

111TH CONGRESS
1ST SESSION

S. 647

To amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2009

Mr. GRASSLEY (for himself and Mr. KOHL) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Nursing Home Transparency and Improvement Act of
6 2009”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Findings.

TITLE I—IMPROVING TRANSPARENCY OF INFORMATION

- Sec. 101. Required disclosure of ownership and additional disclosable parties in-
 formation.
 Sec. 102. Accountability requirements.
 Sec. 103. Nursing home compare Medicare website.
 Sec. 104. Reporting of expenditures.
 Sec. 105. Standardized complaint form.
 Sec. 106. Ensuring staffing accountability.

TITLE II—TARGETING ENFORCEMENT

- Sec. 201. Civil money penalties.
 Sec. 202. GAO study and report on the relative financial status and perform-
 ance of special focus facilities.
 Sec. 203. National independent monitor pilot program.
 Sec. 204. Notification of facility closure.
 Sec. 205. National demonstration projects on culture change and use of infor-
 mation technology in nursing homes.

TITLE III—IMPROVING STAFF TRAINING

- Sec. 301. Dementia and abuse prevention training.
 Sec. 302. Study and report on training required for certified nurse aides and
 supervisory staff.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

5 (1) The Nursing Home Reform Act of 1987 re-
 6 mains one of the strongest laws in the United States
 7 to protect the health, safety, and quality of life of
 8 elderly people and individuals with disabilities who
 9 live in nursing homes.

10 (2) The nursing home industry has changed
 11 dramatically in the 21 years since the enactment of
 12 the Nursing Home Reform Act of 1987, with real
 13 estate asset holdings frequently separated from oper-

1 ations in a manner that can frustrate efforts by reg-
2 ulators to hold parent companies accountable for the
3 quality of services that are provided in their facili-
4 ties.

5 (3) Although the Centers for Medicare & Med-
6 icaid Services reimburses nursing homes for services
7 each year in an amount in excess of
8 \$75,000,000,000, the agency does not always know
9 who the owners and operators of the facilities are.

10 (4) Greater transparency and accountability in
11 the nursing home industry can be achieved by simply
12 requiring publicly and privately owned nursing
13 homes to disclose corporate entities that own indi-
14 vidual nursing homes, and other entities with which
15 individual nursing homes have key financial, oper-
16 ational, and management relationships.

17 (5) Transparency and accountability can be fur-
18 ther strengthened by development of an independent
19 monitor pilot program that would allow the Centers
20 for Medicare & Medicaid Services to examine the
21 management of certain nursing home chains that
22 have a record of poor performance and to identify
23 the root causes of quality and safety problems occur-
24 ring in individual nursing homes.

1 (6) The “Nursing Home Compare” Medicare
2 website would be significantly improved by the inclu-
3 sion of timely, auditable information that is derived
4 from payroll data about the direct care staffing lev-
5 els in all nursing homes across the United States.
6 Inclusion of information about staffing turnover and
7 retention rates in nursing homes, which are closely
8 linked to the quality and consistency of services,
9 would also provide consumers with valuable informa-
10 tion.

11 (7) According to the Alzheimer’s Association,
12 an estimated 70 percent of current residents of
13 nursing homes have some degree of cognitive impair-
14 ment and direct care staff who provide services to
15 such residents would benefit from dementia manage-
16 ment and abuse prevention instruction as part of
17 their training.

18 (8) When nursing homes elect to close, resi-
19 dents and families generally require help finding an-
20 other suitable residence and to minimize “transfer
21 trauma”. Good resident outcomes are achievable
22 when nursing homes provide sufficient written notice
23 and develop a relocation plan for each resident, and
24 when State officials take responsibility for assuring

1 that each resident is transferred to the most appro-
 2 priate facility or other community setting.

3 **TITLE I—IMPROVING TRANS-**
 4 **PARENCY OF INFORMATION**

5 **SEC. 101. REQUIRED DISCLOSURE OF OWNERSHIP AND AD-**
 6 **DITIONAL DISCLOSABLE PARTIES INFORMA-**
 7 **TION.**

8 (a) IN GENERAL.—Section 1124 of the Social Secu-
 9 rity Act (42 U.S.C. 1320a–3) is amended by adding at
 10 the end the following new subsection:

11 “(c) REQUIRED DISCLOSURE OF OWNERSHIP AND
 12 ADDITIONAL DISCLOSABLE PARTIES INFORMATION.—

13 “(1) DISCLOSURE.—A facility shall have the in-
 14 formation described in paragraph (2) available—

15 “(A) during the period beginning on the
 16 date of the enactment of this subsection and
 17 ending on the date such information is made
 18 available to the public under section 101(b) of
 19 the Nursing Home Transparency and Improve-
 20 ment Act of 2009, for submission to the Sec-
 21 retary, the Inspector General of the Depart-
 22 ment of Health and Human Services, the State
 23 in which the facility is located, and the State
 24 long-term care ombudsman in the case where
 25 the Secretary, the Inspector General, the State,

1 or the State long-term care ombudsman re-
 2 quests such information; and

3 “(B) beginning on the effective date of the
 4 final regulations promulgated under paragraph
 5 (3)(A), for reporting such information in ac-
 6 cordance with such final regulations.

7 Nothing in subparagraph (A) shall be construed as
 8 authorizing a facility to dispose of or delete informa-
 9 tion described in such subparagraph after the effec-
 10 tive date of the final regulations promulgated under
 11 paragraph (3)(A).

12 “(2) INFORMATION DESCRIBED.—

13 “(A) IN GENERAL.—The following infor-
 14 mation is described in this paragraph:

15 “(i) The information described in sub-
 16 sections (a) and (b), subject to subpara-
 17 graph (C).

18 “(ii) The identity of and information
 19 on—

20 “(I) each member of the gov-
 21 erning body of the facility, including
 22 the name, title, and period of service
 23 of each such member;

24 “(II) each person or entity who is
 25 an officer, director, member, partner,

1 trustee, or managing employee of the
2 facility, including the name, title, and
3 period of service of each such person
4 or entity; and

5 “(III) each person or entity who
6 is an additional disclosable party of
7 the facility.

8 “(iii) The organizational structure of
9 each additional disclosable party of the fa-
10 cility and a description of the relationship
11 of each such additional disclosable party to
12 the facility and to one another.

13 “(B) SPECIAL RULE WHERE INFORMATION
14 IS ALREADY REPORTED OR SUBMITTED.—To
15 the extent that information reported by a facil-
16 ity to the Internal Revenue Service on Form
17 990, information submitted by a facility to the
18 Securities and Exchange Commission, or infor-
19 mation otherwise submitted to the Secretary or
20 any other Federal agency contains the informa-
21 tion described in clauses (i), (ii), or (iii) of sub-
22 paragraph (A), the facility may provide such
23 Form or such information submitted to meet
24 the requirements of paragraph (1).

1 “(C) SPECIAL RULE.—In applying sub-
2 paragraph (A)(i)—

3 “(i) with respect to subsections (a)
4 and (b), ‘ownership or control interest’
5 shall include direct or indirect interests, in-
6 cluding such interests in intermediate enti-
7 ties; and

8 “(ii) subsection (a)(3)(A)(ii) shall in-
9 clude the owner of a whole or part interest
10 in any mortgage, deed of trust, note, or
11 other obligation secured, in whole or in
12 part, by the entity or any of the property
13 or assets thereof, if the interest is equal to
14 or exceeds 5 percent of the total property
15 or assets of the entirety.

16 “(3) REPORTING.—

17 “(A) IN GENERAL.—Not later than the
18 date that is 2 years after the date of the enact-
19 ment of this subsection, the Secretary shall pro-
20 mulgate final regulations requiring, effective on
21 the date that is 90 days after the date on which
22 such final regulations are published in the Fed-
23 eral Register, a facility to report the informa-
24 tion described in paragraph (2) to the Secretary
25 in a standardized format, and such other regu-

1 lations as are necessary to carry out this sub-
2 section. Such final regulations shall ensure that
3 the facility certifies, as a condition of participa-
4 tion and payment under the program under
5 title XVIII or XIX, that the information re-
6 ported by the facility in accordance with such
7 final regulations is, to the maximum extent
8 practicable (as determined by the facility), ac-
9 curate and current.

10 “(B) GUIDANCE.—The Secretary shall pro-
11 vide guidance and technical assistance to States
12 on how to adopt the standardized format under
13 subparagraph (A).

14 “(4) NO EFFECT ON EXISTING REPORTING RE-
15 QUIREMENTS.—Nothing in this subsection shall re-
16 duce, diminish, or alter any reporting requirement
17 for a facility that is in effect as of the date of the
18 enactment of this subsection.

19 “(5) DEFINITIONS.—In this subsection:

20 “(A) ADDITIONAL DISCLOSABLE PARTY.—
21 The term ‘additional disclosable party’ means,
22 with respect to a facility, any person or entity
23 who—

24 “(i) exercises operational, financial, or
25 managerial control over the facility or a

1 part thereof, or provides policies or proce-
2 dures for any of the operations of the facil-
3 ity, or provides financial or cash manage-
4 ment services to the facility;

5 “(ii) leases or subleases real property
6 to the facility, or owns a whole or part in-
7 terest equal to or exceeding 5 percent of
8 the total value of such real property;

9 “(iii) lends funds or provides a finan-
10 cial guarantee to the facility in an amount
11 which is equal to or exceeds \$50,000; or

12 “(iv) provides management or admin-
13 istrative services, management or clinical
14 consulting services, or accounting or finan-
15 cial services to the facility.

16 “(B) FACILITY.—The term ‘facility’ means
17 a disclosing entity which is—

18 “(i) a skilled nursing facility (as de-
19 fined in section 1819(a)); or

20 “(ii) a nursing facility (as defined in
21 section 1919(a)).

22 “(C) MANAGING EMPLOYEE.—The term
23 ‘managing employee’ means, with respect to a
24 facility, an individual (including a general man-
25 ager, business manager, administrator, director,

1 or consultant) who directly or indirectly man-
2 ages, advises, or supervises any element of the
3 practices, finances, or operations of the facility.

4 “(D) ORGANIZATIONAL STRUCTURE.—The
5 term ‘organizational structure’ means, in the
6 case of—

7 “(i) a corporation, the officers, direc-
8 tors, and shareholders of the corporation
9 who have an ownership interest in the cor-
10 poration which is equal to or exceeds 5
11 percent;

12 “(ii) a limited liability company, the
13 members and managers of the limited li-
14 ability company (including, as applicable,
15 what percentage each member and man-
16 ager has of the ownership interest in the
17 limited liability company);

18 “(iii) a general partnership, the part-
19 ners of the general partnership;

20 “(iv) a limited partnership, the gen-
21 eral partners and any limited partners of
22 the limited partnership who have an own-
23 ership interest in the limited partnership
24 which is equal to or exceeds 10 percent;

25 “(v) a trust, the trustees of the trust;

1 “(vi) an individual, contact informa-
2 tion for the individual; and

3 “(vii) any other person or entity, such
4 information as the Secretary determines
5 appropriate.”.

6 (b) PUBLIC AVAILABILITY OF INFORMATION.—

7 (1) IN GENERAL.—Not later than the date that
8 is 1 year after the date on which the final regula-
9 tions promulgated under section 1124(c)(3)(A) of
10 the Social Security Act, as added by subsection (a),
11 are published in the Federal Register, the Secretary
12 shall make the information reported in accordance
13 with such final regulations available to the public in
14 accordance with procedures established by the Sec-
15 retary.

16 (2) DEFINITIONS.—In this subsection:

17 (A) NURSING FACILITY.—The term “nurs-
18 ing facility” has the meaning given such term
19 in section 1919(a) of the Social Security Act
20 (42 U.S.C. 1396r(a)).

21 (B) SECRETARY.—The term “Secretary”
22 means the Secretary of Health and Human
23 Services.

24 (C) SKILLED NURSING FACILITY.—The
25 term “skilled nursing facility” has the meaning

1 given such term in section 1819(a) of the Social
2 Security Act (42 U.S.C. 1395i-3(a)).

3 (c) CONFORMING AMENDMENTS.—

4 (1) IN GENERAL.—

5 (A) SKILLED NURSING FACILITIES.—Sec-
6 tion 1819(d)(1) of the Social Security Act (42
7 U.S.C. 1395i-3(d)(1)) is amended by striking
8 subparagraph (B) and redesignating subpara-
9 graph (C) as subparagraph (B).

10 (B) NURSING FACILITIES.—Section
11 1919(d)(1) of the Social Security Act (42
12 U.S.C. 1396r(d)(1)) is amended by striking
13 subparagraph (B) and redesignating subpara-
14 graph (C) as subparagraph (B).

15 (2) EFFECTIVE DATE.—The amendments made
16 by paragraph (1) shall take effect on the date on
17 which the Secretary makes the information described
18 in subsection (b)(1) available to the public under
19 such subsection.

20 **SEC. 102. ACCOUNTABILITY REQUIREMENTS.**

21 (a) EFFECTIVE COMPLIANCE AND ETHICS PRO-
22 GRAMS.—

23 (1) SKILLED NURSING FACILITIES.—Section
24 1819(d)(1) of the Social Security Act (42 U.S.C.

1 1395i–3(d)(1)) is amended by adding at the end the
2 following new subparagraph:

3 “(D) COMPLIANCE AND ETHICS PRO-
4 GRAMS.—

5 “(i) REQUIREMENT.—On or after the
6 date that is 36 months after the date of
7 the enactment of this subparagraph, a
8 skilled nursing facility shall, with respect
9 to the entity that operates the facility (in
10 this subparagraph referred to as the ‘oper-
11 ating organization’ or ‘organization’), have
12 in operation a compliance and ethics pro-
13 gram that is effective in preventing and de-
14 tecting criminal, civil, and administrative
15 violations under this Act and in promoting
16 quality of care consistent with regulations
17 developed under clause (ii).

18 “(ii) DEVELOPMENT OF REGULA-
19 TIONS.—

20 “(I) IN GENERAL.—Not later
21 than the date that is 2 years after
22 such date of the enactment, the Sec-
23 retary, working jointly with the In-
24 spector General of the Department of
25 Health and Human Services, shall

1 promulgate regulations for an effective
2 compliance and ethics program
3 for operating organizations, which
4 may include a model compliance pro-
5 gram.

6 “(II) DESIGN OF REGULA-
7 TIONS.—Such regulations with respect
8 to specific elements or formality of a
9 program may vary with the size of the
10 organization, such that larger organi-
11 zations should have a more formal
12 program and include established writ-
13 ten policies defining the standards
14 and procedures to be followed by its
15 employees. Such requirements may
16 specifically apply to the corporate level
17 management of multi unit nursing
18 home chains.

19 “(III) EVALUATION.—Not later
20 than 3 years after the date of promul-
21 gation of regulations under this
22 clause, the Secretary shall complete
23 an evaluation of the compliance and
24 ethics programs required to be estab-
25 lished under this subparagraph. Such

1 evaluation shall determine if such pro-
2 grams led to changes in deficiency ci-
3 tations, changes in quality perform-
4 ance, or changes in other metrics of
5 patient quality of care. The Secretary
6 shall submit to Congress a report on
7 such evaluation and shall include in
8 such report such recommendations re-
9 garding changes in the requirements
10 for such programs as the Secretary
11 determines appropriate.

12 “(iii) REQUIREMENTS FOR COMPLI-
13 ANCE AND ETHICS PROGRAMS.—In this
14 subparagraph, the term ‘compliance and
15 ethics program’ means, with respect to a
16 skilled nursing facility, a program of the
17 operating organization that—

18 “(I) has been reasonably de-
19 signed, implemented, and enforced so
20 that it generally will be effective in
21 preventing and detecting criminal,
22 civil, and administrative violations
23 under this Act and in promoting qual-
24 ity of care; and

1 “(II) includes at least the re-
2 quired components specified in clause
3 (iv).

4 “(iv) REQUIRED COMPONENTS OF
5 PROGRAM.—The required components of a
6 compliance and ethics program of an orga-
7 nization are the following:

8 “(I) The organization must have
9 established compliance standards and
10 procedures to be followed by its em-
11 ployees and other agents that are rea-
12 sonably capable of reducing the pros-
13 pect of criminal, civil, and administra-
14 tive violations under this Act.

15 “(II) Specific individuals within
16 high-level personnel of the organiza-
17 tion must have been assigned overall
18 responsibility to oversee compliance
19 with such standards and procedures
20 and has sufficient resources and au-
21 thority to assure such compliance.

22 “(III) The organization must
23 have used due care not to delegate
24 substantial discretionary authority to
25 individuals whom the organization

1 knew, or should have known through
2 the exercise of due diligence, had a
3 propensity to engage in criminal, civil,
4 and administrative violations under
5 this Act.

6 “(IV) The organization must
7 have taken steps to communicate ef-
8 fectively its standards and procedures
9 to all employees and other agents,
10 such as by requiring participation in
11 training programs or by disseminating
12 publications that explain in a practical
13 manner what is required.

14 “(V) The organization must have
15 taken reasonable steps to achieve com-
16 pliance with its standards, such as by
17 utilizing monitoring and auditing sys-
18 tems reasonably designed to detect
19 criminal, civil, and administrative vio-
20 lations under this Act by its employ-
21 ees and other agents and by having in
22 place and publicizing a reporting sys-
23 tem whereby employees and other
24 agents could report violations by oth-

1 ers within the organization without
2 fear of retribution.

3 “(VI) The standards must have
4 been consistently enforced through ap-
5 propriate disciplinary mechanisms, in-
6 cluding, as appropriate, discipline of
7 individuals responsible for the failure
8 to detect an offense.

9 “(VII) After an offense has been
10 detected, the organization must have
11 taken all reasonable steps to respond
12 appropriately to the offense and to
13 prevent further similar offenses, in-
14 cluding any necessary modification to
15 its program to prevent and detect
16 criminal, civil, and administrative vio-
17 lations under this Act.

18 “(VIII) The organization must
19 periodically undertake reassessment of
20 its compliance program to identify
21 changes necessary to reflect changes
22 within the organization and its facili-
23 ties.”.

24 (2) NURSING FACILITIES.—Section 1919(d)(1)
25 of the Social Security Act (42 U.S.C. 1396r(d)(1))

1 is amended by adding at the end the following new
2 subparagraph:

3 “(D) COMPLIANCE AND ETHICS PRO-
4 GRAM.—

5 “(i) REQUIREMENT.—On or after the
6 date that is 36 months after the date of
7 the enactment of this subparagraph, a
8 nursing facility shall, with respect to the
9 entity that operates the facility (in this
10 subparagraph referred to as the ‘operating
11 organization’ or ‘organization’), have in op-
12 eration a compliance and ethics program
13 that is effective in preventing and detect-
14 ing criminal, civil, and administrative viola-
15 tions under this Act and in promoting
16 quality of care consistent with regulations
17 developed under clause (ii).

18 “(ii) DEVELOPMENT OF REGULA-
19 TIONS.—

20 “(I) IN GENERAL.—Not later
21 than the date that is 2 years after
22 such date of the enactment, the Sec-
23 retary, in consultation with the In-
24 spector General of the Department of
25 Health and Human Services, shall de-

1 velop regulations for an effective com-
2 pliance and ethics program for oper-
3 ating organizations, which may in-
4 clude a model compliance program.

5 “(II) DESIGN OF REGULA-
6 TIONS.—Such regulations with respect
7 to specific elements or formality of a
8 program may vary with the size of the
9 organization, such that larger organi-
10 zations should have a more formal
11 program and include established writ-
12 ten policies defining the standards
13 and procedures to be followed by its
14 employees. Such requirements may
15 specifically apply to the corporate level
16 management of multi unit nursing
17 home chains.

18 “(III) EVALUATION.—Not later
19 than 3 years after the date of promul-
20 gation of regulations under this clause
21 the Secretary shall complete an eval-
22 uation of the compliance and ethics
23 programs required to be established
24 under this subparagraph. Such eval-
25 uation shall determine if such pro-

1 grams led to changes in deficiency ci-
2 tations, changes in quality perform-
3 ance, or changes in other metrics of
4 patient quality of care. The Secretary
5 shall submit to Congress a report on
6 such evaluation and shall include in
7 such report such recommendations re-
8 garding changes in the requirements
9 for such programs as the Secretary
10 determines appropriate.

11 “(iii) REQUIREMENTS FOR COMPLI-
12 ANCE AND ETHICS PROGRAMS.—In this
13 subparagraph, the term ‘compliance and
14 ethics program’ means, with respect to a
15 nursing facility, a program of the oper-
16 ating organization that—

17 “(I) has been reasonably de-
18 signed, implemented, and enforced so
19 that it generally will be effective in
20 preventing and detecting criminal,
21 civil, and administrative violations
22 under this Act and in promoting qual-
23 ity of care; and

1 “(II) includes at least the re-
2 quired components specified in clause
3 (iv).

4 “(iv) REQUIRED COMPONENTS OF
5 PROGRAM.—The required components of a
6 compliance and ethics program of an orga-
7 nization are the following:

8 “(I) The organization must have
9 established compliance standards and
10 procedures to be followed by its em-
11 ployees and other agents that are rea-
12 sonably capable of reducing the pros-
13 pect of criminal, civil, and administra-
14 tive violations under this Act.

15 “(II) Specific individuals within
16 high-level personnel of the organiza-
17 tion must have been assigned overall
18 responsibility to oversee compliance
19 with such standards and procedures
20 and has sufficient resources and au-
21 thority to assure such compliance.

22 “(III) The organization must
23 have used due care not to delegate
24 substantial discretionary authority to
25 individuals whom the organization

1 knew, or should have known through
2 the exercise of due diligence, had a
3 propensity to engage in criminal, civil,
4 and administrative violations under
5 this Act.

6 “(IV) The organization must
7 have taken steps to communicate ef-
8 fectively its standards and procedures
9 to all employees and other agents,
10 such as by requiring participation in
11 training programs or by disseminating
12 publications that explain in a practical
13 manner what is required.

14 “(V) The organization must have
15 taken reasonable steps to achieve com-
16 pliance with its standards, such as by
17 utilizing monitoring and auditing sys-
18 tems reasonably designed to detect
19 criminal, civil, and administrative vio-
20 lations under this Act by its employ-
21 ees and other agents and by having in
22 place and publicizing a reporting sys-
23 tem whereby employees and other
24 agents could report violations by oth-

1 ers within the organization without
2 fear of retribution.

3 “(VI) The standards must have
4 been consistently enforced through ap-
5 propriate disciplinary mechanisms, in-
6 cluding, as appropriate, discipline of
7 individuals responsible for the failure
8 to detect an offense.

9 “(VII) After an offense has been
10 detected, the organization must have
11 taken all reasonable steps to respond
12 appropriately to the offense and to
13 prevent further similar offenses, in-
14 cluding any necessary modification to
15 its program to prevent and detect
16 criminal, civil, and administrative vio-
17 lations under this Act.

18 “(VIII) The organization must
19 periodically undertake reassessment of
20 its compliance program to identify
21 changes necessary to reflect changes
22 within the organization and its facili-
23 ties.”.

24 (b) QUALITY ASSURANCE AND PERFORMANCE IM-
25 PROVEMENT PROGRAM.—

1 (1) SKILLED NURSING FACILITIES.—Section
2 1819(b)(1)(B) of the Social Security Act (42 U.S.C.
3 1395i–3(b)(1)(B)) is amended—

4 (A) by striking “ASSURANCE.—A skilled
5 nursing facility” and inserting “ASSURANCE
6 AND QUALITY ASSURANCE AND PERFORMANCE
7 IMPROVEMENT PROGRAM.—

8 “(i) IN GENERAL.—A skilled nursing
9 facility”; and

10 (B) by adding at the end the following new
11 clause:

12 “(ii) QUALITY ASSURANCE AND PER-
13 FORMANCE IMPROVEMENT PROGRAM.—

14 “(I) IN GENERAL.—Not later
15 than December 31, 2011, the Sec-
16 retary shall establish and implement a
17 quality assurance and performance
18 improvement program (in this sub-
19 paragraph referred to as the ‘QAPI
20 program’) for skilled nursing facilities,
21 including multi unit chains of such fa-
22 cilities. Under the QAPI program, the
23 Secretary shall establish standards re-
24 lating to quality assurance and per-
25 formance improvement with respect to

1 such facilities and provide technical
2 assistance to such facilities on the de-
3 velopment of best practices in order to
4 meet such standards. Not later than 1
5 year after the date on which the regu-
6 lations are promulgated under sub-
7 clause (II), a skilled nursing facility
8 must submit to the Secretary a plan
9 for the facility to meet such standards
10 and implement such best practices, in-
11 cluding how to coordinate the imple-
12 mentation of such plan with quality
13 assessment and assurance activities
14 conducted under clause (i).

15 “(II) REGULATIONS.—The Sec-
16 retary shall promulgate regulations to
17 carry out this clause.”.

18 (2) NURSING FACILITIES.—Section
19 1919(b)(1)(B) of the Social Security Act (42 U.S.C.
20 1396r(b)(1)(B)) is amended—

21 (A) by striking “ASSURANCE.—A nursing
22 facility” and inserting “ASSURANCE AND QUAL-
23 ITY ASSURANCE AND PERFORMANCE IMPROVE-
24 MENT PROGRAM.—

1 “(i) IN GENERAL.—A nursing facil-
2 ity”;

3 (B) by adding at the end the following new
4 clause:

5 “(ii) QUALITY ASSURANCE AND PER-
6 FORMANCE IMPROVEMENT PROGRAM.—

7 “(I) IN GENERAL.—Not later
8 than December 31, 2011, the Sec-
9 retary shall establish and implement a
10 quality assurance and performance
11 improvement program (in this sub-
12 paragraph referred to as the ‘QAPI
13 program’) for nursing facilities, in-
14 cluding multi unit chains of such fa-
15 cilities. Under the QAPI program, the
16 Secretary shall establish standards re-
17 lating to quality assurance and per-
18 formance improvement with respect to
19 such facilities and provide technical
20 assistance to such facilities on the de-
21 velopment of best practices in order to
22 meet such standards. Not later than 1
23 year after the date on which the regu-
24 lations are promulgated under sub-
25 clause (II), a nursing facility must

1 submit to the Secretary a plan for the
 2 facility to meet such standards and
 3 implement such best practices, includ-
 4 ing how to coordinate the implementa-
 5 tion of such plan with quality assess-
 6 ment and assurance activities con-
 7 ducted under clause (i).

8 “(II) REGULATIONS.—The Sec-
 9 retary shall promulgate regulations to
 10 carry out this clause.”.

11 **SEC. 103. NURSING HOME COMPARE MEDICARE WEBSITE.**

12 (a) SKILLED NURSING FACILITIES.—

13 (1) IN GENERAL.—Section 1819 of the Social
 14 Security Act (42 U.S.C. 1395i-3) is amended—

15 (A) by redesignating subsection (i) as sub-
 16 section (j); and

17 (B) by inserting after subsection (h) the
 18 following new subsection:

19 “(i) NURSING HOME COMPARE WEBSITE.—

20 “(1) INCLUSION OF ADDITIONAL INFORMA-
 21 TION.—

22 “(A) IN GENERAL.—The Secretary shall
 23 ensure that the Department of Health and
 24 Human Services includes, as part of the infor-
 25 mation provided for comparison of nursing

1 homes on the official Internet website of the
2 Federal Government for Medicare beneficiaries
3 (commonly referred to as the ‘Nursing Home
4 Compare’ Medicare website) (or a successor
5 website), the following information in a manner
6 that is prominent, easily accessible, readily un-
7 derstandable to consumers of long-term care
8 services, and searchable:

9 “(i) Staffing data for each facility (in-
10 cluding resident census data and data on
11 the hours of care provided per resident per
12 day) based on data submitted under sub-
13 section (b)(8)(C)(ii), including information
14 on staffing turnover and tenure, in a for-
15 mat that is clearly understandable to con-
16 sumers of long-term care services and al-
17 lows such consumers to compare dif-
18 ferences in staffing between facilities.

19 “(ii) Links to State Internet websites
20 with information regarding State survey
21 and certification programs, links to Form
22 2567 State inspection reports (or a suc-
23 cessor form) on such websites, information
24 to guide consumers in how to interpret and
25 understand such reports, and links to the

1 facility plan of correction or other response
2 to such report.

3 “(iii) The standardized complaint
4 form developed under subsection (f)(8), in-
5 cluding explanatory material on what com-
6 plaint forms are, how they are used, and
7 how to file a complaint with the State sur-
8 vey and certification program and the
9 State long-term care ombudsman program.

10 “(iv) A summary of information on
11 enforcement that includes the number of
12 complaints, including the number of such
13 complaints which the Secretary finds are
14 substantiated, and remedies proposed and
15 imposed by the Secretary or a State with
16 respect to a skilled nursing facility during
17 the preceding 3 years.

18 “(v) A summary of expenditures by
19 skilled nursing facilities for wages and ben-
20 efits of direct care staff (based on informa-
21 tion submitted under section 1888(f)).

22 “(B) DEADLINE FOR PROVISION OF INFOR-
23 MATION.—

24 “(i) IN GENERAL.—Except as pro-
25 vided in clause (ii), the Secretary shall en-

1 sure that the information described in sub-
2 paragraph (A) is included on such website
3 (or a successor website) not later than 1
4 year after the date of the enactment of this
5 subsection.

6 “(ii) EXCEPTION.—The Secretary
7 shall ensure that the information described
8 in subparagraph (A)(i) is included on such
9 website (or a successor website) not later
10 than the date on which the requirement
11 under subsection (b)(8)(C)(ii) is imple-
12 mented.

13 “(2) REVIEW AND MODIFICATION OF
14 WEBSITE.—

15 “(A) IN GENERAL.—The Secretary shall
16 establish a process—

17 “(i) to review the accuracy, clarity of
18 presentation, timeliness, and comprehen-
19 siveness of information reported on such
20 website as of the day before the date of the
21 enactment of this subsection; and

22 “(ii) not later than 1 year after the
23 date of the enactment of this subsection, to
24 modify or revamp such website in accord-

1 ance with the review conducted under
2 clause (i).

3 “(B) CONSULTATION.—In conducting the
4 review under subparagraph (A)(i), the Sec-
5 retary shall consult with—

6 “(i) State long-term care ombudsman
7 programs;

8 “(ii) consumer advocacy groups;

9 “(iii) provider stakeholder groups; and

10 “(iv) any other representatives of pro-
11 grams or groups the Secretary determines
12 appropriate.”.

13 (2) TIMELINESS OF SUBMISSION OF SURVEY
14 AND CERTIFICATION INFORMATION.—

15 (A) IN GENERAL.—Section 1819(g)(5) of
16 the Social Security Act (42 U.S.C. 1395i-
17 3(g)(5)) is amended by adding at the end the
18 following new subparagraph:

19 “(E) SUBMISSION OF SURVEY AND CER-
20 TIFICATION INFORMATION TO THE SEC-
21 RETARY.—In order to improve the timeliness of
22 information made available to the public under
23 subparagraph (A) and provided on the Nursing
24 Home Compare Medicare website under sub-
25 section (i), each State shall submit information

1 respecting any survey or certification made re-
 2 specting a skilled nursing facility (including any
 3 enforcement actions taken by the State) to the
 4 Secretary not later than the date on which the
 5 State sends such information to the facility.
 6 The Secretary shall use the information sub-
 7 mitted under the preceding sentence to update
 8 the information provided on the Nursing Home
 9 Compare Medicare website as expeditiously as
 10 practicable.”.

11 (B) EFFECTIVE DATE.—The amendment
 12 made by this paragraph shall take effect 1 year
 13 after the date of the enactment of this Act.

14 (b) NURSING FACILITIES.—

15 (1) IN GENERAL.—Section 1919 of the Social
 16 Security Act (42 U.S.C. 1396r) is amended—

17 (A) by redesignating subsection (i) as sub-
 18 section (j); and

19 (B) by inserting after subsection (h) the
 20 following new subsection:

21 “(i) NURSING HOME COMPARE WEBSITE.—

22 “(1) INCLUSION OF ADDITIONAL INFORMA-
 23 TION.—

24 “(A) IN GENERAL.—The Secretary shall
 25 ensure that the Department of Health and

1 Human Services includes, as part of the infor-
2 mation provided for comparison of nursing
3 homes on the official Internet website of the
4 Federal Government for Medicare beneficiaries
5 (commonly referred to as the ‘Nursing Home
6 Compare’ Medicare website) (or a successor
7 website), the following information in a manner
8 that is prominent, easily accessible, readily un-
9 derstandable to consumers of long-term care
10 services, and searchable:

11 “(i) Staffing data for each facility (in-
12 cluding resident census data and data on
13 the hours of care provided per resident per
14 day) based on data submitted under sub-
15 section (b)(8)(C)(ii), including information
16 on staffing turnover and tenure, in a for-
17 mat that is clearly understandable to con-
18 sumers of long-term care services and al-
19 lows such consumers to compare dif-
20 ferences in staffing between facilities.

21 “(ii) Links to State Internet websites
22 with information regarding State survey
23 and certification programs, links to Form
24 2567 State inspection reports (or a suc-
25 cessor form) on such websites, information

1 to guide consumers in how to interpret and
2 understand such reports, and links to the
3 facility plan of correction or other response
4 to such report.

5 “(iii) The standardized complaint
6 form developed under subsection (f)(10),
7 including explanatory material on what
8 complaint forms are, how they are used,
9 and how to file a complaint with the State
10 survey and certification program and the
11 State long-term care ombudsman program.

12 “(iv) A summary of information on
13 enforcement that includes the number of
14 complaints, including the number of such
15 complaints which the Secretary finds are
16 substantiated, and remedies proposed and
17 imposed by the Secretary or a State with
18 respect to a nursing facility during the pre-
19 ceding 3 years.

20 “(B) DEADLINE FOR PROVISION OF INFOR-
21 MATION.—

22 “(i) IN GENERAL.—Except as pro-
23 vided in clause (ii), the Secretary shall en-
24 sure that the information described in sub-
25 paragraph (A) is included on such website

1 (or a successor website) not later than 1
2 year after the date of the enactment of this
3 subsection.

4 “(ii) EXCEPTION.—The Secretary
5 shall ensure that the information described
6 in subparagraph (A)(i) is included on such
7 website (or a successor website) not later
8 than the date on which the requirement
9 under subsection (b)(8)(C)(ii) is imple-
10 mented.

11 “(2) REVIEW AND MODIFICATION OF
12 WEBSITE.—

13 “(A) IN GENERAL.—The Secretary shall
14 establish a process—

15 “(i) to review the accuracy, clarity of
16 presentation, timeliness, and comprehen-
17 siveness of information reported on such
18 website as of the day before the date of the
19 enactment of this subsection; and

20 “(ii) not later than 1 year after the
21 date of the enactment of this subsection, to
22 modify or revamp such website in accord-
23 ance with the review conducted under
24 clause (i).

1 “(B) CONSULTATION.—In conducting the
2 review under subparagraph (A)(i), the Sec-
3 retary shall consult with—

4 “(i) State long-term care ombudsman
5 programs;

6 “(ii) consumer advocacy groups;

7 “(iii) provider stakeholder groups; and

8 “(iv) any other representatives of pro-
9 grams or groups the Secretary determines
10 appropriate.”.

11 (2) TIMELINESS OF SUBMISSION OF SURVEY
12 AND CERTIFICATION INFORMATION.—

13 (A) IN GENERAL.—Section 1919(g)(5) of
14 the Social Security Act (42 U.S.C. 1396r(g)(5))
15 is amended by adding at the end the following
16 new subparagraph:

17 “(E) SUBMISSION OF SURVEY AND CER-
18 TIFICATION INFORMATION TO THE SEC-
19 RETARY.—In order to improve the timeliness of
20 information made available to the public under
21 subparagraph (A) and provided on the Nursing
22 Home Compare Medicare website under sub-
23 section (i), each State shall submit information
24 respecting any survey or certification made re-
25 specting a nursing facility (including any en-

1 forcement actions taken by the State) to the
 2 Secretary not later than the date on which the
 3 State sends such information to the facility.
 4 The Secretary shall use the information sub-
 5 mitted under the preceding sentence to update
 6 the information provided on the Nursing Home
 7 Compare Medicare website as expeditiously as
 8 practicable.”.

9 (B) EFFECTIVE DATE.—The amendment
 10 made by this paragraph shall take effect 1 year
 11 after the date of the enactment of this Act.

12 (c) AVAILABILITY OF REPORTS ON SURVEYS, CER-
 13 TIFICATIONS, AND COMPLAINT INVESTIGATIONS.—

14 (1) SKILLED NURSING FACILITIES.—Section
 15 1819(d)(1) of the Social Security Act (42 U.S.C.
 16 1395i–3(d)(1)), as amended by section 102, is
 17 amended by adding at the end the following new
 18 subparagraph:

19 “(E) AVAILABILITY OF SURVEY, CERTIFI-
 20 CATION, AND COMPLAINT INVESTIGATION RE-
 21 PORTS.—A skilled nursing facility must—

22 “(i) have reports with respect to any
 23 surveys, certifications, and complaint in-
 24 vestigations made respecting the facility

1 during the 3 preceding years available for
2 any individual to review upon request; and

3 “(ii) post notice of the availability of
4 such reports in areas of the facility that
5 are prominent and accessible to the pub-
6 lic.”.

7 (2) NURSING FACILITIES.—Section 1919(d)(1)
8 of the Social Security Act (42 U.S.C. 1396r(d)(1)),
9 as amended by section 102, is amended by adding
10 at the end the following new subparagraph:

11 “(E) AVAILABILITY OF SURVEY, CERTIFI-
12 CATION, AND COMPLAINT INVESTIGATION RE-
13 PORTS.—A nursing facility must—

14 “(i) have reports with respect to any
15 surveys, certifications, and complaint in-
16 vestigations made respecting the facility
17 during the 3 preceding years available for
18 any individual to review upon request; and

19 “(ii) post notice of the availability of
20 such reports in areas of the facility that
21 are prominent and accessible to the pub-
22 lic.”.

23 (3) EFFECTIVE DATE.—The amendments made
24 by this subsection shall take effect 1 year after the
25 date of the enactment of this Act.

1 (d) GUIDANCE TO STATES ON FORM 2567 STATE IN-
2 SPECTION REPORTS AND COMPLAINT INVESTIGATION RE-
3 PORTS.—

4 (1) GUIDANCE.—The Secretary shall provide
5 guidance to States on how States can establish elec-
6 tronic links to Form 2567 State inspection reports
7 (or a successor form), complaint investigation re-
8 ports, and a facility’s plan of correction or other re-
9 sponse to such Form 2567 State inspection reports
10 (or a successor form) on the Internet website of the
11 State that provides information on skilled nursing
12 facilities and nursing facilities.

13 (2) DEFINITIONS.—In this subsection:

14 (A) NURSING FACILITY.—The term “nurs-
15 ing facility” has the meaning given such term
16 in section 1919(a) of the Social Security Act
17 (42 U.S.C. 1396r(a)).

18 (B) SECRETARY.—The term “Secretary”
19 means the Secretary of Health and Human
20 Services.

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

1 **SEC. 104. REPORTING OF EXPENDITURES.**

2 Section 1888 of the Social Security Act (42 U.S.C.
3 1395yy) is amended by adding at the end the following
4 new subsection:

5 “(f) REPORTING OF DIRECT CARE EXPENDI-
6 TURES.—

7 “(1) IN GENERAL.—For cost reports submitted
8 under this title for cost reporting periods beginning
9 on or after the date that is 2 years after the date
10 of the enactment of this subsection, skilled nursing
11 facilities shall separately report expenditures for
12 wages and benefits for direct care staff (breaking
13 out (at a minimum) registered nurses, licensed pro-
14 fessional nurses, certified nurse assistants, and other
15 medical and therapy staff).

16 “(2) MODIFICATION OF FORM.—The Secretary,
17 in consultation with private sector accountants expe-
18 rienced with Medicare and Medicaid nursing facility
19 home cost reports, shall redesign such reports to
20 meet the requirement of paragraph (1) not later
21 than 1 year after the date of the enactment of this
22 subsection.

23 “(3) CATEGORIZATION BY FUNCTIONAL AC-
24 COUNTS.—Not later than 30 months after the date
25 of the enactment of this subsection, the Secretary,
26 working in consultation with the Medicare Payment

1 Advisory Commission, the Medicaid and CHIP Pay-
2 ment and Access Commission, the Inspector General
3 of the Department of Health and Human Services,
4 and other expert parties the Secretary determines
5 appropriate, shall take the expenditures listed on
6 cost reports, as modified under paragraph (1), sub-
7 mitted by skilled nursing facilities and categorize
8 such expenditures, regardless of any source of pay-
9 ment for such expenditures, for each skilled nursing
10 facility into the following functional accounts on an
11 annual basis:

12 “(A) Spending on direct care services (in-
13 cluding nursing, therapy, and medical services).

14 “(B) Spending on indirect care (including
15 housekeeping and dietary services).

16 “(C) Capital assets (including building and
17 land costs).

18 “(D) Administrative services costs.

19 “(4) AVAILABILITY OF INFORMATION SUB-
20 MITTED.—The Secretary shall establish procedures
21 to make information on expenditures submitted
22 under this subsection readily available to interested
23 parties upon request, subject to such requirements
24 as the Secretary may specify under the procedures
25 established under this paragraph.”.

1 **SEC. 105. STANDARDIZED COMPLAINT FORM.**

2 (a) SKILLED NURSING FACILITIES.—

3 (1) DEVELOPMENT BY THE SECRETARY.—Sec-
4 tion 1819(f) of the Social Security Act (42 U.S.C.
5 1395i–3(f)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “(8) STANDARDIZED COMPLAINT FORM.—The
8 Secretary shall develop a standardized complaint
9 form for use by a resident (or a person acting on the
10 resident’s behalf) in filing a complaint with a State
11 survey and certification agency and a State long-
12 term care ombudsman program with respect to a
13 skilled nursing facility.”.

14 (2) STATE REQUIREMENTS.—Section 1819(e)
15 of the Social Security Act (42 U.S.C. 1395i–3(e)) is
16 amended by adding at the end the following new
17 paragraph:

18 “(6) COMPLAINT FORMS AND RESOLUTION
19 PROCESSES.—

20 “(A) COMPLAINT FORMS.—The State must
21 make the standardized complaint form devel-
22 oped under subsection (f)(8) available upon re-
23 quest to—

24 “(i) a resident of a skilled nursing fa-
25 cility; and

1 “(ii) any person acting on the resi-
2 dent’s behalf.

3 “(B) COMPLAINT RESOLUTION PROCESS.—

4 The State must establish a complaint resolution
5 process in order to ensure that the legal rep-
6 resentative of a resident of a skilled nursing fa-
7 cility or other responsible party is not denied
8 access to such resident or otherwise retaliated
9 against if they have complained about the qual-
10 ity of care provided by the facility or other
11 issues relating to the facility. Such complaint
12 resolution process shall include—

13 “(i) procedures to assure accurate
14 tracking of complaints received, including
15 notification to the complainant that a com-
16 plaint has been received;

17 “(ii) procedures to determine the like-
18 ly severity of a complaint and for the in-
19 vestigation of the complaint; and

20 “(iii) deadlines for responding to a
21 complaint and for notifying the complain-
22 ant of the outcome of the investigation.

23 “(C) RULE OF CONSTRUCTION.—Nothing
24 in this paragraph shall be construed as pre-
25 venting a resident of a skilled nursing facility

1 (or a person acting on the resident’s behalf)
2 from submitting a complaint in a manner or
3 format other than by using the standardized
4 complaint form developed under subsection
5 (f)(8) (including submitting a complaint oral-
6 ly).”.

7 (b) NURSING FACILITIES.—

8 (1) DEVELOPMENT BY THE SECRETARY.—Sec-
9 tion 1919(f) of the Social Security Act (42 U.S.C.
10 1395i–3(f)) is amended by adding at the end the fol-
11 lowing new paragraph:

12 “(10) STANDARDIZED COMPLAINT FORM.—The
13 Secretary shall develop a standardized complaint
14 form for use by a resident (or a person acting on the
15 resident’s behalf) in filing a complaint with a State
16 survey and certification agency and a State long-
17 term care ombudsman program with respect to a
18 nursing facility.”.

19 (2) STATE REQUIREMENTS.—Section 1919(e)
20 of the Social Security Act (42 U.S.C. 1395i–3(e)) is
21 amended by adding at the end the following new
22 paragraph:

23 “(8) COMPLAINT FORMS AND RESOLUTION
24 PROCESSES.—

1 “(A) COMPLAINT FORMS.—The State must
2 make the standardized complaint form devel-
3 oped under subsection (f)(10) available upon re-
4 quest to—

5 “(i) a resident of a nursing facility;
6 and

7 “(ii) any person acting on the resi-
8 dent’s behalf.

9 “(B) COMPLAINT RESOLUTION PROCESS.—
10 The State must establish a complaint resolution
11 process in order to ensure that the legal rep-
12 resentative of a resident of a nursing facility or
13 other responsible party is not denied access to
14 such resident or otherwise retaliated against if
15 they have complained about the quality of care
16 provided by the facility or other issues relating
17 to the facility. Such complaint resolution proc-
18 ess shall include—

19 “(i) procedures to assure accurate
20 tracking of complaints received, including
21 notification to the complainant that a com-
22 plaint has been received;

23 “(ii) procedures to determine the like-
24 ly severity of a complaint and for the in-
25 vestigation of the complaint; and

1 “(iii) deadlines for responding to a
2 complaint and for notifying the complain-
3 ant of the outcome of the investigation.

4 “(C) RULE OF CONSTRUCTION.—Nothing
5 in this paragraph shall be construed as pre-
6 venting a resident of a nursing facility (or a
7 person acting on the resident’s behalf) from
8 submitting a complaint in a manner or format
9 other than by using the standardized complaint
10 form developed under subsection (f)(10) (in-
11 cluding submitting a complaint orally).”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect 1 year after the date of the
14 enactment of this Act.

15 **SEC. 106. ENSURING STAFFING ACCOUNTABILITY.**

16 (a) SKILLED NURSING FACILITIES.—Section
17 1819(b)(8) of the Social Security Act (42 U.S.C. 1395i-
18 3(b)(8)) is amended by adding at the end the following
19 new subparagraph:

20 “(C) SUBMISSION OF STAFFING INFORMA-
21 TION BASED ON PAYROLL DATA IN A UNIFORM
22 FORMAT.—Beginning not later than 2 years
23 after the date of the enactment of this subpara-
24 graph, and after consulting with State long-
25 term care ombudsman programs, consumer ad-

1 vocacy groups, provider stakeholder groups, em-
2 ployees and their representatives, and other
3 parties the Secretary deems appropriate, the
4 Secretary shall require a skilled nursing facility
5 to electronically submit to the Secretary direct
6 care staffing information (including information
7 with respect to agency and contract staff) based
8 on payroll and other verifiable and auditable
9 data in a uniform format (according to speci-
10 fications established by the Secretary in con-
11 sultation with such programs, groups, and par-
12 ties). Such specifications shall require that the
13 information submitted under the preceding sen-
14 tence—

15 “(i) specify the category of work a
16 certified employee performs (such as
17 whether the employee is a registered nurse,
18 licensed practical nurse, licensed vocational
19 nurse, certified nursing assistant, thera-
20 pist, or other medical personnel);

21 “(ii) include resident census data and
22 information on resident case mix;

23 “(iii) include a regular reporting
24 schedule; and

1 “(iv) include information on employee
2 turnover and tenure and on the hours of
3 care provided by each category of certified
4 employees referenced in clause (i) per resi-
5 dent per day.

6 Nothing in this subparagraph shall be con-
7 strued as preventing the Secretary from requir-
8 ing submission of such information with respect
9 to specific categories, such as nursing staff, be-
10 fore other categories of certified employees. In-
11 formation under this subparagraph with respect
12 to agency and contract staff shall be kept sepa-
13 rate from information on employee staffing.”.

14 (b) NURSING FACILITIES.—Section 1919(b)(8) of the
15 Social Security Act (42 U.S.C. 1396r(b)(8)) is amended
16 by adding at the end the following new subparagraph:

17 “(C) SUBMISSION OF STAFFING INFORMA-
18 TION BASED ON PAYROLL DATA IN A UNIFORM
19 FORMAT.—Beginning not later than 2 years
20 after the date of the enactment of this subpara-
21 graph, and after consulting with State long-
22 term care ombudsman programs, consumer ad-
23 vocacy groups, provider stakeholder groups, em-
24 ployees and their representatives, and other
25 parties the Secretary deems appropriate, the

1 Secretary shall require a nursing facility to elec-
2 tronically submit to the Secretary direct care
3 staffing information (including information with
4 respect to agency and contract staff) based on
5 payroll and other verifiable and auditable data
6 in a uniform format (according to specifications
7 established by the Secretary in consultation
8 with such programs, groups, and parties). Such
9 specifications shall require that the information
10 submitted under the preceding sentence—

11 “(i) specify the category of work a
12 certified employee performs (such as
13 whether the employee is a registered nurse,
14 licensed practical nurse, licensed vocational
15 nurse, certified nursing assistant, thera-
16 pist, or other medical personnel);

17 “(ii) include resident census data and
18 information on resident case mix;

19 “(iii) include a regular reporting
20 schedule; and

21 “(iv) include information on employee
22 turnover and tenure and on the hours of
23 care provided by each category of certified
24 employees referenced in clause (i) per resi-
25 dent per day.

1 Nothing in this subparagraph shall be con-
 2 strued as preventing the Secretary from requir-
 3 ing submission of such information with respect
 4 to specific categories, such as nursing staff, be-
 5 fore other categories of certified employees. In-
 6 formation under this subparagraph with respect
 7 to agency and contract staff shall be kept sepa-
 8 rate from information on employee staffing.”.

9 **TITLE II—TARGETING**

10 **ENFORCEMENT**

11 **SEC. 201. CIVIL MONEY PENALTIES.**

12 (a) SKILLED NURSING FACILITIES.—

13 (1) IN GENERAL.—Section 1819(h)(2)(B)(ii) of
 14 the Social Security Act (42 U.S.C. 1395i-
 15 3(h)(2)(B)(ii)) is amended—

16 (A) by striking “PENALTIES.—The Sec-
 17 retary” and inserting “PENALTIES.—

18 “(I) IN GENERAL.—Subject to
 19 subclause (II), the Secretary”; and

20 (B) by adding at the end the following new
 21 subclauses:

22 “(II) REDUCTION OF CIVIL
 23 MONEY PENALTIES IN CERTAIN CIR-
 24 CUMSTANCES.—Subject to subclause
 25 (III), in the case where a facility self-

1 reports and promptly corrects a defi-
2 ciency for which a penalty was im-
3 posed under this clause not later than
4 10 calendar days after the date of
5 such imposition, the Secretary may
6 reduce the amount of the penalty im-
7 posed by not more than 50 percent.

8 “(III) PROHIBITIONS ON REDUC-
9 TION FOR CERTAIN DEFICIENCIES.—

10 “(aa) REPEAT DEFICI-
11 CIENCIES.—The Secretary may
12 not reduce the amount of a pen-
13 alty under subclause (II) if the
14 Secretary had reduced a penalty
15 imposed on the facility in the
16 preceding year under such sub-
17 clause with respect to a repeat
18 deficiency.

19 “(bb) CERTAIN OTHER DE-
20 FICIENCIES.—The Secretary may
21 not reduce the amount of a pen-
22 alty under subclause (II) if the
23 penalty is imposed on the facility
24 for a deficiency that is found to
25 result in a pattern of harm or

1 widespread harm, immediately
2 jeopardizes the health or safety
3 of a resident or residents of the
4 facility, or results in the death of
5 a resident of the facility.

6 “(IV) COLLECTION OF CIVIL
7 MONEY PENALTIES.—In the case of a
8 civil money penalty imposed under
9 this clause, the Secretary shall issue
10 regulations that—

11 “(aa) subject to item (cc),
12 not later than 30 days after the
13 imposition of the penalty, provide
14 for the facility to have the oppor-
15 tunity to participate in an inde-
16 pendent informal dispute resolu-
17 tion process which generates a
18 written record prior to the collec-
19 tion of such penalty;

20 “(bb) in the case where the
21 penalty is imposed for each day
22 of noncompliance, provide that a
23 penalty may not be imposed for
24 any day during the period begin-
25 ning on the initial day of the im-

1 position of the penalty and end-
2 ing on the day on which the in-
3 formal dispute resolution process
4 under item (aa) is completed;

5 “(cc) may provide for the
6 collection of such civil money
7 penalty and the placement of
8 such amounts collected in an es-
9 crow account under the direction
10 of the Secretary on the earlier of
11 the date on which the informal
12 dispute resolution process under
13 item (aa) is completed or the
14 date that is 90 days after the
15 date of the imposition of the pen-
16 alty;

17 “(dd) may provide that such
18 amounts collected are kept in
19 such account pending the resolu-
20 tion of any subsequent appeals;

21 “(ee) in the case where the
22 facility successfully appeals the
23 penalty, may provide for the re-
24 turn of such amounts collected
25 (plus interest) to the facility; and

1 “(ff) in the case where all
2 such appeals are unsuccessful,
3 may provide that some portion of
4 such amounts collected may be
5 used to support activities that
6 benefit residents, including as-
7 sistance to support and protect
8 residents of a facility that closes
9 (voluntarily or involuntarily) or is
10 decertified (including offsetting
11 costs of relocating residents to
12 home and community-based set-
13 tings or another facility), projects
14 that support resident and family
15 councils and other consumer in-
16 volvement in assuring quality
17 care in facilities, and facility im-
18 provement initiatives approved by
19 the Secretary (including joint
20 training of facility staff and sur-
21 veyors, technical assistance for
22 facilities implementing quality as-
23 surance programs, the appoint-
24 ment of temporary management

1 firms, and other activities ap-
2 proved by the Secretary.”.

3 (2) CONFORMING AMENDMENT.—The second
4 sentence of section 1819(h)(5) of the Social Security
5 Act (42 U.S.C. 1395i–3(h)(5)) is amended by insert-
6 ing “(ii)(IV),” after “(i),”.

7 (b) NURSING FACILITIES.—

8 (1) IN GENERAL.—Section 1919(h)(3)(C)(ii) of
9 the Social Security Act (42 U.S.C. 1396r(h)(3)(C))
10 is amended—

11 (A) by striking “PENALTIES.—The Sec-
12 retary” and inserting “PENALTIES.—

13 “(I) IN GENERAL.—Subject to
14 subclause (II), the Secretary”; and

15 (B) by adding at the end the following new
16 subclauses:

17 “(II) REDUCTION OF CIVIL
18 MONEY PENALTIES IN CERTAIN CIR-
19 CUMSTANCES.—Subject to subclause
20 (III), in the case where a facility self-
21 reports and promptly corrects a defi-
22 ciency for which a penalty was im-
23 posed under this clause not later than
24 10 calendar days after the date of
25 such imposition, the Secretary may

1 reduce the amount of the penalty im-
2 posed by not more than 50 percent.

3 “(III) PROHIBITIONS ON REDUC-
4 TION FOR CERTAIN DEFICIENCIES.—

5 “(aa) REPEAT DEFICI-
6 CIENCIES.—The Secretary may
7 not reduce the amount of a pen-
8 alty under subclause (II) if the
9 Secretary had reduced a penalty
10 imposed on the facility in the
11 preceding year under such sub-
12 clause with respect to a repeat
13 deficiency.

14 “(bb) CERTAIN OTHER DE-
15 FICIENCIES.—The Secretary may
16 not reduce the amount of a pen-
17 alty under subclause (II) if the
18 penalty is imposed on the facility
19 for a deficiency that is found to
20 result in a pattern of harm or
21 widespread harm, immediately
22 jeopardizes the health or safety
23 of a resident or residents of the
24 facility, or results in the death of
25 a resident of the facility.

1 “(IV) COLLECTION OF CIVIL
2 MONEY PENALTIES.—In the case of a
3 civil money penalty imposed under
4 this clause, the Secretary shall issue
5 regulations that—

6 “(aa) subject to item (cc),
7 not later than 30 days after the
8 imposition of the penalty, provide
9 for the facility to have the oppor-
10 tunity to participate in an inde-
11 pendent informal dispute resolu-
12 tion process which generates a
13 written record prior to the collec-
14 tion of such penalty;

15 “(bb) in the case where the
16 penalty is imposed for each day
17 of noncompliance, provide that a
18 penalty may not be imposed for
19 any day during the period begin-
20 ning on the initial day of the im-
21 position of the penalty and end-
22 ing on the day on which the in-
23 formal dispute resolution process
24 under item (aa) is completed;

1 “(cc) may provide for the
2 collection of such civil money
3 penalty and the placement of
4 such amounts collected in an es-
5 crow account under the direction
6 of the Secretary on the earlier of
7 the date on which the informal
8 dispute resolution process under
9 item (aa) is completed or the
10 date that is 90 days after the
11 date of the imposition of the pen-
12 alty;

13 “(dd) may provide that such
14 amounts collected are kept in
15 such account pending the resolu-
16 tion of any subsequent appeals;

17 “(ee) in the case where the
18 facility successfully appeals the
19 penalty, may provide for the re-
20 turn of such amounts collected
21 (plus interest) to the facility; and

22 “(ff) in the case where all
23 such appeals are unsuccessful,
24 may provide that some portion of
25 such amounts collected may be

1 used to support activities that
2 benefit residents, including as-
3 sistance to support and protect
4 residents of a facility that closes
5 (voluntarily or involuntarily) or is
6 decertified (including offsetting
7 costs of relocating residents to
8 home and community-based set-
9 tings or another facility), projects
10 that support resident and family
11 councils and other consumer in-
12 volvement in assuring quality
13 care in facilities, and facility im-
14 provement initiatives approved by
15 the Secretary (including joint
16 training of facility staff and sur-
17 veyors, technical assistance for
18 facilities implementing quality as-
19 surance programs, the appoint-
20 ment of temporary management
21 firms, and other activities ap-
22 proved by the Secretary).”.

23 (2) CONFORMING AMENDMENT.—Section
24 1919(h)(5)(8) of the Social Security Act (42 U.S.C.

1 1396r(h)(5)(8)) is amended by inserting “(ii)(IV),”
2 after “(i),”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect 1 year after the date of the
5 enactment of this Act.

6 **SEC. 202. GAO STUDY AND REPORT ON THE RELATIVE FI-**
7 **NANCIAL STATUS AND PERFORMANCE OF**
8 **SPECIAL FOCUS FACILITIES.**

9 (a) STUDY.—

10 (1) IN GENERAL.—The Comptroller General of
11 the United States shall conduct a study on the fi-
12 nancial status, resident care, and performance of
13 skilled nursing facilities and nursing facilities in the
14 Special Focus Facility program (or a successor pro-
15 gram) established by the Centers for Medicare &
16 Medicaid Services relative to a comparable sample of
17 facilities that are not in such program. Such study
18 shall include an examination of the ownership and
19 control interests, and any affiliated parties, of the
20 facilities studied (as applicable).

21 (2) DEFINITIONS.—In this section:

22 (A) NURSING FACILITY.—The term “nurs-
23 ing facility” has the meaning given such term
24 in section 1919(a) of the Social Security Act
25 (42 U.S.C. 1396r(a)).

1 (B) SECRETARY.—The term “Secretary”
2 means the Secretary of Health and Human
3 Services.

4 (C) SKILLED NURSING FACILITY.—The
5 term “skilled nursing facility” has the meaning
6 given such term in section 1819(a) of the Social
7 Security Act (42 U.S.C. 1395(a)).

8 (b) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Comptroller General of
10 the United States shall submit to Congress and the Sec-
11 retary a report containing the results of the study con-
12 ducted under subsection (a), together with recommenda-
13 tions for such legislation and administrative action as the
14 Comptroller General determines appropriate.

15 **SEC. 203. NATIONAL INDEPENDENT MONITOR PILOT PRO-**
16 **GRAM.**

17 (a) ESTABLISHMENT.—

18 (1) IN GENERAL.—The Secretary shall establish
19 a pilot program to develop, test, and implement an
20 independent monitor program to oversee interstate
21 and large intrastate chains of skilled nursing facili-
22 ties and nursing facilities.

23 (2) SELECTION.—The Secretary shall select
24 chains of skilled nursing facilities and nursing facili-
25 ties described in paragraph (1) to participate in the

1 pilot program under this section from among those
2 chains that submit an application to the Secretary at
3 such time, in such manner, and containing such in-
4 formation as the Secretary may require.

5 (3) DURATION.—The Secretary shall conduct
6 the pilot program under this section for a 2-year pe-
7 riod.

8 (4) IMPLEMENTATION.—The Secretary shall
9 implement the pilot program under this section not
10 later than 1 year after the date of the enactment of
11 this Act.

12 (b) REQUIREMENTS.—The Secretary shall evaluate
13 chains selected to participate in the pilot program under
14 this section based on criteria selected by the Secretary,
15 including where evidence suggests that 1 or more facilities
16 of the chain are experiencing serious safety and quality
17 of care problems. Such criteria may include the evaluation
18 of a chain that includes 1 or more facilities participating
19 in the “Special Focus Facility” program (or a successor
20 program) or 1 or more facilities with a record of repeated
21 serious safety and quality of care deficiencies.

22 (c) RESPONSIBILITIES.—An independent monitor
23 that enters into a contract with the Secretary to partici-
24 pate in the conduct of the pilot program under this section
25 shall—

1 (1) conduct periodic reviews and prepare root-
2 cause quality and deficiency analyses of a chain to
3 assess if facilities of the chain are in compliance
4 with State and Federal laws and regulations applica-
5 ble to the facilities;

6 (2) undertake sustained oversight of the chain,
7 whether publicly or privately held, to involve the
8 owners of, and any additional disclosable party with
9 respect to a facility of, the chain in facilitating com-
10 pliance by facilities of the chain with State and Fed-
11 eral laws and regulations applicable to the facilities;

12 (3) analyze the management structure, distribu-
13 tion of expenditures, and nurse staffing levels of fa-
14 cilities of the chain in relation to resident census,
15 staff turnover rates, and tenure;

16 (4) report findings and recommendations with
17 respect to such reviews, analyses, and oversight to
18 the chain and facilities of the chain, to the Sec-
19 retary, and to relevant States; and

20 (5) publish the results of such reviews, anal-
21 yses, and oversight.

22 (d) IMPLEMENTATION OF RECOMMENDATIONS.—

23 (1) RECEIPT OF FINDING BY CHAIN.—Not later
24 than 10 days after receipt of a finding of an inde-
25 pendent monitor under subsection (c)(4), a chain

1 participating in the pilot program shall submit to
2 the independent monitor a report—

3 (A) outlining corrective actions the chain
4 will take to implement the recommendations in
5 such report; or

6 (B) indicating that the chain will not im-
7 plement such recommendations, and why it will
8 not do so.

9 (2) RECEIPT OF REPORT BY INDEPENDENT
10 MONITOR.—Not later than 10 days after receipt of
11 a report submitted by a chain under paragraph (1),
12 an independent monitor shall finalize its rec-
13 ommendations and submit a report to the chain and
14 facilities of the chain, the Secretary, and the State
15 or States, as appropriate, containing such final rec-
16 ommendations.

17 (e) COST OF APPOINTMENT.—A chain shall be re-
18 sponsible for a portion of the costs associated with the
19 appointment of independent monitors under the pilot pro-
20 gram under this section. The chain shall pay such portion
21 to the Secretary (in an amount and in accordance with
22 procedures established by the Secretary).

23 (f) WAIVER AUTHORITY.—The Secretary may waive
24 such requirements of titles XVIII and XIX of the Social
25 Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.) as

1 may be necessary for the purpose of carrying out the pilot
2 program under this section.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as may be
5 necessary to carry out this section.

6 (h) DEFINITIONS.—In this section:

7 (1) ADDITIONAL DISCLOSABLE PARTY.—The
8 term “additional disclosable party” has the meaning
9 given such term in section 1124(c)(5)(A) of the So-
10 cial Security Act, as added by section 101(a).

11 (2) FACILITY.—The term “facility” means a
12 skilled nursing facility or a nursing facility.

13 (3) NURSING FACILITY.—The term “nursing
14 facility” has the meaning given such term in section
15 1919(a) of the Social Security Act (42 U.S.C.
16 1396r(a)).

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Health and Human Services, acting
19 through the Assistant Secretary for Planning and
20 Evaluation.

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

25 (i) EVALUATION AND REPORT.—

1 (1) EVALUATION.—The Inspector General of
2 the Department of Health and Human Services shall
3 evaluate the pilot program conducted under this sub-
4 section. Such evaluation shall—

5 (A) determine whether the independent
6 monitor program should be established on a
7 permanent basis; and

8 (B) if the Inspector General determines
9 that such program should be established on a
10 permanent basis, recommend appropriate proce-
11 dures and mechanisms for such establishment.

12 (2) REPORT.—Not later than 180 days after
13 the completion of the pilot program under this sec-
14 tion, the Inspector General shall submit to Congress
15 and the Secretary a report containing the results of
16 the evaluation conducted under paragraph (1), to-
17 gether with recommendations for such legislation
18 and administrative action as the Inspector General
19 determines appropriate.

20 **SEC. 204. NOTIFICATION OF FACILITY CLOSURE.**

21 (a) SKILLED NURSING FACILITIES.—

22 (1) IN GENERAL.—Section 1819(c) of the So-
23 cial Security Act (42 U.S.C. 1395i–3(c)) is amended
24 by adding at the end the following new paragraph:

25 “(7) NOTIFICATION OF FACILITY CLOSURE.—

1 “(A) IN GENERAL.—Any individual who is
2 the administrator of a skilled nursing facility
3 must—

4 “(i) submit to the Secretary, the State
5 long-term care ombudsman, residents of
6 the facility, and the legal representatives of
7 such residents or other responsible parties,
8 written notification of an impending clo-
9 sure—

10 “(I) subject to subclause (II), not
11 later than the date that is 60 days
12 prior to the date of such closure; and

13 “(II) in the case of a facility
14 where the Secretary terminates the fa-
15 cility’s participation under this title,
16 not later than the date that the Sec-
17 retary determines appropriate;

18 “(ii) ensure that the facility does not
19 admit any new residents on or after the
20 date on which such written notification is
21 submitted; and

22 “(iii) include in the notice a plan for
23 the transfer and adequate relocation of the
24 residents of the facility by a specified date
25 prior to closure that has been approved by

1 the State, including assurances that the
2 residents will be transferred to the most
3 appropriate facility or other setting in
4 terms of quality, services, and location,
5 taking into consideration the needs and
6 best interests of each resident.

7 “(B) RELOCATION.—

8 “(i) IN GENERAL.—The State shall
9 ensure that, before a facility closes, all
10 residents of the facility have been success-
11 fully relocated to another facility or an al-
12 ternative home and community-based set-
13 ting.

14 “(ii) CONTINUATION OF PAYMENTS
15 UNTIL RESIDENTS RELOCATED.—The Sec-
16 retary may, as the Secretary determines
17 appropriate, continue to make payments
18 under this title with respect to residents of
19 a facility that has submitted a notification
20 under subparagraph (A) during the period
21 beginning on the date such notification is
22 submitted and ending on the date on which
23 the resident is successfully relocated.”.

1 (2) CONFORMING AMENDMENTS.—Section
2 1819(h)(4) of the Social Security Act (42 U.S.C.
3 1395i–3(h)(4)) is amended—

4 (A) in the first sentence, by striking “the
5 Secretary shall terminate” and inserting “the
6 Secretary, subject to subsection (c)(7), shall
7 terminate”; and

8 (B) in the second sentence, by striking
9 “subsection (c)(2)” and inserting “paragraphs
10 (2) and (7) of subsection (c)”.

11 (b) NURSING FACILITIES.—

12 (1) IN GENERAL.—Section 1919(c) of the So-
13 cial Security Act (42 U.S.C. 1396r(c)) is amended
14 by adding at the end the following new paragraph:

15 “(9) NOTIFICATION OF FACILITY CLOSURE.—

16 “(A) IN GENERAL.—Any individual who is
17 an administrator of a nursing facility must—

18 “(i) submit to the Secretary, the State
19 long-term care ombudsman, residents of
20 the facility, and the legal representatives of
21 such residents or other responsible parties,
22 written notification of an impending clo-
23 sure—

1 “(I) subject to subclause (II), not
2 later than the date that is 60 days
3 prior to the date of such closure; and

4 “(II) in the case of a facility
5 where the Secretary terminates the fa-
6 cility’s participation under this title,
7 not later than the date that the Sec-
8 retary determines appropriate;

9 “(ii) ensure that the facility does not
10 admit any new residents on or after the
11 date on which such written notification is
12 submitted; and

13 “(iii) include in the notice a plan for
14 the transfer and adequate relocation of the
15 residents of the facility by a specified date
16 prior to closure that has been approved by
17 the State, including assurances that the
18 residents will be transferred to the most
19 appropriate facility or other setting in
20 terms of quality, services, and location,
21 taking into consideration the needs and
22 best interests of each resident.

23 “(B) RELOCATION.—

24 “(i) IN GENERAL.—The State shall
25 ensure that, before a facility closes, all

1 residents of the facility have been success-
 2 fully relocated to another facility or an al-
 3 ternative home and community-based set-
 4 ting.

5 “(ii) CONTINUATION OF PAYMENTS
 6 UNTIL RESIDENTS RELOCATED.—The Sec-
 7 retary may, as the Secretary determines
 8 appropriate, continue to make payments
 9 under this title with respect to residents of
 10 a facility that has submitted a notification
 11 under subparagraph (A) during the period
 12 beginning on the date such notification is
 13 submitted and ending on the date on which
 14 the resident is successfully relocated.”.

15 (c) EFFECTIVE DATE.—The amendments made by
 16 this section shall take effect 1 year after the date of the
 17 enactment of this Act.

18 **SEC. 205. NATIONAL DEMONSTRATION PROJECTS ON CUL-**
 19 **TURE CHANGE AND USE OF INFORMATION**
 20 **TECHNOLOGY IN NURSING HOMES.**

21 (a) IN GENERAL.—The Secretary shall conduct 2
 22 demonstration projects, 1 for the development of best
 23 practices in skilled nursing facilities and nursing facilities
 24 that are involved in the culture change movement (includ-
 25 ing the development of resources for facilities to find and

1 access funding in order to undertake culture change) and
2 1 for the development of best practices in skilled nursing
3 facilities and nursing facilities for the use of information
4 technology to improve resident care.

5 (b) CONDUCT OF DEMONSTRATION PROJECTS.—

6 (1) GRANT AWARD.—Under each demonstration
7 project conducted under this section, the Secretary
8 shall award 1 or more grants to facility-based set-
9 tings for the development of best practices described
10 in subsection (a) with respect to the demonstration
11 project involved. Such award shall be made on a
12 competitive basis and may be allocated in 1 lump-
13 sum payment.

14 (2) CONSIDERATION OF SPECIAL NEEDS OF
15 RESIDENTS.—Each demonstration project conducted
16 under this section shall take into consideration the
17 special needs of residents of skilled nursing facilities
18 and nursing facilities who have cognitive impair-
19 ment, including dementia.

20 (c) DURATION AND IMPLEMENTATION.—

21 (1) DURATION.—The demonstration projects
22 shall each be conducted for a period not to exceed
23 3 years.

1 (2) IMPLEMENTATION.—The demonstration
2 projects shall each be implemented not later than 1
3 year after the date of the enactment of this Act.

4 (d) DEFINITIONS.—In this section:

5 (1) NURSING FACILITY.—The term “nursing
6 facility” has the meaning given such term in section
7 1919(a) of the Social Security Act (42 U.S.C.
8 1396r(a)).

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of Health and Human Services.

11 (3) SKILLED NURSING FACILITY.—The term
12 “skilled nursing facility” has the meaning given such
13 term in section 1819(a) of the Social Security Act
14 (42 U.S.C. 1395(a)).

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated such sums as may be
17 necessary to carry out this section.

18 (f) REPORT.—Not later than 9 months after the com-
19 pletion of the demonstration project, the Secretary shall
20 submit to Congress a report on such project, together with
21 recommendations for such legislation and administrative
22 action as the Secretary determines appropriate.

1 **TITLE III—IMPROVING STAFF**
 2 **TRAINING**

3 **SEC. 301. DEMENTIA AND ABUSE PREVENTION TRAINING.**

4 (a) **SKILLED NURSING FACILITIES.**—

5 (1) **IN GENERAL.**—Section 1819(f)(2)(A)(i)(I)
 6 of the Social Security Act (42 U.S.C. 1395i–
 7 3(f)(2)(A)(i)(I)) is amended by inserting “(includ-
 8 ing, in the case of initial training and, if the Sec-
 9 retary determines appropriate, in the case of ongo-
 10 ing training, dementia management training, and
 11 patient abuse prevention training” before “, (II)”.

12 (2) **CLARIFICATION OF DEFINITION OF NURSE**
 13 **AIDE.**—Section 1819(b)(5)(F) of the Social Security
 14 Act (42 U.S.C. 1395i–3(b)(5)(F)) is amended by
 15 adding at the end the following flush sentence:

16 “Such term includes an individual who provides
 17 such services through an agency or under a
 18 contract with the facility.”.

19 (b) **NURSING FACILITIES.**—

20 (1) **IN GENERAL.**—Section 1919(f)(2)(A)(i)(I)
 21 of the Social Security Act (42 U.S.C.
 22 1396r(f)(2)(A)(i)(I)) is amended by inserting “(in-
 23 cluding, in the case of initial training and, if the
 24 Secretary determines appropriate, in the case of on-

1 going training, dementia management training, and
 2 patient abuse prevention training” before “, (II)”.

3 (2) CLARIFICATION OF DEFINITION OF NURSE
 4 AIDE.—Section 1919(b)(5)(F) of the Social Security
 5 Act (42 U.S.C. 1396r(b)(5)(F)) is amended by add-
 6 ing at the end the following flush sentence:

7 “Such term includes an individual who provides
 8 such services through an agency or under a
 9 contract with the facility.”.

10 (c) EFFECTIVE DATE.—The amendments made by
 11 this section shall take effect 1 year after the date of the
 12 enactment of this Act.

13 **SEC. 302. STUDY AND REPORT ON TRAINING REQUIRED**
 14 **FOR CERTIFIED NURSE AIDES AND SUPER-**
 15 **VISORY STAFF.**

16 (a) STUDY.—

17 (1) IN GENERAL.—The Secretary shall conduct
 18 a study on the content of training for certified nurse
 19 aides and supervisory staff of skilled nursing facili-
 20 ties and nursing facilities. The study shall include an
 21 analysis of the following:

22 (A) Whether the number of initial training
 23 hours for certified nurse aides required under
 24 sections 1819(f)(2)(A)(i)(II) and
 25 1919(f)(2)(A)(i)(II) of the Social Security Act

1 (42 U.S.C. 1395i–3(f)(2)(A)(i)(II);
2 1396r(f)(2)(A)(i)(II)) should be increased from
3 75 and, if so, what the required number of ini-
4 tial training hours should be, including any rec-
5 ommendations for the content of such training
6 (including training related to dementia).

7 (B) Whether requirements for ongoing
8 training under such sections
9 1819(f)(2)(A)(i)(II) and 1919(f)(2)(A)(i)(II)
10 should be increased from 12 hours per year, in-
11 cluding any recommendations for the content of
12 such training.

13 (2) CONSULTATION.—In conducting the anal-
14 ysis under paragraph (1)(A), the Secretary shall
15 consult with States that currently (as of the date of
16 enactment of this Act) require more than 75 hours
17 of training for certified nurse aides.

18 (3) DEFINITIONS.—In this section:

19 (A) NURSE AIDE.—The term “nurse aide”
20 has the meaning given such term in sections
21 1819(b)(5)(F) and 1919(b)(5)(F) of the Social
22 Security Act (42 U.S.C. 1395i–3(b)(5)(F);
23 1396r(b)(5)(F)), as amended by section 301.

24 (B) NURSING FACILITY.—The term “nurs-
25 ing facility” has the meaning given such term

1 in section 1919(a) of the Social Security Act
2 (42 U.S.C. 1396r(a)).

3 (C) SECRETARY.—The term “Secretary”
4 means the Secretary of Health and Human
5 Services, acting through the Assistant Secretary
6 for Planning and Evaluation.

7 (D) SKILLED NURSING FACILITY.—The
8 term “skilled nursing facility” has the meaning
9 given such term in section 1819(a) of the Social
10 Security Act (42 U.S.C. 1395(a)).

11 (b) REPORT.—Not later than 2 years after the date
12 of enactment of this Act, the Secretary shall submit a re-
13 port to Congress containing the results of the study con-
14 ducted under subsection (a), together with recommenda-
15 tions for such legislation and administrative action as the
16 Secretary determines appropriate.

○