



SeniorLAW Center

Seeking Justice for Older People

February 2, 2026

Dr. Mehmet Oz
Centers for Medicare & Medicaid Services
Department of Health and Human Services
P.O. Box 8016
Baltimore, MD 21244-8016

Submitted electronically: www.regulations.gov

Re: [CMS-3442-IFC, RIN 0938-AV25](#); Medicare and Medicaid Programs; Repeal of Minimum Staffing Standards for Long-Term Care Facilities

Dear Dr. Oz:

SeniorLAW Center appreciates the opportunity to comment on the Centers for Medicare and Medicaid Services' (CMS) interim final rule (IFR) that repeals the minimum staffing standards in long-term care facilities. SeniorLAW Center stands with fellow advocates, residents of long-term care facilities, families, and workers in strongly opposing the repeal of the minimum staffing standards and urges CMS to enforce meaningful federal baseline protections for people living in long-term care facilities.

SeniorLAW Center is an independent nonprofit organization whose mission is to seek justice for older people using the power of the law, educating the community, and advocating on local, state, and national levels. Our vision is a world that values older people, hears their voices and guarantees their rights. We are the only nonprofit organization in Pennsylvania whose mission is dedicated solely to providing legal services to older people, and we provide free legal assistance to thousands of older Pennsylvanians each year.

CMS' decision to repeal minimum evidence-based staffing standards disregards lessons learned from the horrors of the COVID public health emergency as well as decades of research and lived experience that show inadequate staffing leads to preventable adverse outcomes. In addition, a recent analysis by researchers at the University of Pennsylvania projects that implementation of the final staffing rule would save 13,000 residents' lives each year and reduce adverse outcomes for residents.¹ The problems associated with inadequate staffing are exacerbated by poorly enforced

¹ See <https://ldi.upenn.edu/our-work/research-updates/comment-the-impact-of-repealing-the-centers-for-medicare-and-medicaid-services-minimum-staffing-rule-on-patient-outcomes/> for additional detail.

1650 Arch St., Suite 1820, Philadelphia, PA 19103
(215) 988-1244 | Fax (215) 988-1243
Pennsylvania SeniorLAW HelpLine 1-877-PA-SR-LAW
UNITED WAY DONOR OPTION # 4456
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rules so people living in nursing homes are often not protected from abuse, neglect, and preventable harm to their health and well-being.

CMS took a significant step in addressing the decades-long staffing issue by establishing modest but quantitative baseline minimum staffing requirements for all nursing homes, below which no facility would reasonably be expected to be able to provide quality care. Having an enforceable standard can help ensure quality care and hold providers who put profit over people accountable. This is especially important as the acuity of residents in nursing homes continues to increase. The staffing standards will help prevent residents from living at risk in poorly staffed nursing homes and taxpayers from supporting nursing home owners who profit at the expense of residents by not providing needed care.

As you know, after CMS updated the staffing standards, Congress responded to industry demands by delaying the implementation date of the staffing standards for ten years, until 2034.² Delaying rather than repealing the staffing standards gives providers more than ample time to prepare and will not contradict CMS' statutory duty under the Nursing Home Reform Law to protect residents.

In conclusion, we support the rationale and evidence detailed in comments submitted by the Center for Medicare Advocacy, the National Consumer Voice for Quality Long-Term Care, and the Long Term Care Community Coalition, which demonstrate staffing standards are critical to resident safety, dignity, and the responsible use of public funds. SeniorLAW Center strongly urges CMS to rescind the IFR and instead issue guidance delaying implementation of the staffing minimum standards consistent with the law. It is important not to dismiss the suffering and preventable harm to residents as inevitable consequences of aging and allow the harm caused by inadequate staffing to be part of the cost of doing business.

Thank you for the opportunity to comment.

Respectfully submitted,



Karen C. Buck
Executive Director
SeniorLAW Center



Kathy Cubit
Director, Advocacy & Policy
SeniorLAW Center

² An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, Pub. L. No. 119-21, § 71111, 139 Stat. 72, 298 (2025) - <https://www.congress.gov/bill/119th-congress/house-bill/1/text>