



## Proposed Nursing Home Regulatory Reform Proposals-- March 2014

LeadingAge Wisconsin is recommending legislation which would begin to address the failures of the nursing home survey and certification system that were so vividly depicted in *Broken and Beyond Repair: Recommendations to Reform the Survey and Certification System*. The legislation would consist of three components which are being recommended because we believe they not only impact LeadingAge members nationwide but also because they are the least contentious issues we could identify and thus provide the greatest possibility of acceptance. While we readily admit the possibility of acceptance and success may be limited, we also submit these changes offer a much needed jumping-off point for any discussion of a nursing home survey and certification system which *Broken and Beyond Repair* clearly illustrates has failed.

The legislation would include the following provisions:

- 1) An Institute of Medicine (IOM) study of the nursing home survey and certification system which would provide a systemic evaluation or review of the effectiveness of the survey and certification system enacted under the Omnibus Budget Reconciliation Act of 1987 in measuring and improving the quality of care for nursing home residents as well as ensuring compliance with the requirements of participation by nursing homes participating in Medicare or Medicaid. The language could be patterned after S. 3407, the "Improving the Quality of Care in Nursing Homes Act of 2010." As an alternative, LeadingAge could request such a study, which most likely would require the association to fund the study;
- 2) The secretary of the Department of Health and Human Services (HHS) would be authorized to waive certain requirements of the nursing home survey and certification process in order to test and implement innovative alternatives to the otherwise applicable survey process. The language could be patterned after Section 2(c)(1) and (2) "Promoting Innovation and Quality Improvement Through State Waivers" of the "Camp" bill (H.R. 3437, the "Medicare and Medicaid Nursing Facility Quality Improvement Act of 2005"); and
- 3) The elimination of the nurse aide training prohibition for facilities with poor survey results, substituting in its place permissive language allowing the HHS Secretary, in consultation with the State, to disapprove nurse aide training and competency evaluation programs offered by a facility. The language could be patterned after Section 2(a)(1) and (2) "Incentives for Immediate Improvement and Protection of Needed Training Programs" and (b)(1) and (2) "Specified Remedies" of the "Camp" bill (H.R. 3437) introduced in the 109<sup>th</sup> Congress.