facilities and skilled nursing facili-  
10                  ties.

11                  “(b) REPORTS.—

12                  “(1) TO THE SECRETARY.—The designated en-  
13                  tity shall submit to the Secretary a report on the re-  
14                  sults of the study conducted under subsection (a),  
15                  together with recommendations for such legislation  
16                  and administrative action as the designated entity  
17                  determines appropriate.

18                  “(2) TO CONGRESS.—Not later than 180 days  
19                  after receiving each report under paragraph (1), the  
20                  Secretary shall submit to Congress a report on—

21                  “(A) the findings and recommendations in-  
22                  cluded in such report; and

23                  “(B) any plan to implement such rec-  
24                  ommendations, including a justification for any

1           recommendations the Secretary determines  
2           should not be implemented.

3           “(c) REGULATIONS.—

4           “(1) IN GENERAL.—Not later than 1 year after  
5           the Secretary submits an initial report under sub-  
6           section (b)(2), the Secretary shall—

7               “(A) specify through regulations, con-  
8               sistent with such report, a minimum staffing  
9               requirement for nursing staff for skilled nursing  
10              facilities (as defined in section 1819(a)) and  
11              nursing facilities (as defined in section  
12              1919(a)); and

13               “(B) require such skilled nursing facilities  
14              and such nursing facilities to comply with such  
15              staffing requirements, including by providing  
16              the minimum staffing sufficient to meet the  
17              needs of each resident in any such facility.

18               “(2) UPDATE.—Not later than 1 year after the  
19              Secretary submits each subsequent report under  
20              subsection (b)(2), the Secretary shall, consistent  
21              with each such report, update the regulations de-  
22              scribed in paragraph (1)(A) as necessary.

23               “(d) FUNDING.—The Secretary shall provide for the  
24              transfer, from the Federal Hospital Insurance Trust Fund  
25              under section 1817 to the Centers for Medicare & Med-

1 icaid Services Program Management Account, of  
2 \$50,000,000 for fiscal year 2027 for purposes of carrying  
3 out this section. Amounts transferred pursuant to the pre-  
4 vious sentence shall remain available until expended.”.

5 (c) RULE OF CONSTRUCTION.—The moratorium im-  
6 posed under section 71111 of the Act titled “An Act to  
7 provide for reconciliation pursuant to title II of H. Con.  
8 Res. 14” (Public Law 119–21) (relating to implemen-  
9 tation of certain staffing standards for long-term care facili-  
10 ties under the Medicare and Medicaid programs) shall not  
11 be construed to apply to the amendments made by this  
12 section.

13 **SEC. 3. PERMANENT FUNDING FOR THE SURVEY AND CER-  
14 TIFICATION PROGRAM FOR NURSING HOMES  
15 AND OTHER HEALTH CARE ENTITIES.**

16 Part A of Title XI of the Social Security Act (42  
17 U.S.C. 1301 et seq.) is amended by inserting after section  
18 1150C the following new section:

19 **“SEC. 1150D. FUNDING FOR THE SURVEY AND CERTIFI-  
20 CATION PROGRAM.**

21 “There is appropriated to the Secretary, out of the  
22 Federal Hospital Insurance Trust Fund under section  
23 1817 and the Federal Supplementary Medical Insurance  
24 Trust Fund under section 1841 (in such proportions as  
25 the Secretary determines to be appropriate),

1 \$800,000,000 for fiscal year 2027 and each subsequent  
2 fiscal year for the purpose of conducting the Secretary's  
3 Survey and Certification Program, including under section  
4 1864. Amounts appropriated under the preceding sentence  
5 shall remain available until expended.”.

6 **SEC. 4. INVESTING IN THE NURSING HOME WORKFORCE.**

7 (a) MEDICARE.—Section 1819(h) of the Social Secu-  
8 rity Act (42 U.S.C. 1395i–3(h)) is amended—

9 (1) in paragraph (2)(B)(ii)(IV)(ff), by inserting  
10 “, provided that not less than half of such amounts  
11 are provided to the State in which the facility is lo-  
12 cated for the purposes described in paragraph (7),”  
13 after “collected may”; and

14 (2) by adding at the end the following new  
15 paragraph:

16 “(7) USE OF CIVIL MONEY PENALTY AMOUNTS  
17 TO SUPPORT THE SKILLED NURSING FACILITY  
18 WORKFORCE.—

19 (A) IN GENERAL.—Subject to subparagraph  
20 (B), a State shall use the amounts pro-  
21 vided to such State pursuant to paragraph  
22 (2)(B)(ii)(IV)(ff) for the fiscal year in which  
23 such amounts are provided for the following  
24 purposes:

1                     “(i) Providing grants to entities such  
2                     as educational institutions, advocacy orga-  
3                     nizations for skilled nursing facility resi-  
4                     dents, senior citizens, or individuals with  
5                     disabilities, and unions that represent the  
6                     skilled nursing facility workforce to sup-  
7                     port projects that use community-driven  
8                     approaches to recruit, educate, and train  
9                     individuals to expand the skilled nursing  
10                    facility workforce.

11                    “(ii) The funding of projects that de-  
12                    velop new career pathway programs for the  
13                    skilled nursing facility workforce.

14                    “(iii) The repayment of student loans  
15                    for qualified skilled nursing facility pro-  
16                    viders (as defined in subparagraph (C)) or  
17                    the payment of tuition for such providers  
18                    who commit to serving in a skilled nursing  
19                    facility or a nursing facility (as defined in  
20                    section 1919(a)) for not less than 3 years  
21                    within a 10-year period.

22                    “(B) PROHIBITIONS ON USE OF FUNDS.—

23                    “(i) PROHIBITION ON PROVIDING  
24                    FUNDS TO ENTITIES RELATED TO FACILI-  
25                    TIES.—A State may not provide any

1 amounts provided to such State pursuant  
2 to paragraph (2)(B)(ii)(IV)(ff) to an entity  
3 that has a related party relationship with  
4 a nursing facility or skilled nursing facility  
5 in such State.

22                   “(C) DEFINITIONS.—In this paragraph:

1                             “(I) a geriatrician or other physi-  
2                             cian, nurse practitioner, physician as-  
3                             sistant, or other practitioner who pro-  
4                             vides services in a skilled nursing fa-  
5                             cility or nursing facility; or

6                             “(II) a registered professional  
7                             nurse, a licensed practical nurse (or a  
8                             licensed vocational nurse), or a cer-  
9                             tified nursing assistant who provides  
10                            direct care services to residents in a  
11                            skilled nursing facility or nursing fa-  
12                            cility, as determined by the Secretary.

13                            “(ii) RELATED PARTY.—The term ‘re-  
14                             lated party’ means an entity that, to a sig-  
15                             nificant extent is associated or affiliated  
16                             with, or has control of, or is controlled by,  
17                             a nursing facility or skilled nursing facility.

18                            “(D) ANNUAL REPORTING.—

19                            “(i) REPORT FROM STATES.—Not  
20                             later than 1 year after the date of enact-  
21                             ment of this paragraph, and annually  
22                             thereafter, each State that receives  
23                             amounts pursuant to paragraph  
24                             (2)(B)(ii)(IV)(ff) shall submit to the Sec-  
25                             retary a report describing—

1                             “(I) how amounts received in the  
2                             previous fiscal year were allocated;

3                             “(II) the mechanisms to ensure  
4                             such amounts benefit the development  
5                             of the skilled nursing facility work-  
6                             force;

7                             “(III) how such amounts will im-  
8                             pact measurable outcomes for resi-  
9                             dents of skilled nursing facilities and  
10                            nursing facilities, such as staff va-  
11                            cancy rates, turnover rates, median  
12                            hourly wages, staffing hours per resi-  
13                            dent, and resident quality outcomes;  
14                            and

15                            “(IV) how such State is ensuring  
16                             compliance with subparagraph (B).

17                            “(ii) REPORT TO CONGRESS.—Not  
18                             later than 180 days after the Secretary re-  
19                             ceives the annual reports from States  
20                             under clause (i), the Secretary shall submit  
21                             to Congress a report describing the infor-  
22                             mation contained in such reports.”.

23                            (b) MEDICAID.—Section 1919(h) of the Social Secu-  
24                             rity Act (42 U.S.C. 1396r(h)) is amended—

25                             (1) in paragraph (2)(A)(ii)—

1 (A) in the second sentence, by striking  
2 “Funds collected” and inserting “Subject to the  
3 last sentence of this clause, funds collected”;  
4 and

5 (B) by inserting the following sentence at  
6 the end: "Not less than half of the funds col-  
7 lected pursuant to this clause shall be used for  
8 the purposes described in paragraph (10).";

14 (3) by adding at the end the following new  
15 paragraph:

16           “(10) USE OF CIVIL MONEY PENALTY AMOUNTS  
17           TO SUPPORT THE NURSING FACILITY WORKFORCE.—

18                     “(A) IN GENERAL.—Subject to subparagraph  
19                     graph (B), a State shall use not less than half  
20                     of the funds collected under paragraph  
21                     (2)(A)(ii) and the amounts provided to such  
22                     State pursuant to paragraph (3)(C)(ii)(IV)(ff)  
23                     (collectively referred to in this paragraph as  
24                     ‘civil money penalty amounts’) for the fiscal

1           year in which such amounts are collected or  
2           provided for the following activities:

3               “(i) Providing grants to entities such  
4               as educational institutions, advocacy orga-  
5               nizations for nursing facility residents, sen-  
6               ior citizens, or individuals with disabilities,  
7               and unions that represent the nursing fa-  
8               cility workforce to support projects that  
9               use community-driven approaches to re-  
10               cruit, educate, and train individuals to ex-  
11               pand the nursing facility workforce.

12               “(ii) The funding of projects that de-  
13               velop new career pathway programs for the  
14               nursing facility workforce.

15               “(iii) The repayment of student loans  
16               for qualified nursing facility providers (as  
17               defined in subparagraph (C)) or the pay-  
18               ment of tuition for such providers who  
19               commit to serving in a skilled nursing fa-  
20               cility (as defined in section 1819(a)) or a  
21               nursing facility for not less than 3 years  
22               within a 10-year period.

23               “(B) PROHIBITION ON USE OF FUNDS.—

24               “(i) PROHIBITION ON PROVIDING  
25               FUNDS TO ENTITIES RELATED TO FACILI-

1 TIES.—A State may not provide any civil  
2 money penalty amounts to an entity that  
3 has a related party relationship with a  
4 nursing facility or skilled nursing facility  
5 in such State.

20                   “(C) DEFINITIONS.—In this paragraph:

1 sistant, or other practitioner who pro-  
2 vides services in a skilled nursing fa-  
3 cility or nursing facility; or

4 “(II) a registered professional  
5 nurse, licensed practical nurse (or a li-  
6 censed vocational nurse), or certified  
7 nursing assistant who provides direct  
8 care services to residents in a skilled  
9 nursing facility or nursing facility, as  
10 determined by the Secretary.

11 “(ii) RELATED PARTY.—The term ‘re-  
12 lated party’ means an entity that, to a sig-  
13 nificant extent is associated or affiliated  
14 with, or has control of, or is controlled by,  
15 a nursing facility or skilled nursing facility.

16 “(D) ANNUAL REPORTING.—

17 “(i) REPORT FROM STATES.—Not  
18 later than 1 year after the date of enact-  
19 ment of this paragraph, and annually  
20 thereafter, each State that receives any  
21 civil money penalty amounts shall submit  
22 to the Secretary a report describing—

23 “(I) how amounts received in the  
24 previous fiscal year were allocated;



1   **SEC. 5. CODIFICATION OF REGULATIONS REGARDING RE-**  
2           **QUIREMENTS FOR LONG-TERM SERVICES**  
3           **AND SUPPORTS AND PAYMENT TRANS-**  
4           **PARENCEY REPORTING.**

5       Sections 438.72 and 442.43 of title 42, Code of Fed-  
6   eral Regulations (as in effect on May 10, 2024), shall have  
7   the force and effect of law.