



NDLTCA Newsletter

April 8, 2025

All Members - *All Members*
Assisted Living - *AL*
Basic Care and Adult Residential - *BC*
Nursing Facilities - *NF*

Thank you to our Platinum Sponsor, Marsh and McLennan!



Regulatory

AHCA Wins Court Case Against the Staffing Mandate

NF

I am delighted to share that the judge in the Northern District of Texas has ruled in our favor and against the federal staffing mandate. The judge's order vacates the 24/7 RN and minimum hours per resident day requirements that were in the rule. This is a victory for our nation's seniors, our members, and the entire sector.

We are still combing through Judge Kacsmayk's opinion, but he recognizes that "CMS lacks authority to issue a regulation that replaces Congress's preferred minimum hours with its own." This was exactly our argument.

I want to thank our co-plaintiffs: LeadingAge, our Texas affiliate, and the Texas nursing homes who fought along our side in this suit. I also want to thank you, our members, for the resources to hire the best legal team in the nation for this case, Clement & Murphy, PLLC.

The Administration now has 60 days to decide whether to appeal the rule. It is possible that they will decline to appeal, and this court's ruling will stand. Given the new administration, we are hopeful that will be the case.

Meanwhile, we will continue to advocate that Congress truly put this issue to rest. Repealing the staffing mandate would save the government \$22 billion over 10 years—a saver we anticipate seeing in the budget reconciliation package that Congress is working on this spring.

There is more work to do. But for now—let's celebrate today's win.

Cheers,

Clifton J. Porter, II

President & CEO, AHCA/NCAL

[AHCA Applauds Court Vacating the Federal Staffing Mandate](#)

[Skilled Nursing News](#)

[McKnight's Long-Term Care News](#)

Administration Files Brief In Defense Of Biden

Administration's Nursing Home Staffing Rule

NF

[Bloomberg Government](#) (4/4, Pugh) reported, "The Trump administration delivered a surprisingly full-throated defense of the Biden administration's disputed nursing home staffing rule in a brief

filed Thursday with the US Court of Appeals for the Eighth Circuit," which "may be an indication that President Donald Trump supports the staffing requirement that has been pilloried by the nursing home industry and congressional Republicans as a costly, unfunded overstep of government authority." In a statement, Rachel Reeves, senior vice president of public affairs at the American Health Care Association, said, "It's unfortunate that career DOJ lawyers must continue to try to defend this flawed and overreaching policy when the law is clear that CMS is exceeding its statutory authority. This is all the more reason for Congress, the Administration, and the courts to put this issue to rest and protect access to care for our nation's seniors."

[McKnight's Long-Term Care News](#) (4/7, Marselas) also covers the story.

Senate Confirms CMS Administrator

NF and BC

By a vote of 53 – 45, Mehmet Oz, MD, was confirmed as administrator of the Centers for Medicare & Medicaid Services (CMS).

[McKnight's Senior Living](#)

NDLTCA Updates

Join us on Fridays for the Weekly NDLTCA Legislative Update

All Members

Join us Friday at 1 PM for our weekly legislative recap! We'll cover key developments from each week of the session, preview the upcoming week, and share insights on the issues we're monitoring and advocating for. Learn how you can get involved and make an impact!

Covered in last week's legislative update call

All Members

Find these items in our members' only section of our website. [CLICK HERE](#)

- Items covered in the Legislative Update
- Recording of call
- Member Tracking List
- Bill Tracking Grid
- [Committee Hearing Schedule | North Dakota Legislative Branch](#)

[Stream hearings by clicking here](#)

HHS Update

PDPM Transition

NF

UPDATE: LeeAnn provided further clarification:

CMS will no longer support the OSA assessment October 1, 2025. The assessment will not go away. Software vendors need to ensure that ND facilities can continue to submit OSAs directly to North Dakota at least through January 2026.

Because the OSA will continue to be used until the transition to PDPM, classifications will not be affected.

If you software vendors have questions please give them my contact information. We are working on updating the technical guidelines and want to make sure we address any questions vendors have.

Thanks, LeeAnn

Previous email from LeeAnn Thiel, Medicaid Payment and Reimbursement, at the ND Department of Health and Human Services:

As a reminder we will be implementing PDPM effective January 1, 2026. Here is an update on how the classifications will be determined.

The North Dakota PDPM classification weight will be a blended weight. The Nursing component will be 60%, Speech Language Pathology (SLP) component will be 20% and the Nontherapy Ancillary (NTA) component will be 20%. We will be using the Medicare Case Mix Index (CMI) values effective October 1, 2024 for each component. The CMI values are located at the link below (rate columns in table do not apply). The CMI values will not be adjusted annually. The variable per diem adjustment will not be used.

<https://www.federalregister.gov/d/2024-16907/p-131>

Example 1:

SLP – SD CMI is 1.38

Nursing – PBC1 CMI is 1.07

NTA – NF CMI 0.68

$$(1.07 * 0.60) + (1.38 * 0.20) + (0.68 * 0.20) = 1.05$$

Classification is DXF

Example 2:

SLP – SD CMI is 1.38

Nursing – BAB2 CMI is 0.98

NTA – NE CMI 0.91

$$(0.98 * 0.60) + (1.38 * 0.20) + (0.91 * 0.20) = 1.05$$

DRE

To avoid confusion, we will follow the HIPPS order of reporting the components. The SLP code will be the first value, the Nursing code will be the second value and the NTA code will be the third value.

HIPPS

1 – SLP

2 – Nursing

3 – NTA

We are still analyzing whether to combine multiple classifications to reduce the total number. There are currently 1801 different classifications.

Please share with your software vendor.



Contact us at 701-222-0660 or email Nikki at nikki@ndltca.org or Peggy at peggy@ndltca.org.