

Biden-Era Nursing Home Staffing Requirements Vacated by Judge

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- Ruling tosses 24/7 nurse, minimum hour requirements
- Regulation sought to address quality issues in wake of pandemic

The federal government lacked authority to develop requirements on the number of hours nursing home staff must be present at facilities, a judge ruled Wednesday in another blow to an embattled Biden administration rule.

Judge Leonard T. Strand of the US District Court for the Northern District of Iowa [vacated](#) the components of the rule mandating that nursing homes accepting Medicare and Medicaid patients have a registered nurse on site 24 hours a day, seven days a week and implement minimums of total nurse staffing hours per resident day.

Strand said the provisions violate federal statutes governing the Centers for Medicare & Medicaid Services.

“CMS’s general rulemaking power to promulgate ‘such other requirements as the Secretary deems necessary’ does not constitute clear authorization to mandate rigid staffing requirements” for long-term care facilities, Strand wrote in his opinion.

The ruling is another loss for the staffing rule that’s seen multiple challenges from Republican-led states and nursing home organizations arguing the requirements are illegal, arbitrary and capricious, and cause irreparable financial harm.

In April, Judge Matthew J. Kacsmaryk of the US District Court for the Northern District of Texas against the staffing rule in a separate challenge from the American Health Care Association, which represents roughly 15,000 nursing homes throughout the US.

Kacsmaryk wrote at the time that although “rooted in laudable goals, the Final Rule still must be consistent with Congress’s statutes.”

Strand previously rejected a preliminary injunction request from the plaintiffs— 20 Republican state attorneys general, along with two nursing homes and multiple state organizations representing nonprofit aging services providers. The plaintiffs then appealed the case to the US Court of Appeals for the Eighth Circuit, where the Trump administration in April a surprising defense of the Biden-era rule.

The Republican attorneys general and other plaintiffs their lawsuit in the Iowa federal court in October 2024, arguing the rule would result in at least \$43 billion of compliance costs for nursing homes nationwide over the next 10 years.

The Biden administration developed the rule with the support of nursing home resident advocates as a means to address quality and safety challenges at nursing homes following the Covid-19 pandemic that killed more than 200,000 residents and staff in long-term care facilities.

The CMS didn't immediately respond to a request for comment Thursday.

The case is [*Kansas v. Kennedy*](#), N.D. Iowa, No. 1:24-cv-00110, memorandum opinion and order 6/18/25