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(Original Signature of Member)

110TH CONGRESS  
2D SESSION

# H. R.

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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.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. STARK (for himself and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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## 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 Quality of Care Im-  
6 provement Act of 2008”.

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

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING TRANSPARENCY OF INFORMATION ON  
SKILLED NURSING FACILITIES AND NURSING FACILITIES

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. National independent monitoring requirements.

Sec. 203. GAO studies and reports on temporary management.

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 **TITLE I—IMPROVING TRANS-**  
4 **PARENCY OF INFORMATION**  
5 **ON SKILLED NURSING FACILI-**  
6 **TIES AND NURSING FACILI-**  
7 **TIES**

8 **SEC. 101. REQUIRED DISCLOSURE OF OWNERSHIP AND AD-**  
9 **DITIONAL DISCLOSABLE PARTIES INFORMA-**  
10 **TION.**

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

1           “(c) REQUIRED DISCLOSURE OF OWNERSHIP AND  
2 ADDITIONAL DISCLOSABLE PARTIES INFORMATION.—

3           “(1) DISCLOSURE.—

4           “(A) IN GENERAL.—A facility shall have  
5 the information described in paragraph (2)  
6 available—

7           “(i) during the period beginning on  
8 the date of enactment of this subsection  
9 and ending on the date such information is  
10 made available through the Online Survey,  
11 Certification and Reporting (OSCAR) data  
12 network (or any successor system) main-  
13 tained by the Secretary, for submission to  
14 the Secretary, the Inspector General of the  
15 Department of Health and Human Serv-  
16 ices, the State in which the facility is lo-  
17 cated, and the State long-term care om-  
18 budsman in the case where the Secretary,  
19 the Inspector General, the State, or the  
20 State long-term care ombudsman requests  
21 such information; and

22           “(ii) beginning on the effective date of  
23 the final regulations promulgated under  
24 paragraph (3)(A), for reporting such infor-

1                   mation in accordance with such final regu-  
2                   lations.

3                   Nothing in clause (i) shall be construed as au-  
4                   thorizing a facility to dispose of or delete infor-  
5                   mation described in such clause after the effec-  
6                   tive date of the final regulations promulgated  
7                   under paragraph (3)(A).

8                   “(B) PUBLIC AVAILABILITY OF INFORMA-  
9                   TION.—During the period described in subpara-  
10                  graph (A)(i), a facility shall—

11                  “(i) make the information described in  
12                  paragraph (2) available to the public upon  
13                  request; and

14                  “(ii) post a notice of the availability of  
15                  such information in the lobby of the facil-  
16                  ity in a prominent manner.

17                  “(2) INFORMATION DESCRIBED.—

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

20                  “(i) The information described in sub-  
21                  sections (a) and (b), subject to subpara-  
22                  graph (C).

23                  “(ii) The identity of and information  
24                  on—

1                   “(I) each member of the gov-  
2                   erning body of the facility, including  
3                   the name, title, and period of service  
4                   of each such member;

5                   “(II) each person or entity who is  
6                   an officer, director, member, partner,  
7                   trustee, or managing employee of the  
8                   facility, including the name, title, and  
9                   period of service of each such person  
10                  or entity; and

11                  “(III) each person or entity who  
12                  is an additional disclosable party of  
13                  the facility.

14                  “(iii) The organizational structure of  
15                  each person and entity described in clauses  
16                  (ii) and (iii) and a description of the rela-  
17                  tionship of each such person or entity to  
18                  the facility and to one another.

19                  “(B) SPECIAL RULE WHERE INFORMATION  
20                  IS ALREADY REPORTED OR SUBMITTED.—To  
21                  the extent that information reported by a facil-  
22                  ity to the Internal Revenue Service on Form  
23                  990, information submitted by a facility to the  
24                  Securities and Exchange Commission, or infor-  
25                  mation otherwise submitted to the Secretary or

1 any other Federal agency contains the informa-  
2 tion described in clauses (i), (ii), (iii), or (iv) of  
3 subparagraph (A), the facility may provide such  
4 Form or such information submitted to meet  
5 the requirements of paragraph (1).

6 “(C) SPECIAL RULE.—In applying sub-  
7 paragraph (A)(i)—

8 “(i) with respect to subsections (a)  
9 and (b), ‘ownership or control interest’  
10 shall include direct or indirect interests  
11 through any number of intermediate enti-  
12 ties; and

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

21 “(3) REPORTING.—

22 “(A) IN GENERAL.—Not later than the  
23 date that is 2 years after the date of enactment  
24 of this subsection, the Secretary shall promul-  
25 gate final regulations requiring, effective on the

1 date that is 90 days after the date on which  
2 such final regulations are published in the Fed-  
3 eral Register, a facility to report the informa-  
4 tion described in paragraph (2) to the Secretary  
5 in a standardized format, and such other regu-  
6 lations as are necessary to carry out this sub-  
7 section. Such final regulations shall ensure that  
8 the facility certifies, as a condition of partici-  
9 tion and payment under the program under  
10 title XVIII or XIX, that the information re-  
11 ported by the facility in accordance with such  
12 final regulations is accurate and current.

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

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

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

23 “(A) ADDITIONAL DISCLOSABLE PARTY.—  
24 The term ‘additional disclosable party’ means,

1 with respect to a facility, any person or entity  
2 who—

3 “(i) exercises operational, financial, or  
4 managerial control over the facility or a  
5 part thereof, or provides policies or proce-  
6 dures for any of the operations of the facil-  
7 ity, or provides financial or cash manage-  
8 ment services to the facility;

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

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

16 “(iv) provides management or admin-  
17 istrative services, management or clinical  
18 consulting services, or accounting or finan-  
19 cial services to the facility;

20 “(v) provides therapy, pharmacy, or  
21 hospice services to residents of the facility;  
22 or

23 “(vi) leases employees to or employs  
24 staff on behalf of the facility.



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

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

5           “(ii) a nursing facility (as defined in  
6 section 1919(a)).

7           “(C) MANAGING EMPLOYEE.—The term  
8 ‘managing employee’ means, with respect to a  
9 facility, an individual (including a general man-  
10 ager, business manager, administrator, director,  
11 or consultant) who directly or indirectly man-  
12 ages, advises, or supervises any element of the  
13 practices, finances, or operations of the facility.

14           “(D) ORGANIZATIONAL STRUCTURE.—The  
15 term ‘organizational structure’ means, in the  
16 case of—

17           “(i) a corporation, the officers, direc-  
18 tors, and shareholders of the corporation  
19 who have an ownership interest in the cor-  
20 poration which is equal to or exceeds 5  
21 percent;

22           “(ii) a limited liability company, the  
23 members and managers of the limited li-  
24 ability company (including, as applicable,  
25 what percentage each member and man-

1           ager has of the ownership interest in the  
2           limited liability company);

3                   “(iii) a general partnership, the part-  
4           ners of the general partnership;

5                   “(iv) a limited partnership, the gen-  
6           eral partners and any limited partners of  
7           the limited partnership who have an own-  
8           ership interest in the limited partnership  
9           which is equal to or exceeds 10 percent;

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

11                   “(vi) an individual, contact informa-  
12           tion for the individual; and

13                   “(vii) any other person or entity, such  
14           information as the Secretary determines  
15           appropriate.”.

16           (b) PUBLIC AVAILABILITY OF INFORMATION.—

17                   (1) IN GENERAL.—Not later than the date that  
18           is 1 year after the date on which the final regula-  
19           tions promulgated under section 1124(c)(3)(A) of  
20           the Social Security Act, as added by subsection (a),  
21           are published in the Federal Register, the Secretary  
22           shall make the information reported in accordance  
23           with such final regulations available to the public in  
24           a similar manner as information with respect to  
25           skilled nursing facilities and nursing facilities is

1       made available to the public through the Online Sur-  
2       vey, Certification and Reporting (OSCAR) data net-  
3       work (or any successor system) maintained by the  
4       Secretary.

5               (2) DEFINITIONS.—In this subsection:

6                       (A) NURSING FACILITY.—The term “nurs-  
7                       ing facility” has the meaning given such term  
8                       in section 1919(a) of the Social Security Act  
9                       (42 U.S.C. 1396r(a)).

10                      (B) SECRETARY.—The term “Secretary”  
11                      means the Secretary of Health and Human  
12                      Services.

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

17       (c) CONFORMING AMENDMENTS.—

18               (1) SKILLED NURSING FACILITIES.—Section  
19       1819(d)(1) of the Social Security Act (42 U.S.C.  
20       1395i–3(d)(1)) is amended by striking subparagraph  
21       (B) and redesignating subparagraph (C) as subpara-  
22       graph (B).

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

1 is amended by striking subparagraph (B) and redese-  
2 ignating subparagraph (C) as subparagraph (B).

3 **SEC. 102. ACCOUNTABILITY REQUIREMENTS.**

4 (a) EFFECTIVE COMPLIANCE AND ETHICS PRO-  
5 GRAMS.—

6 (1) SKILLED NURSING FACILITIES.—Section  
7 1819(d)(1) of the Social Security Act (42 U.S.C.  
8 1395i–3(d)(1)) is amended by adding at the end the  
9 following new subparagraph:

10 “(D) COMPLIANCE AND ETHICS PRO-  
11 GRAMS.—

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

1                   “(ii) DEVELOPMENT OF REGULA-  
2                   TIONS.—

3                   “(I) IN GENERAL.—Not later  
4                   than the date that is 2 years after  
5                   such date of enactment, the Secretary,  
6                   in consultation with the Inspector  
7                   General of the Department of Health  
8                   and Human Services, shall promul-  
9                   gate regulations for an effective com-  
10                  pliance and ethics program for oper-  
11                  ating organizations, which may in-  
12                  clude a model compliance program.

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

1                   “(III) EVALUATION.—Not later  
2                   than 3 years after the date of promul-  
3                   gation of regulations under this  
4                   clause, the Secretary shall complete  
5                   an evaluation of the compliance and  
6                   ethics programs required to be estab-  
7                   lished under this subparagraph. Such  
8                   evaluation shall determine if such pro-  
9                   grams led to changes in deficiency ci-  
10                  tations, changes in quality perform-  
11                  ance, or changes in other metrics of  
12                  patient quality of care. The Secretary  
13                  shall submit a report to Congress on  
14                  such evaluation and shall include in  
15                  such report such recommendations re-  
16                  garding changes in the requirements  
17                  for such programs as the Secretary  
18                  determines appropriate.

19                  “(iii) REQUIREMENTS FOR COMPLI-  
20                  ANCE AND ETHICS PROGRAMS.—In this  
21                  subparagraph, the term ‘compliance and  
22                  ethics program’ means, with respect to a  
23                  skilled nursing facility, a program of the  
24                  operating organization that—

1           “(I) has been reasonably de-  
2           signed, implemented, and enforced so  
3           that it generally will be effective in  
4           preventing and detecting criminal,  
5           civil, and administrative violations  
6           under this Act and in promoting qual-  
7           ity of care; and

8           “(II) includes at least the re-  
9           quired components specified in clause  
10          (iv).

11          “(iv) REQUIRED COMPONENTS OF  
12          PROGRAM.—The required components of a  
13          compliance and ethics program of an orga-  
14          nization are the following:

15                 “(I) The organization must have  
16                 established compliance standards and  
17                 procedures to be followed by its em-  
18                 ployees and other agents that are rea-  
19                 sonably capable of reducing the pros-  
20                 pect of criminal, civil, and administra-  
21                 tive violations under this Act.

22                 “(II) Specific individuals within  
23                 high-level personnel of the organiza-  
24                 tion must have been assigned overall  
25                 responsibility to oversee compliance

1 with such standards and procedures  
2 and has sufficient resources and au-  
3 thority to assure such compliance.

4 “(III) The organization must  
5 have used due care not to delegate  
6 substantial discretionary authority to  
7 individuals whom the organization  
8 knew, or should have known through  
9 the exercise of due diligence, had a  
10 propensity to engage in criminal, civil,  
11 and administrative violations under  
12 this Act.

13 “(IV) The organization must  
14 have taken steps to communicate ef-  
15 fectively its standards and procedures  
16 to all employees and other agents,  
17 such as by requiring participation in  
18 training programs or by disseminating  
19 publications that explain in a practical  
20 manner what is required.

21 “(V) The organization must have  
22 taken reasonable steps to achieve com-  
23 pliance with its standards, such as by  
24 utilizing monitoring and auditing sys-  
25 tems reasonably designed to detect



1 criminal, civil, and administrative vio-  
2 lations under this Act by its employ-  
3 ees and other agents and by having in  
4 place and publicizing a reporting sys-  
5 tem whereby employees and other  
6 agents could report violations by oth-  
7 ers within the organization without  
8 fear of retribution.

9 “(VI) The standards must have  
10 been consistently enforced through ap-  
11 propriate disciplinary mechanisms, in-  
12 cluding, as appropriate, discipline of  
13 individuals responsible for the failure  
14 to detect an offense.

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

24 “(VIII) The organization must  
25 periodically undertake reassessment of

1                   its compliance program to identify  
2                   changes necessary to reflect changes  
3                   within the organization and its facili-  
4                   ties.”.

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

9                   “(D) COMPLIANCE AND ETHICS PRO-  
10                  GRAM.—

11                  “(i) REQUIREMENT.—On or after the  
12                  date that is 36 months after the date of  
13                  enactment of this subparagraph, a nursing  
14                  facility shall, with respect to the entity  
15                  that operates the facility (in this subpara-  
16                  graph referred to as the ‘operating organi-  
17                  zation’ or ‘organization’), have in operation  
18                  a compliance and ethics program that is  
19                  effective in preventing and detecting crimi-  
20                  nal, civil, and administrative violations  
21                  under this Act and in promoting quality of  
22                  care consistent with regulations developed  
23                  under clause (ii).

24                  “(ii) DEVELOPMENT OF REGULA-  
25                  TIONS.—

1           “(I) IN GENERAL.—Not later  
2 than the date that is 2 years after  
3 such date of enactment, the Secretary,  
4 in consultation with the Inspector  
5 General of the Department of Health  
6 and Human Services, shall develop  
7 regulations for an effective compliance  
8 and ethics program for operating or-  
9 ganizations, which may include a  
10 model compliance program.

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

24           “(III) EVALUATION.—Not later  
25 than 3 years after the date of promul-

1                   gation of regulations under this clause  
2                   the Secretary shall complete an eval-  
3                   uation of the compliance and ethics  
4                   programs required to be established  
5                   under this subparagraph. Such eval-  
6                   uation shall determine if such pro-  
7                   grams led to changes in deficiency ci-  
8                   tations, changes in quality perform-  
9                   ance, or changes in other metrics of  
10                  patient quality of care. The Secretary  
11                  shall submit a report to Congress on  
12                  such evaluation and shall include in  
13                  such report such recommendations re-  
14                  garding changes in the requirements  
15                  for such programs as the Secretary  
16                  determines appropriate.

17                  “(iii) REQUIREMENTS FOR COMPLI-  
18                  ANCE AND ETHICS PROGRAMS.—In this  
19                  subparagraph, the term ‘compliance and  
20                  ethics program’ means, with respect to a  
21                  nursing facility, a program of the oper-  
22                  ating organization that—

23                                 “(I) has been reasonably de-  
24                                 signed, implemented, and enforced so  
25                                 that it generally will be effective in

1 preventing and detecting criminal,  
2 civil, and administrative violations  
3 under this Act and in promoting qual-  
4 ity of care; and

5 “(II) includes at least the re-  
6 quired components specified in clause  
7 (iv).

8 “(iv) REQUIRED COMPONENTS OF  
9 PROGRAM.—The required components of a  
10 compliance and ethics program of an orga-  
11 nization are the following:

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

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

1           “(III) The organization must  
2           have used due care not to delegate  
3           substantial discretionary authority to  
4           individuals whom the organization  
5           knew, or should have known through  
6           the exercise of due diligence, had a  
7           propensity to engage in criminal, civil,  
8           and administrative violations under  
9           this Act.

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

18           “(V) The organization must have  
19           taken reasonable steps to achieve com-  
20           pliance with its standards, such as by  
21           utilizing monitoring and auditing sys-  
22           tems reasonably designed to detect  
23           criminal, civil, and administrative vio-  
24           lations under this Act by its employ-  
25           ees and other agents and by having in

1 place and publicizing a reporting sys-  
2 tem whereby employees and other  
3 agents could report violations by oth-  
4 ers within the organization without  
5 fear of retribution.

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

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

21 “(VIII) The organization must  
22 periodically undertake reassessment of  
23 its compliance program to identify  
24 changes necessary to reflect changes

1                   within the organization and its facili-  
2                   ties.”.

3           (b) QUALITY ASSURANCE AND PERFORMANCE IM-  
4 PROVEMENT (QAPI) DEMONSTRATION PROGRAM.—

5           (1) IN GENERAL.—The Secretary of Health and  
6           Human Services (in this subsection referred to as  
7           the “Secretary”) shall establish a demonstration  
8           program (in this subsection referred to as the “pro-  
9           gram”) to be conducted over a 3-year period to test  
10          and evaluate models for quality assurance and per-  
11          formance improvement (QAPI) programs with re-  
12          spect to nursing facilities, including skilled nursing  
13          facilities.

14          (2) FACILITIES TO BE INCLUDED.—The pro-  
15          gram shall include at least 15, but not more than  
16          30, nursing facilities, including a mix of facilities,  
17          such as special focus facilities and high and middle  
18          performing facilities, but shall have a focus on lower  
19          performing facilities. The nursing facilities included  
20          in the program shall reflect large and medium  
21          chains and stand alone homes.

22          (3) ACTIVITIES.—The program shall provide  
23          funding for quality assurance and performance im-  
24          provement activities at nursing facilities, such as  
25          data analysis, root-cause analysis, and systemic im-



1        improvements. The results of such analysis shall be re-  
2        ported to, and used by the governing body at such  
3        facilities to make systemic improvements in quality  
4        of care.

5            (4) EVALUATION.—

6            (A) IN GENERAL.—The Secretary, in con-  
7            sultation with the Inspector General of the De-  
8            partment of Health and Human Services, shall  
9            conduct an evaluation of the program to deter-  
10          mine if quality assurance and performance im-  
11          provement activities led to changes in deficiency  
12          citations, changes in quality performance, or  
13          changes in other metrics of patient quality of  
14          care. Not later than 1 year after completion of  
15          the program, the Secretary shall submit to Con-  
16          gress a report on such evaluation and shall in-  
17          clude in such report recommendations on statu-  
18          tory changes needed to modify and strengthen  
19          quality assurance and performance improve-  
20          ment programs in skilled nursing facilities and  
21          nursing facilities.

22          (B) BEST PRACTICES MANUAL.—The Sec-  
23          retary, in consultation with the Inspector Gen-  
24          eral of the Department of Health and Human  
25          Services, shall use the results of such evaluation

1 to create a resource manual for nursing facili-  
2 ties on best practices in quality assurance and  
3 performance improvement.

4 (C) PROPOSAL TO REVISE QUALITY ASSUR-  
5 ANCE AND PERFORMANCE IMPROVEMENT PRO-  
6 GRAMS.—The Secretary, taking into account  
7 the results of such evaluation, shall include in  
8 the proposed rule published under section  
9 1888(e) of the Social Security Act (42 U.S.C.  
10 1395yy(e)(5)(A)) for the subsequent fiscal year  
11 to the extent otherwise authorized under section  
12 1819(b)(1)(B) or 1819(d)(1)(D) of the Social  
13 Security Act or other regulatory authority, one  
14 or more proposals for skilled nursing facilities  
15 to modify and strengthen quality assurance and  
16 performance improvement programs in such fa-  
17 cilities. At the time of publication of such pro-  
18 posed rule and to the extent otherwise author-  
19 ized under section 1919(b)(1)(B) or  
20 1919(d)(1)(D) of such Act or other regulatory  
21 authority, the Secretary shall promulgate as a  
22 proposed rule one or more proposals for nursing  
23 facilities to modify and strengthen quality as-  
24 surance and performance improvement pro-  
25 grams in such facilities.

1           (5) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated such sums  
3           as may be necessary to carry out this subsection.

4           (c) GAO STUDY ON NURSING FACILITY UNDER-  
5 CAPITALIZATION.—

6           (1) IN GENERAL.—The Comptroller General of  
7           the United States shall conduct a study that exam-  
8           ines the following:

9                   (A) The extent to which corporations that  
10                   own or operate large numbers of nursing facili-  
11                   ties, taking into account ownership type (includ-  
12                   ing private equity and control interests), are  
13                   undercapitalizing such facilities.

14                   (B) The effects of such undercapitalization  
15                   on quality of care, including staffing and food  
16                   costs, at such facilities.

17                   (C) Options to address such undercapital-  
18                   ization, such as requirements relating to surety  
19                   bonds, liability insurance, or minimum capital-  
20                   ization.

21           (2) REPORT.—Not later than 18 months after  
22           the date of the enactment of this Act, the Comp-  
23           troller General shall submit to Congress a report on  
24           the study conducted under paragraph (1).

1           (3) NURSING FACILITY.—In this subsection, the  
2           term “nursing facility” includes a skilled nursing fa-  
3           cility.

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

5           (a) SKILLED NURSING FACILITIES.—

6           (1) IN GENERAL.—Section 1819 of the Social  
7           Security Act (42 U.S.C. 1395i–3) is amended—

8                   (A) by redesignating subsection (i) as sub-  
9                   section (j); and

10                   (B) by inserting after subsection (h) the  
11           following new subsection:

12           “(i) NURSING HOME COMPARE WEBSITE.—

13                   “(1) INCLUSION OF ADDITIONAL INFORMA-  
14                   TION.—

15                           “(A) IN GENERAL.—The Secretary shall  
16                           ensure that the Department of Health and  
17                           Human Services includes, as part of the infor-  
18                           mation provided for comparison of nursing  
19                           homes on the official Internet website of the  
20                           Federal Government for Medicare beneficiaries  
21                           (commonly referred to as the ‘Nursing Home  
22                           Compare’ Medicare website) (or a successor  
23                           website), the following information in a manner  
24                           that is prominent, easily accessible, readily un-

1           derstandable to consumers of long-term care  
2           services, and searchable:

3                   “(i) Information that is reported to  
4                   the Secretary under section 1124(c)(3).

5                   “(ii) Information on the ‘Special  
6                   Focus Facility program’ (or a successor  
7                   program) established by the Centers for  
8                   Medicare & Medicaid Services, according to  
9                   procedures established by the Secretary.  
10                  Such procedures shall provide for the in-  
11                  clusion of information with respect to, and  
12                  the names and locations of, those facilities  
13                  that, since the previous quarter—

14                           “(I) were newly enrolled in the  
15                           program;

16                           “(II) are enrolled in the program  
17                           and have failed to significantly im-  
18                           prove;

19                           “(III) are enrolled in the pro-  
20                           gram and have significantly improved;

21                           “(IV) have graduated from the  
22                           program; and

23                           “(V) have closed voluntarily or  
24                           no longer participate under this title.

1           “(iii) Staffing data for each facility  
2           (including resident census data and data  
3           on the hours of care provided per resident  
4           per day) based on data submitted under  
5           subsection (b)(8)(C), including information  
6           on staffing turnover and tenure, in a for-  
7           mat that is clearly understandable to con-  
8           sumers of long-term care services and al-  
9           lows such consumers to compare dif-  
10          ferences in staffing between facilities and  
11          State and national averages for the facili-  
12          ties. Such format shall include—

13                   “(I) concise explanations of how  
14                   to interpret the data (such as a plain  
15                   English explanation of data reflecting  
16                   “nursing home staff hours per resi-  
17                   dent day”);

18                   “(II) differences in types of staff  
19                   (such as training associated with dif-  
20                   ferent categories of staff);

21                   “(III) the relationship between  
22                   nurse staffing levels and quality of  
23                   care; and

1                   “(IV) an explanation that appro-  
2                   priate staffing levels vary based on  
3                   patient case mix.

4                   “(iv) Links to State internet websites  
5                   where information about State survey and  
6                   certification programs, Form 2567 inspec-  
7                   tion reports (or a successor form), and fa-  
8                   cility plans of corrections may be found,  
9                   along with information to guide consumers  
10                  in interpreting and understanding such re-  
11                  ports.

12                  “(v) The standardized complaint form  
13                  developed under subsection (f)(8), includ-  
14                  ing explanatory material on what com-  
15                  plaint forms are, how they are used, and  
16                  how to file a complaint with the State sur-  
17                  vey and certification program and the  
18                  State long-term care ombudsman program.

19                  “(vi) The number of adjudicated in-  
20                  stances of criminal violations by a nursing  
21                  facility or crimes committed by an em-  
22                  ployee of a nursing facility—

23                                 “(I) that were committed inside  
24                                 of the facility; and

1                   “(II) with respect to such in-  
2                   stances of violations or crimes com-  
3                   mitted outside of the facility, that  
4                   were the violations or crimes of elder  
5                   abuse, neglect, and exploitation, crimi-  
6                   nal sexual abuse of an elder, or other  
7                   violations or crimes that resulted in  
8                   the serious bodily injury of an elder.

9                   “(B) DEADLINE FOR PROVISION OF INFOR-  
10                  MATION.—

11                   “(i) IN GENERAL.—Except as pro-  
12                   vided in clause (ii), the Secretary shall en-  
13                   sure that the information described in sub-  
14                   paragraph (A) is included on such website  
15                   (or a successor website) not later than 1  
16                   year after the date of enactment of this  
17                   subsection.

18                   “(ii) EXCEPTIONS.—

19                   “(I) OWNERSHIP AND AFFILI-  
20                   ATED PARTIES AND ACCOUNTABILITY  
21                   REQUIREMENTS INFORMATION.—The  
22                   Secretary shall ensure that the infor-  
23                   mation described in subparagraph  
24                   (A)(i) is included on such website (or  
25                   a successor website) not later than the



1 date on which the requirements under  
2 section 1124(c)(3) are implemented.

3 “(II) STAFFING DATA.—The Sec-  
4 retary shall ensure that the informa-  
5 tion described in subparagraph  
6 (A)(iii) is included on such website (or  
7 a successor website) not later than the  
8 date on which the requirement under  
9 subsection (b)(8)(C) is implemented.

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

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

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

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

8           “(iv) skilled nursing facility employees  
9 and their representatives; and

10           “(v) 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           Any necessary subsequent corrections to prior  
7           information submitted by the State shall be  
8           submitted to the Secretary in a timely fashion.  
9           The Secretary shall use the information sub-  
10          mitted under the preceding sentence to update  
11          the information provided on the Nursing Home  
12          Compare Medicare website as expeditiously as  
13          practicable, but not less frequently than quar-  
14          terly.”.

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

18                 (3) SPECIAL FOCUS FACILITY PROGRAM.—Sec-  
19          tion 1819(f) of such Act is amended by adding at  
20          the end the following new paragraph:

21                         “(8) SPECIAL FOCUS FACILITY PROGRAM.—

22                                 “(A) IN GENERAL.—The Secretary shall  
23                                 conduct a special focus facility program for en-  
24                                 forcement of requirements for skilled nursing  
25                                 facilities that the Secretary has identified as

1           having substantially failed to meet applicable  
2           requirements of this Act.

3           “(B) PERIODIC SURVEYS.—Under such  
4           program the Secretary shall conduct surveys of  
5           each facility in the program not less often than  
6           once very 6 months.”.

7           (b) NURSING FACILITIES.—

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

10           (A) by redesignating subsection (i) as sub-  
11           section (j); and

12           (B) by inserting after subsection (h) the  
13           following new subsection:

14           “(i) NURSING HOME COMPARE WEBSITE.—

15           “(1) INCLUSION OF ADDITIONAL INFORMA-  
16           TION.—

17           “(A) IN GENERAL.—The Secretary shall  
18           ensure that the Department of Health and  
19           Human Services includes, as part of the infor-  
20           mation provided for comparison of nursing  
21           homes on the official Internet website of the  
22           Federal Government for Medicare beneficiaries  
23           (commonly referred to as the ‘Nursing Home  
24           Compare’ Medicare website) (or a successor  
25           website), the following information in a manner

1           that is prominent, easily accessible, readily un-  
2           derstandable to consumers of long-term care  
3           services, and searchable:

4                   “(i) Information that is reported to  
5                   the Secretary under section 1124(c)(3).

6                   “(ii) Information on the ‘Special  
7                   Focus Facility program’ (or a successor  
8                   program) established by the Centers for  
9                   Medicare & Medicaid Services, according to  
10                  procedures established by the Secretary.  
11                  Such procedures shall provide for the in-  
12                  clusion of information with respect to, and  
13                  the names and locations of, those facilities  
14                  that, since the previous quarter—

15                           “(I) were newly enrolled in the  
16                           program;

17                           “(II) are enrolled in the program  
18                           and have failed to significantly im-  
19                           prove;

20                           “(III) are enrolled in the pro-  
21                           gram and have significantly improved;

22                           “(IV) have graduated from the  
23                           program; and

24                           “(V) have closed voluntarily or or  
25                           no longer participate under this title.

1           “(iii) Staffing data for each facility  
2           (including resident census data and data  
3           on the hours of care provided per resident  
4           per day) based on data submitted under  
5           subsection (b)(8)(C), including information  
6           on staffing turnover and tenure, in a for-  
7           mat that is clearly understandable to con-  
8           sumers of long-term care services and al-  
9           lows such consumers to compare dif-  
10          ferences in staffing between facilities and  
11          State and national averages for the facili-  
12          ties. Such format shall include—

13                   “(I) concise explanations of how  
14                   to interpret the data (such as a plain  
15                   English explanation of data reflecting  
16                   “nursing home staff hours per resi-  
17                   dent day”);

18                   “(II) differences in types of staff  
19                   (such as training associated with dif-  
20                   ferent categories of staff);

21                   “(III) the relationship between  
22                   nurse staffing levels and quality of  
23                   care; and

1                   “(IV) an explanation that appro-  
2                   priate staffing levels vary based on  
3                   patient case mix.

4                   “(iv) Links to State internet websites  
5                   where information about State survey and  
6                   certification programs, Form 2567 inspec-  
7                   tion reports (or a successor form), and fa-  
8                   cility plans of corrections may be found,  
9                   along with information to guide consumers  
10                  in interpreting and understanding such re-  
11                  ports.

12                  “(v) The standardized complaint form  
13                  developed under subsection (f)(8), includ-  
14                  ing explanatory material on what com-  
15                  plaint forms are, how they are used, and  
16                  how to file a complaint with the State sur-  
17                  vey and certification program and the  
18                  State long-term care ombudsman program.

19                  “(vi) The number of adjudicated in-  
20                  stances of criminal violations by a nursing  
21                  facility or crimes committed by an em-  
22                  ployee of a nursing facility—

23                                 “(I) that were committed inside  
24                                 of the facility; and

1                   “(II) with respect to such in-  
2                   stances of violations or crimes com-  
3                   mitted outside of the facility, that  
4                   were the violations or crimes of elder  
5                   abuse, neglect, and exploitation, crimi-  
6                   nal sexual abuse of an elder, or other  
7                   violations or crimes that resulted in  
8                   the serious bodily injury of an elder.

9                   “(B) DEADLINE FOR PROVISION OF INFOR-  
10                  MATION.—

11                   “(i) IN GENERAL.—Except as pro-  
12                   vided in clause (ii), the Secretary shall en-  
13                   sure that the information described in sub-  
14                   paragraph (A) is included on such website  
15                   (or a successor website) not later than 1  
16                   year after the date of enactment of this  
17                   subsection.

18                   “(ii) EXCEPTIONS.—

19                   “(I) OWNERSHIP AND AFFILI-  
20                   ATED PARTIES AND ACCOUNTABILITY  
21                   REQUIREMENTS INFORMATION.—The  
22                   Secretary shall ensure that the infor-  
23                   mation described in subparagraph  
24                   (A)(i) is included on such website (or  
25                   a successor website) not later than the



1 date on which the requirements under  
2 section 1124(c)(3) are implemented.

3 “(II) STAFFING DATA.—The Sec-  
4 retary shall ensure that the informa-  
5 tion described in subparagraph  
6 (A)(iii) is included on such website (or  
7 a successor website) not later than the  
8 date on which the requirement under  
9 subsection (b)(8)(C) is implemented.

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

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

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

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

8                   “(iv) skilled nursing facility employees  
9 and their representatives; and

10                   “(v) 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 1919(g)(5) of  
16 the Social Security Act (42 U.S.C. 1396r(g)(5))  
17 is amended by adding at the end the following  
18 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 nursing facility (including any en-  
3           forcement 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           Any necessary subsequent corrections to prior  
7           information submitted by the State shall be  
8           submitted to the Secretary in a timely fashion.  
9           The Secretary shall use the information sub-  
10          mitted under the preceding sentence to update  
11          the information provided on the Nursing Home  
12          Compare Medicare website as expeditiously as  
13          practicable, but not less frequently than quar-  
14          terly.”.

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

18                 (3) SPECIAL FOCUS FACILITY PROGRAM.—Sec-  
19          tion 1919(f) of such Act is amended by adding at  
20          the end the following new paragraph:

21                         “(8) SPECIAL FOCUS FACILITY PROGRAM.—

22                                 “(A) IN GENERAL.—The Secretary shall  
23                                 conduct a special focus facility program for en-  
24                                 forcement of requirements for nursing facilities  
25                                 that the Secretary has identified as having sub-

1           stantially failed to meet applicable requirements  
2           of this Act.

3                   “(B) PERIODIC SURVEYS.—Under such  
4           program the Secretary shall conduct surveys of  
5           each facility in the program not less often than  
6           once very 6 months.”.

7           (c) AVAILABILITY OF REPORTS ON SURVEYS, CER-  
8           TIFICATIONS, AND SUBSTANTIATED COMPLAINT INVES-  
9           TIGATIONS.—

10                   (1) SKILLED NURSING FACILITIES.—Section  
11           1819(d)(1) of the Social Security Act (42 U.S.C.  
12           1395i–3(d)(1)), as amended by section 102, is  
13           amended by adding at the end the following new  
14           subparagraph:

15                           “(G) AVAILABILITY OF SURVEY, CERTIFI-  
16           CATION, AND SUBSTANTIATED COMPLAINT IN-  
17           VESTIGATION REPORTS.—A skilled nursing fa-  
18           cility must—

19                                   “(i) have reports with respect to any  
20                                   surveys, certifications, and substantiated  
21                                   complaint investigations made respecting  
22                                   the facility during the 3 preceding years  
23                                   available for any individual to review upon  
24                                   request, along with the plan of corrective  
25                                   action; and

1                   “(ii) post notice of the availability of  
2                   such reports in areas of the facility that  
3                   are prominent and accessible to the public.  
4                   The facility shall not make available under  
5                   clause (i) identifying information about com-  
6                   plainants or residents.”.

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                  “(G) AVAILABILITY OF SURVEY, CERTIFI-  
12                  CATION, AND SUBSTANTIATED COMPLAINT IN-  
13                  VESTIGATION REPORTS.—A nursing facility  
14                  must—

15                         “(i) have reports with respect to any  
16                         surveys, certifications, and substantiated  
17                         complaint investigations made respecting  
18                         the facility during the 3 preceding years  
19                         available for any individual to review upon  
20                         request, along with the plan of corrective  
21                         action; and

22                         “(ii) post notice of the availability of  
23                         such reports in areas of the facility that  
24                         are prominent and accessible to the public.

1           The facility shall not make available under  
2           clause (i) identifying information about com-  
3           plainants or residents.”.

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

7           (d) GUIDANCE TO STATES ON FORM 2567 STATE IN-  
8           SPECTION REPORTS AND SUBSTANTIATED COMPLAINT  
9           INVESTIGATION REPORTS.—

10           (1) GUIDANCE.—The Secretary shall provide  
11           guidance to States on how States can establish elec-  
12           tronic links to Form 2567 State inspection reports  
13           (or a successor form), substantiated complaint inves-  
14           tigation reports, and a facility’s plan of correction or  
15           other response to such Form 2567 State inspection  
16           reports (or a successor form) on the Internet website  
17           of the State that provides information on skilled  
18           nursing facilities and nursing facilities in a manner  
19           that does not disclose identifying information about  
20           complainants or residents.

21           (2) REQUIREMENT.—As a condition of a con-  
22           tract with a State under section 1864(d) of the So-  
23           cial Security Act, effective not later than 2 years  
24           after the date of the enactment of this Act, the Sec-  
25           retary of Health and Human Services shall require

1 that a State have, on the State's Internet website re-  
2 ferred to in paragraph (1), the electronic links re-  
3 ferred to in such paragraph.

4 (3) DEFINITIONS.—In this subsection:

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

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

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

16 **SEC. 104. REPORTING OF EXPENDITURES.**

17 Section 1888 of the Social Security Act (42 U.S.C.  
18 1395yy) is amended by adding at the end the following  
19 new subsection:

20 “(f) REPORTING OF DIRECT CARE EXPENDI-  
21 TURES.—

22 “(1) IN GENERAL.—For cost reports submitted  
23 under this title for cost reporting periods beginning  
24 on or after the date that is 2 years after the date  
25 of enactment of this subsection, skilled nursing fa-

1 facilities shall separately report expenditures for wages  
2 and benefits for direct care staff (breaking out (at  
3 a minimum) registered nurses, licensed professional  
4 nurses, certified nurse assistants, and other medical  
5 and therapy staff).

6 “(2) MODIFICATION OF FORM.—The Secretary,  
7 in consultation with private sector accountants expe-  
8 rienced with medicare and medicaid nursing facility  
9 home cost reports, shall redesign such reports to  
10 meet the requirement of paragraph (1) not later  
11 than 1 year after the date of the enactment of this  
12 subsection .

13 “(3) CATEGORIZATION BY FUNCTIONAL AC-  
14 COUNTS.—Not later than 30 months after the date  
15 of the enactment of this subsection, the Secretary,  
16 working in consultation with the Medicare Payment  
17 Advisory Commission, the Inspector General of the  
18 Department of Health and Human Services, and  
19 other expert parties the Secretary determines appro-  
20 priate, shall take the expenditures listed on cost re-  
21 ports, as modified under paragraph (1), submitted  
22 by skilled nursing facilities and categorize such ex-  
23 penditures, regardless of any source of payment for  
24 such expenditures, for each skilled nursing facility



1 into the following functional accounts on an annual  
2 basis:

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

5 “(B) Spending on indirect care (including  
6 housekeeping and dietary services).

7 “(C) Capital assets (including building and  
8 land costs).

9 “(D) Administrative services costs.

10 “(4) AVAILABILITY OF INFORMATION SUB-  
11 MITTED.—The Secretary shall establish procedures  
12 to make information on expenditures submitted  
13 under this subsection readily available to interested  
14 parties upon request, subject to such requirements  
15 as the Secretary may specify under the procedures  
16 established under this paragraph.”.

17 **SEC. 105. STANDARDIZED COMPLAINT FORM.**

18 (a) SKILLED NURSING FACILITIES.—

19 (1) DEVELOPMENT BY THE SECRETARY.—Sec-  
20 tion 1819(f) of the Social Security Act (42 U.S.C.  
21 1395i–3(f)) is amended by adding at the end the fol-  
22 lowing new paragraph:

23 “(8) STANDARDIZED COMPLAINT FORM.—The  
24 Secretary shall develop a standardized complaint  
25 form for use in filing, in good faith, a complaint

1 with a State survey and certification agency and a  
2 State long-term care ombudsman program with re-  
3 spect to a skilled nursing facility.”.

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

8 “(6) COMPLAINT PROCESS AND WHISTLE-  
9 BLOWER PROTECTION.—

10 “(A) COMPLAINT FORMS.—The State must  
11 make the standardized complaint form devel-  
12 oped under subsection (f)(8) available upon re-  
13 quest to—

14 “(i) a resident of a skilled nursing fa-  
15 cility;

16 “(ii) any person acting on the resi-  
17 dent’s behalf; and

18 “(iii) any person who works at a  
19 skilled nursing facility or is a representa-  
20 tive of such a worker

21 “(B) COMPLAINT RESOLUTION PROCESS.—  
22 The State must establish a complaint resolution  
23 process in order to ensure that a resident is not  
24 retaliated against if the resident has com-  
25 plained, in good faith, about the quality of care

1 or other issues relating to the skilled nursing  
2 facility, that the legal representative of a resi-  
3 dent of a skilled nursing facility or other re-  
4 sponsible party is not denied access to such  
5 resident or otherwise retaliated against if such  
6 representative or party has complained, in good  
7 faith, about the quality of care provided by the  
8 facility or other issues relating to the facility,  
9 and that a person who works at a skilled nurs-  
10 ing facility is not retaliated against if the work-  
11 er has complained, in good faith, about quality  
12 of care or services or an issue relating to the  
13 quality of care or services provided at the facil-  
14 ity, whether the resident, legal representative,  
15 other responsible party, or worker used the  
16 form developed under subsection (f)(8) or some  
17 other method for submitting the complaint.  
18 Such complaint resolution process shall in-  
19 clude—

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

1           “(ii) procedures to determine the like-  
2           ly severity of a complaint and for the in-  
3           vestigation of the complaint;

4           “(iii) deadlines for responding to a  
5           compliant and procedures in order to en-  
6           able the complainant to track the status of  
7           the complaint and investigation; and

8           “(iv) procedures to ensure that the  
9           identity of the complainant will be kept  
10          confidential.

11          “(C) WHISTLEBLOWER PROTECTION.—

12           “(i) PROHIBITION AGAINST RETALIA-  
13           TION.—No person who works at a skilled  
14           nursing facility may be penalized, discrimi-  
15           nated, or retaliated, against with respect to  
16           any aspect of employment, including dis-  
17           charge, promotion, compensation, terms,  
18           conditions, or privileges of employment, or  
19           have a contract for services terminated, be-  
20           cause the person (or anyone acting at the  
21           person’s request) complained, in good  
22           faith, about the quality of care or services  
23           provided by a nursing facility or about  
24           other issues relating to quality of care or  
25           services, whether using the form developed

1 under subsection (f)(8) or some other  
2 method for submitting the complaint.

3 “(ii) RETALIATORY REPORTING.—A  
4 skilled nursing facility may not file a com-  
5 plaint or a report against a person who  
6 works (or has worked) at the facility with  
7 the appropriate State professional discipli-  
8 nary agency because the person (or anyone  
9 acting at the person’s request) filed, in  
10 good faith, a complaint described in clause  
11 (i).

12 “(iii) COMMENCEMENT OF ACTION.—  
13 Any person who believes the person has  
14 been penalized, discriminated, or retaliated  
15 against, or had a contract for services ter-  
16 minated in violation of clause (i) or against  
17 whom a complaint has been filed in viola-  
18 tion of clause (ii) may bring an action at  
19 law or equity in the appropriate district  
20 court of the United States, which shall  
21 have jurisdiction over such action without  
22 regard to the amount in controversy or the  
23 citizenship of the parties, and which shall  
24 have jurisdiction to grant complete relief,  
25 including, but not limited to, injunctive re-

1           lief (such as reinstatement), compensatory  
2           damages (which may include reimburse-  
3           ment of lost wages, compensation, and  
4           benefits), costs of litigation (including rea-  
5           sonable attorney and expert witness fees),  
6           exemplary damages where appropriate, and  
7           such other relief as the court deems just  
8           and proper.

9           “(iv) RIGHTS NOT WAIVABLE.—The  
10          rights protected by this paragraph may not  
11          be diminished by contract or other agree-  
12          ment, and nothing in this paragraph shall  
13          be construed to diminish any greater or  
14          additional protection provided by Federal  
15          or State law or by contract or other agree-  
16          ment.

17          “(v) RULE OF CONSTRUCTION.—  
18          Nothing in this section shall be construed  
19          as preventing a resident of a skilled nurs-  
20          ing facility, a person acting on the resi-  
21          dent’s behalf, or a person who works at a  
22          skilled nursing facility from submitting a  
23          complaint in a manner or format other  
24          than by using the standardized complaint

1 form developed under subsection (f)(8) (in-  
2 cluding submitting a complaint orally).

3 “(vi) REQUIREMENT TO POST NOTICE  
4 OF EMPLOYEE RIGHTS.—Each skilled  
5 nursing facility shall post conspicuously in  
6 an appropriate location a sign (in a form  
7 specified by the Secretary) specifying the  
8 rights of persons under this paragraph and  
9 including a statement that an employee  
10 may file a complaint with the Secretary  
11 against the a skilled nursing facility that  
12 violates the provisions of this paragraph  
13 and information with respect to the man-  
14 ner of filing such a complaint.

15 “(D) GOOD FAITH DEFINED.—For pur-  
16 poses of this paragraph, an individual shall be  
17 deemed to be acting in good faith with respect  
18 to the filing of a complaint if the individual rea-  
19 sonably believes—

20 “(i) the information reported or dis-  
21 closed in the complaint is true; and

22 “(ii) a violation of this title has oc-  
23 curred or may occur in relation to such in-  
24 formation.”.

25 (b) NURSING FACILITIES.—

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

5           “(10) STANDARDIZED COMPLAINT FORM.—The  
6           Secretary shall develop a standardized complaint  
7           form for use in filing, in good faith, a complaint  
8           with a State survey and certification agency and a  
9           State long-term care ombudsman program with re-  
10          spect to a nursing facility.”.

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

15          “(8) COMPLAINT PROCESS AND WHISTLE-  
16          BLOWER PROTECTION.—

17                 “(A) COMPLAINT FORMS.—The State must  
18                 make the standardized complaint form devel-  
19                 oped under subsection (f)(10) available upon re-  
20                 quest to—

21                         “(i) a resident of a nursing facility;

22                         “(ii) any person acting on the resi-  
23                         dent’s behalf; and



1                   “(iii) any person who works at a nurs-  
2                   ing facility or a representative of such a  
3                   worker.

4                   “(B) COMPLAINT RESOLUTION PROCESS.—  
5                   The State must establish a complaint resolution  
6                   process in order to ensure that a resident is not  
7                   retaliated against if the resident has com-  
8                   plained, in good faith, about the quality of care  
9                   or other issues relating to the nursing facility,  
10                  that the legal representative of a resident of a  
11                  nursing facility or other responsible party is not  
12                  denied access to such resident or otherwise re-  
13                  taliated against if such representative or party  
14                  has complained, in good faith, about the quality  
15                  of care provided by the facility or other issues  
16                  relating to the facility, and that a person who  
17                  works at a nursing facility is not retaliated  
18                  against if the worker has complained, in good  
19                  faith, about quality of care or services or an  
20                  issue relating to the quality of care or services  
21                  provided at the facility, whether the resident,  
22                  legal representative, other responsible party, or  
23                  worker used the form developed under sub-  
24                  section (f)(10) or some other method for sub-

1           mitting the complaint. Such complaint resolu-  
2           tion process shall include—

3                   “(i) procedures to assure accurate  
4                   tracking of complaints received, including  
5                   notification to the complainant that a com-  
6                   plaint has been received;

7                   “(ii) procedures to determine the like-  
8                   ly severity of a complaint and for the in-  
9                   vestigation of the complaint;

10                   “(iii) deadlines for responding to a  
11                   compliant and procedures in order to en-  
12                   able the complainant to track the status of  
13                   the complaint and investigation; and

14                   “(iv) procedures to ensure that the  
15                   identity of the complainant will be kept  
16                   confidential.

17           “(C) WHISTLEBLOWER PROTECTION.—

18                   “(i) PROHIBITION AGAINST RETALIA-  
19                   TION.—No person who works at a skilled  
20                   nursing facility may be penalized, discrimi-  
21                   nated, or retaliated, against with respect to  
22                   any aspect of employment, including dis-  
23                   charge, promotion, compensation, terms,  
24                   conditions, or privileges of employment, or  
25                   have a contract for services terminated, be-

1 cause the person (or anyone acting at the  
2 person's request) complained, in good  
3 faith, about the quality of care or services  
4 provided by a nursing facility or about  
5 other issues relating to quality of care or  
6 services, whether using the form developed  
7 under subsection (f)(10) or some other  
8 method for submitting the complaint.

9 “(ii) RETALIATORY REPORTING.—A  
10 nursing facility may not file a complaint or  
11 a report against a person who works (or  
12 has worked) at the facility with the appro-  
13 priate State professional disciplinary agen-  
14 cy because the person (or anyone acting at  
15 the person's request) filed, in good faith, a  
16 complaint described in clause (i).

17 “(iii) COMMENCEMENT OF ACTION.—  
18 Any person has been penalized, discrimi-  
19 nated, or retaliated against, or had a con-  
20 tract for services terminated in violation of  
21 clause (i) or against whom a complaint has  
22 been filed in violation of clause (ii) may  
23 bring an action at law or equity in the ap-  
24 propriate district court of the United  
25 States, which shall have jurisdiction over

1 such action without regard to the amount  
2 in controversy or the citizenship of the par-  
3 ties, and which shall have jurisdiction to  
4 grant complete relief, including, but not  
5 limited to, injunctive relief (such as rein-  
6 statement), compensatory damages (which  
7 may include reimbursement of lost wages,  
8 compensation, and benefits), costs of litiga-  
9 tion (including reasonable attorney and ex-  
10 pert witness fees), exemplary damages  
11 where appropriate, and such other relief as  
12 the court deems just and proper.

13 “(iv) RIGHTS NOT WAIVABLE.—The  
14 rights protected by this paragraph may not  
15 be diminished by contract or other agree-  
16 ment, and nothing in this paragraph shall  
17 be construed to diminish any greater or  
18 additional protection provided by Federal  
19 or State law or by contract or other agree-  
20 ment.

21 “(v) RULE OF CONSTRUCTION.—  
22 Nothing in this section shall be construed  
23 as preventing a resident of a nursing facil-  
24 ity, a person acting on the resident’s be-  
25 half, or a person who works at a nursing

1 facility from submitting a complaint in a  
2 manner or format other than by using the  
3 standardized complaint form developed  
4 under subsection (f)(10) (including submit-  
5 ting a complaint orally).

6 “(vi) REQUIREMENT TO POST NOTICE  
7 OF EMPLOYEE RIGHTS.—Each nursing fa-  
8 cility shall post conspicuously in an appro-  
9 priate location a sign (in a form specified  
10 by the Secretary) specifying the rights of  
11 persons under this paragraph and includ-  
12 ing a statement that an employee may file  
13 a complaint with the Secretary against the  
14 a skilled nursing facility that violates the  
15 provisions of this paragraph and informa-  
16 tion with respect to the manner of filing  
17 such a complaint.

18 “(D) GOOD FAITH DEFINED.—For pur-  
19 poses of this paragraph, an individual shall be  
20 deemed to be acting in good faith with respect  
21 to the filing of a complaint if the individual rea-  
22 sonably believes—

23 “(i) the information reported or dis-  
24 closed in the complaint is true; and

1                   “(ii) a violation of this title has oc-  
2                   curred or may occur in relation to such in-  
3                   formation.”.

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

7 **SEC. 106. ENSURING STAFFING ACCOUNTABILITY.**

8           (a) SKILLED NURSING FACILITIES.—Section  
9 1819(b)(8) of the Social Security Act (42 U.S.C. 1395i-  
10 3(b)(8)) is amended by adding at the end the following  
11 new subparagraph:

12                   “(C) SUBMISSION OF STAFFING INFORMA-  
13                   TION BASED ON PAYROLL DATA IN A UNIFORM  
14                   FORMAT.—Beginning not later than 2 years  
15                   after the date of the enactment of this subpara-  
16                   graph, and after consulting with State long-  
17                   term care omubdsman programs, consumer ad-  
18                   vocacy groups, provider stakeholder groups, em-  
19                   ployees and their representatives, and other  
20                   parties the Secretary deems appropriate, the  
21                   Secretary shall require a skilled nursing facility  
22                   to electronically submit to the Secretary direct  
23                   care staffing information (including information  
24                   with respect to agency and contract staff) based  
25                   on payroll and other verifiable and auditable

1 data in a uniform format (according to speci-  
2 fications established by the Secretary in con-  
3 sultation with such programs, groups, and par-  
4 ties). Such specifications shall require that the  
5 information submitted under the preceding sen-  
6 tence—

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

13 “(ii) include resident census data and  
14 information on resident case mix;

15 “(iii) include a regular reporting  
16 schedule; and

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

22 Nothing in this subparagraph shall be con-  
23 strued as preventing the Secretary from requir-  
24 ing submission of such information with respect  
25 to specific categories, such as nursing staff, be-

1 fore other categories of certified employees. In-  
2 formation under this subparagraph with respect  
3 to agency and contract staff shall be kept sepa-  
4 rate from information on employee staffing.”

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

8 “(C) SUBMISSION OF STAFFING INFORMA-  
9 TION BASED ON PAYROLL DATA IN A UNIFORM  
10 FORMAT.—Beginning not later than 2 years  
11 after the date of the enactment of this subpara-  
12 graph, and after consulting with State long-  
13 term care omubdsman programs, consumer ad-  
14 vocacy groups, provider stakeholder groups, em-  
15 ployees and their representatives, and other  
16 parties the Secretary deems appropriate, the  
17 Secretary shall require a nursing facility to elec-  
18 tronically submit to the Secretary direct care  
19 staffing information (including information with  
20 respect to agency and contract staff) based on  
21 payroll and other verifiable and auditable data  
22 in a uniform format (according to specifications  
23 established by the Secretary in consultation  
24 with such programs, groups, and parties). Such



1 specifications shall require that the information  
2 submitted under the preceding sentence—

3 “(i) specify the category of work a  
4 certified employee performs (such as  
5 whether the employee is a registered nurse,  
6 licensed practical nurse, licensed vocational  
7 nurse, certified nursing assistant, thera-  
8 pist, or other medical personnel);

9 “(ii) include resident census data and  
10 information on resident case mix;

11 “(iii) include a regular reporting  
12 schedule; and

13 “(iv) include information on employee  
14 turnover and tenure and on the hours of  
15 care provided by each category of certified  
16 employees referenced in clause (i) per resi-  
17 dent per day.

18 Nothing in this subparagraph shall be con-  
19 strued as preventing the Secretary from requir-  
20 ing submission of such information with respect  
21 to specific categories, such as nursing staff, be-  
22 fore other categories of certified employees. In-  
23 formation under this subparagraph with respect  
24 to agency and contract staff shall be kept sepa-  
25 rate from information on employee staffing.”

1                   **TITLE II—TARGETING**  
2                   **ENFORCEMENT**

3 **SEC. 201. CIVIL MONEY PENALTIES.**

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

5               (1) **IN GENERAL.—**Section 1819(h)(2)(B)(ii) of  
6 the Social Security Act (42 U.S.C. 1395i-  
7 3(h)(2)(B)(ii)) is amended to read as follows:

8                               “(ii) **AUTHORITY WITH RESPECT TO**  
9                               **CIVIL MONEY PENALTIES.—**

10                                       “(I) **AMOUNT.—**Subject to sub-  
11 clause (IV), the Secretary may impose  
12 a civil money penalty in the applicable  
13 per instance or per day amount (as  
14 defined in subclause (II) and (III))  
15 for each day or each instance, respec-  
16 tively, of noncompliance (as deter-  
17 mined appropriate by the Secretary).

18                                       “(II) **APPLICABLE PER INSTANCE**  
19 **AMOUNT.—**In this clause, the term  
20 ‘applicable per instance amount’  
21 means—

22   “(aa) in the case where the  
23 deficiency is found to be a direct  
24 proximate cause of death of a

1 resident of the facility, an  
2 amount not to exceed \$100,000;

3 “(bb) in each case of a defi-  
4 ciency where the facility is cited  
5 for actual harm or immediate  
6 jeopardy, an amount not less  
7 than \$3,050 and not more than  
8 \$25,000; and

9 “(cc) in each case of any  
10 other deficiency, an amount not  
11 less than \$250 and not to exceed  
12 \$3,050.

13 “(III) APPLICABLE PER DAY  
14 AMOUNT.—In this clause, the term  
15 ‘applicable per day amount’ means—

16 “(aa) in each case of a defi-  
17 ciency where the facility is cited  
18 for actual harm or immediate  
19 jeopardy, an amount not less  
20 than \$3,050 and not more than  
21 \$25,000; and

22 “(bb) in each case of any  
23 other deficiency, an amount not  
24 less than \$250 and not to exceed  
25 \$3,050.

1                   “(IV) REDUCTION OF CIVIL  
2 MONEY PENALTIES IN CERTAIN CIR-  
3 CUMSTANCES.—Subject to subclauses  
4 (V) and (VI), in the case where a fa-  
5 cility self-reports and promptly cor-  
6 rects a deficiency for which a penalty  
7 was imposed under this clause not  
8 later than 10 calendar days after the  
9 date of such imposition, the Secretary  
10 may reduce the amount of the penalty  
11 imposed.

12                   “(V) PROHIBITIONS ON REDUC-  
13 TION FOR CERTAIN DEFICIENCIES.—

14                   “(aa) REPEAT DEFI-  
15 CIENCIES.—The Secretary may  
16 not reduce the amount of a pen-  
17 alty under subclause (IV) if the  
18 Secretary had reduced a penalty  
19 imposed on the facility in the  
20 preceding year under such sub-  
21 clause with respect to a repeat  
22 deficiency.

23                   “(bb) CERTAIN OTHER DE-  
24 FICIENCIES.—The Secretary may  
25 not reduce the amount of a pen-

1           alty under subclause (IV) if the  
2           penalty is imposed for a defi-  
3           ciency described in subclause  
4           (II)(bb) or (III)(aa) and the ac-  
5           tual harm is found to result in a  
6           pattern of harm or widespread  
7           harm that immediately jeopard-  
8           izes the health or safety of a resi-  
9           dent or residents of the facility,  
10          or if the penalty is imposed for a  
11          deficiency described in subclause  
12          (II)(aa).

13           “(VI) LIMITATION ON AGGRE-  
14          GATE REDUCTIONS.—The aggregate  
15          reduction in a penalty under sub-  
16          clause (IV) may not exceed 35 percent  
17          on the basis of self-reporting, on the  
18          basis of a waiver of an appeal (as pro-  
19          vided for under regulations under sec-  
20          tion 488.436 of title 42, Code of Fed-  
21          eral Regulations), or on the basis of  
22          both.

23           “(VII) COLLECTION OF CIVIL  
24          MONEY PENALTIES.—In the case of a  
25          civil money penalty imposed under

1 this clause for a deficiency described  
2 in item (aa) or (bb) of subclause (II)  
3 or subclause (III)(aa), the Sec-  
4 retary—

5 “(aa) subject to item (bb),  
6 shall provide the opportunity for  
7 the facility to participate in an  
8 informal dispute resolution proc-  
9 ess prior to the collection of such  
10 penalty;

11 “(bb) may provide for the  
12 collection of such civil money  
13 penalty and the placement of  
14 such amounts collected in an es-  
15 crow account on the earlier of the  
16 date on which the informal dis-  
17 pute resolution process under  
18 item (aa) is completed or the  
19 date that is 90 days after the  
20 date of the imposition of the pen-  
21 alty;

22 “(cc) may provide that such  
23 amounts collected are kept in  
24 such account pending the resolu-  
25 tion of any appeals;

1           “(dd) in the case where the  
2 facility successfully appeals the  
3 penalty, shall provide for the re-  
4 turn of such amounts collected  
5 (plus interest) to the facility; and  
6           “(ee) in the case where all  
7 such appeals are unsuccessful,  
8 may provide that some portion of  
9 such amounts collected may be  
10 used to support activities of the  
11 State long term care ombudsman  
12 or that benefit residents, includ-  
13 ing assistance to support and  
14 protect residents who reside in a  
15 facility that closes (voluntarily or  
16 involuntarily) or is decertified  
17 (including offsetting costs of relo-  
18 cating residents to home and  
19 community-based settings or an-  
20 other facility), and projects that  
21 support resident and family coun-  
22 cils and other consumer involve-  
23 ment in assuring quality care in  
24 facilities.

1                   “(VIII) PROCEDURE.—The pro-  
2                   visions of section 1128A (other than  
3                   subsections (a) and (b) and except to  
4                   the extent that such provisions require  
5                   a hearing prior to the imposition of a  
6                   civil money penalty in the case de-  
7                   scribed in subclause (VII)) shall apply  
8                   to a civil money penalty under this  
9                   clause in the same manner as such  
10                  provisions apply to a penalty or pro-  
11                  ceeding under section 1128A(a).

12                  “(IX) INDEXING AMOUNTS.—For  
13                  years beginning after 2010, each of  
14                  the amounts specified in subclauses  
15                  (II) and (III) shall be subject to peri-  
16                  odic increase in accordance with the  
17                  provisions of section 5 of the Federal  
18                  Civil Penalties Inflation Adjustment  
19                  Act of 1990 (Public Law 101–410; 28  
20                  U.S.C. 2461 note).”.

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

25                  (b) NURSING FACILITIES.—



1 (1) PENALTIES IMPOSED BY THE STATE.—

2 (A) IN GENERAL.—Section 1919(h)(2) of  
3 the Social Security Act (42 U.S.C. 1396r(h)(2))  
4 is amended—

5 (i) in subparagraph (A)(ii), by strik-  
6 ing the first sentence and inserting the fol-  
7 lowing: “A civil money penalty in accord-  
8 ance with subparagraph (G).”; and

9 (ii) by adding at the end the following  
10 new subparagraph:

11 “(G) CIVIL MONEY PENALTIES.—

12 “(i) IN GENERAL.—Subject to clause  
13 (iii), the State may impose a civil money  
14 penalty under subparagraph (A)(ii) in the  
15 applicable per instance or per day amount  
16 (as defined in clause (ii) and (iii)) for each  
17 day or each instance, respectively, of non-  
18 compliance (as determined appropriate by  
19 the State).

20 “(ii) APPLICABLE PER INSTANCE  
21 AMOUNT.—In this subparagraph, the term  
22 ‘applicable per instance amount’ means—

23 “(I) in the case where the defi-  
24 ciency is found to be a direct prox-  
25 imate cause of death of a resident of

1 the facility, an amount not to exceed  
2 \$100,000;

3 “(II) in each case of a deficiency  
4 where the facility is cited for actual  
5 harm or immediate jeopardy, an  
6 amount not less than \$3,050 and not  
7 more than \$25,000; and

8 “(III) in each case of any other  
9 deficiency, an amount not less than  
10 \$250 and not to exceed \$3,050.

11 “(iii) APPLICABLE PER DAY  
12 AMOUNT.—In this subparagraph, the term  
13 ‘applicable per day amount’ means—

14 “(I) in each case of a deficiency  
15 where the facility is cited for actual  
16 harm or immediate jeopardy, an  
17 amount not less than \$3,050 and not  
18 more than \$25,000; and

19 “(II) in each case of any other  
20 deficiency, an amount not less than  
21 \$250 and not to exceed \$3,050.

22 “(iv) REDUCTION OF CIVIL MONEY  
23 PENALTIES IN CERTAIN CIR-  
24 CUMSTANCES.—Subject to clauses (v) and  
25 (vi), in the case where a facility self-re-

1 ports and promptly corrects a deficiency  
2 for which a penalty was imposed under  
3 subparagraph (A)(ii) not later than 10 cal-  
4 endar days after the date of such imposi-  
5 tion, the State may reduce the amount of  
6 the penalty imposed.

7 “(v) PROHIBITION ON REDUCTION  
8 FOR CERTAIN DEFICIENCIES.—

9 “(I) REPEAT DEFICIENCIES.—

10 The State may not reduce the amount  
11 of a penalty under clause (iv) if the  
12 State had reduced a penalty imposed  
13 on the facility in the preceding year  
14 under such clause with respect to a  
15 repeat deficiency.

16 “(II) CERTAIN OTHER DEFICI-  
17 CIENCIES.—The State may not reduce  
18 the amount of a penalty under clause  
19 (iv) if the penalty is imposed for a de-  
20 ficiency described in clause (ii)(II) or  
21 (iii)(I) and the actual harm is found  
22 to result in a pattern of harm or wide-  
23 spread harm that immediately jeop-  
24 ardizes the health or safety of a resi-  
25 dent or residents of the facility, or if

1 the penalty is imposed for a deficiency  
2 described in clause (ii)(I).

3 “(vi) LIMITATION ON AGGREGATE RE-  
4 Ductions.—The aggregate reduction in a  
5 penalty under clause (iv) may not exceed  
6 35 percent on the basis of self-reporting,  
7 on the basis of a waiver of an appeal (as  
8 provided for under regulations under sec-  
9 tion 488.436 of title 42, Code of Federal  
10 Regulations), or on the basis of both.

11 “(vii) COLLECTION OF CIVIL MONEY  
12 PENALTIES.—In the case of a civil money  
13 penalty imposed under subparagraph  
14 (A)(ii) for a deficiency described in sub-  
15 clause (I) or (II) of clause (ii) or clause  
16 (iii)(I), the State—

17 “(I) subject to subclause (II),  
18 shall provide the opportunity for the  
19 facility to participate in an informal  
20 dispute resolution process prior to the  
21 collection of such penalty;

22 “(II) may provide for the collec-  
23 tion of such civil money penalty and  
24 the placement of such amounts col-  
25 lected in an escrow account on the

1 earlier of the date on which the infor-  
2 mal dispute resolution process under  
3 subclause (I) is completed or the date  
4 that is 90 days after the date of the  
5 imposition of the penalty;

6 “(III) may provide that such  
7 amounts collected are kept in such ac-  
8 count pending the resolution of any  
9 appeals;

10 “(IV) in the case where the facil-  
11 ity successfully appeals the penalty,  
12 shall provide for the return of such  
13 amounts collected (plus interest) to  
14 the facility; and

15 “(V) in the case where all such  
16 appeals are unsuccessful, may provide  
17 that such funds collected shall be used  
18 for the purposes described in the sec-  
19 ond sentence of subparagraph (A)(ii).

20 “(viii) INDEXING AMOUNTS.—For  
21 years beginning after 2010, each of the  
22 amounts specified in clauses (ii) and (iii)  
23 shall be subject to periodic increase in ac-  
24 cordance with the provisions of section 5 of  
25 the Federal Civil Penalties Inflation Ad-

1                   justment Act of 1990 (Public Law 101–  
2                   410; 28 U.S.C. 2461 note).”.

3                   (B) CONFORMING AMENDMENT.—The sec-  
4                   ond sentence of section 1919(h)(2)(A)(ii) is  
5                   amended by inserting “, and some portion of  
6                   such funds may be used to support activities of  
7                   the State long-term care ombudsman that ben-  
8                   efit residents, including assistance to support  
9                   and protect residents who reside in a facility  
10                  that closes (voluntarily or involuntarily) or is  
11                  decertified (including offsetting costs of relo-  
12                  cating residents to home and community-based  
13                  settings or another facility), and projects that  
14                  support resident and family councils and other  
15                  consumer involvement in assuring quality care  
16                  in facilities” before the period at the end.

17                  (2) PENALTIES IMPOSED BY THE SEC-  
18                  RETARY.—

19                  (A)            IN            GENERAL.—Section  
20                  1919(h)(3)(C)(ii) of the Social Security Act (42  
21                  U.S.C. 1396r(h)(3)(C)) is amended to read as  
22                  follows:

23                               “(ii) AUTHORITY WITH RESPECT TO  
24                               CIVIL MONEY PENALTIES.—

1                   “(I) IN GENERAL.—Subject to  
2                   subclause (III), the Secretary may im-  
3                   pose a civil money penalty in the ap-  
4                   plicable per instance or per day  
5                   amount (as defined in subclause (II)  
6                   and (III)) for each day or each in-  
7                   stance, respectively, of noncompliance  
8                   (as determined appropriate by the  
9                   Secretary ).

10                   “(II) APPLICABLE PER INSTANCE  
11                   AMOUNT.—In this clause, the term  
12                   ‘applicable per instance amount’  
13                   means—

14                   “(aa) in the case where the  
15                   deficiency is found to be a direct  
16                   proximate cause of death of a  
17                   resident of the facility, an  
18                   amount not to exceed \$100,000;

19                   “(bb) in each case of a defi-  
20                   ciency where the facility is cited  
21                   for actual harm or immediate  
22                   jeopardy, an amount not less  
23                   than \$3,050 and not more than  
24                   \$25,000; and

1           “(cc) in each case of any  
2           other deficiency, an amount not  
3           less than \$250 and not to exceed  
4           \$3,050.

5           “(III) APPLICABLE PER DAY  
6           AMOUNT.—In this subparagraph, the  
7           term ‘applicable per day amount’  
8           means—

9           “(aa) in each case of a defi-  
10          ciency where the facility is cited  
11          for actual harm or immediate  
12          jeopardy, an amount not less  
13          than \$3,050 and not more than  
14          \$25,000; and

15          “(bb) in each case of any  
16          other deficiency, an amount not  
17          less than \$250 and not to exceed  
18          \$3,050.

19          “(IV) REDUCTION OF CIVIL  
20          MONEY PENALTIES IN CERTAIN CIR-  
21          CUMSTANCES.—Subject to subclauses  
22          (V) and (VI), in the case where a fa-  
23          cility self-reports and promptly cor-  
24          rects a deficiency for which a penalty  
25          was imposed under this clause not



1 later than 10 calendar days after the  
2 date of such imposition, the State  
3 may reduce the amount of the penalty  
4 imposed.

5 “(V) PROHIBITION ON REDUC-  
6 TION FOR CERTAIN DEFICIENCIES.—

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

16 “(bb) CERTAIN OTHER DE-  
17 FICIENCIES.—The Secretary may  
18 not reduce the amount of a pen-  
19 alty under subclause (IV) if the  
20 penalty is imposed for a defi-  
21 ciency described in subclause  
22 (II)(aa) or (III)(a) and the ac-  
23 tual harm is found to result in a  
24 pattern of harm or widespread  
25 harm that immediately jeopard-

1                   izes the health or safety of a resi-  
2                   dent or residents of the facility,  
3                   or if the penalty is imposed for a  
4                   deficiency described in subclause  
5                   (II)(a).

6                   “(VI) LIMITATION ON AGGRE-  
7                   GATE REDUCTIONS.—The aggregate  
8                   reduction in a penalty under sub-  
9                   clause (IV) may not exceed 35 percent  
10                  on the basis of self-reporting, on the  
11                  basis of a waiver of an appeal (as pro-  
12                  vided for under regulations under sec-  
13                  tion 488.436 of title 42, Code of Fed-  
14                  eral Regulations), or on the basis of  
15                  both.

16                  “(VII) COLLECTION OF CIVIL  
17                  MONEY PENALTIES.—In the case of a  
18                  civil money penalty imposed under  
19                  subparagraph (A)(ii) for a deficiency  
20                  described in subclause (I) or (II) of  
21                  clause (ii) or clause (iii)(I), the  
22                  State—

23                                  “(aa) subject to subclause  
24                                  (II), shall provide the opportunity  
25                                  for the facility to participate in

1 an informal dispute resolution  
2 process prior to the collection of  
3 such penalty;

4 “(bb) may provide for the  
5 collection of such civil money  
6 penalty and the placement of  
7 such amounts collected in an es-  
8 crow account on the earlier of the  
9 date on which the informal dis-  
10 pute resolution process under  
11 subclause (I) is completed or the  
12 date that is 90 days after the  
13 date of the imposition of the pen-  
14 alty;

15 “(cc) may provide that such  
16 amounts collected are kept in  
17 such account pending the resolu-  
18 tion of any appeals;

19 “(dd) in the case where the  
20 facility successfully appeals the  
21 penalty, shall provide for the re-  
22 turn of such amounts collected  
23 (plus interest) to the facility; and

24 “(ee) in the case where all  
25 such appeals are unsuccessful,

1                   may provide that such funds col-  
2                   lected shall be used for the pur-  
3                   poses described in the second  
4                   sentence of paragraph (2)(A)(ii).

5                   “(VIII) INDEXING AMOUNTS.—  
6                   For years beginning after 2010, each  
7                   of the amounts specified in subclauses  
8                   (II) and (III) shall be subject to peri-  
9                   odic increase in accordance with the  
10                  provisions of section 5 of the Federal  
11                  Civil Penalties Inflation Adjustment  
12                  Act of 1990 (Public Law 101–410; 28  
13                  U.S.C. 2461 note).

14                  “(IX) PROCEDURE.—The provi-  
15                  sions of section 1128A (other than  
16                  subsections (a) and (b) and except to  
17                  the extent that such provisions require  
18                  a hearing prior to the imposition of a  
19                  civil money penalty in the case de-  
20                  scribed in subclause (VII)) shall apply  
21                  to a civil money penalty under this  
22                  clause in the same manner as such  
23                  provisions apply to a penalty or pro-  
24                  ceeding under section 1128A(a).”.

1 (B) CONFORMING AMENDMENT.—Section  
2 1919(h)(5)(8) of the Social Security Act (42  
3 U.S.C. 1396r(h)(5)(8)) is amended by inserting  
4 “(ii)(V),” after “(i),”.

5 (c) EFFECTIVE DATE.—The amendments made by  
6 this section shall take effect 1 year after the date of enact-  
7 ment of this Act.

8 **SEC. 202. NATIONAL INDEPENDENT MONITORING REQUIRE-**  
9 **MENTS.**

10 (a) SKILLED NURSING FACILITIES.—Section  
11 1819(h) of the Social Security Act (42 U.S.C. 1395i-  
12 3(h)(2) is amended—

13 (1) by redesignating paragraphs (5) and (6) as  
14 paragraphs (6) and (7), respectively; and

15 (2) by inserting after paragraph (4) the fol-  
16 lowing new paragraph:

17 “(5) NATIONAL INDEPENDENT MONITORING  
18 REQUIREMENTS.—

19 “(A) IN GENERAL.—Not later than 1 year  
20 after the date of enactment of this paragraph,  
21 the Secretary shall, in consultation with the In-  
22 spector General of the Department of Health  
23 and Human Services, evaluate the potential  
24 benefit and feasibility of applying independent

1 monitoring requirements to interstate and large  
2 intrastate chains of skilled nursing facilities.

3 “(B) CONSIDERATIONS.— The feasibility  
4 evaluation under subparagraph (A) shall con-  
5 sider the following:

6 “(i) The need for independent moni-  
7 toring requirements to address and remedy  
8 patterns of chronic poor performance,  
9 based on quality deficiencies, high staff  
10 turnover rates, or poor performance on  
11 other metrics of quality of care.

12 “(ii) Criteria for selecting interstate  
13 and large intrastate chains subject to inde-  
14 pendent monitoring requirements, includ-  
15 ing—

16 “(I) chains that have had a num-  
17 ber of the facilities of such chain en-  
18 rolled in the ‘Special Focus Facility  
19 program’ (or a successor program) es-  
20 tablished by the Centers for Medicare  
21 & Medicaid Services during the pre-  
22 ceding 3 years that exceeds a thresh-  
23 old number specified by the Secretary;

1                   “(II) chains experiencing finan-  
2                   cial problems that may be linked to  
3                   serious quality deficiencies; and

4                   “(III) chains experiencing low  
5                   staffing levels in relation to the num-  
6                   ber and case mix of patients or turn-  
7                   over rates linked to serious quality de-  
8                   ficiencies; and

9                   “(IV) chains that have a record  
10                  of chronic poor performance;

11                  and including other appropriate criteria.

12                  “(iii) Responsibilities of independent  
13                  monitors, including—

14                  “(I) conducting periodic reviews  
15                  and preparing root-cause quality and  
16                  deficiency analyses of a chain de-  
17                  scribed in such subparagraph to as-  
18                  sess compliance by the chain with  
19                  State and Federal laws and regula-  
20                  tions;

21                  “(II) conducting oversight of ef-  
22                  forts by such a chain, whether pub-  
23                  licly or privately held, to achieve com-  
24                  pliance with State and Federal laws  
25                  and regulations;

1                   “(III) analyzing the management  
2                   structure, distribution of expenditures,  
3                   and direct care staffing levels of facili-  
4                   ties of such a chain in relation to resi-  
5                   dent census, staff turnover rates, and  
6                   tenure;

7                   “(IV) reporting findings and rec-  
8                   ommendations with respect to such re-  
9                   views, analyses, and oversight to the  
10                  chain and facilities of the chain, to  
11                  the Secretary, and to relevant States;  
12                  and

13                  “(V) other responsibilities of  
14                  independent monitors; and

15                  “(iv) Other implementation issues, in-  
16                  cluding timelines, processes, and enforce-  
17                  ment mechanisms for implementation of  
18                  independent monitor recommendations and  
19                  corrective action plans.”.

20                  (b) NURSING FACILITIES.—Section 1919(h) of the  
21                  Social Security Act (42 U.S.C. 1396r(h)) is amended—

22                         (1) by redesignating paragraphs (8) and (9) as  
23                         paragraphs (9) and (10), respectively; and

24                         (2) by inserting after paragraph (7) the fol-  
25                         lowing new paragraph:



1           “(7) NATIONAL INDEPENDENT MONITORING  
2           REQUIREMENTS.—

3           “(A) IN GENERAL.—Not later than 1 year  
4           after the date of enactment of this paragraph,  
5           the Secretary shall, in consultation with the In-  
6           specter General of the Department of Health  
7           and Human Services, evaluate the potential  
8           benefit and feasibility of applying independent  
9           monitoring requirements to interstate and large  
10          intrastate chains of nursing facilities.

11          “(B) CONSIDERATIONS.— The feasibility  
12          evaluation under subparagraph (A) shall con-  
13          sider the following:

14                 “(i) The need for independent moni-  
15                 toring requirements to address and remedy  
16                 patterns of chronic poor performance,  
17                 based on quality deficiencies, high staff  
18                 turnover rates, or poor performance on  
19                 other metrics of quality of care.

20                 “(ii) Criteria for selecting interstate  
21                 and large intrastate chains subject to inde-  
22                 pendent monitoring requirements, includ-  
23                 ing—

24                         “(I) chains that have had a num-  
25                         ber of the facilities of such chain en-

1 rolled in the ‘Special Focus Facility  
2 program’ (or a successor program) es-  
3 tablished by the Centers for Medicare  
4 & Medicaid Services during the pre-  
5 ceding 3 years that exceeds a thresh-  
6 old number specified by the Secretary;

7 “(II) chains experiencing finan-  
8 cial problems that may be linked to  
9 serious quality deficiencies;

10 “(III) chains experiencing low  
11 staffing levels in relation to the num-  
12 ber and case mix of patients or turn-  
13 over rates linked to serious quality de-  
14 ficiencies; and

15 “(IV) chains that have a record  
16 of chronic poor performance;

17 and including other appropriate criteria.

18 “(iii) Responsibilities of independent  
19 monitors, including—

20 “(I) conducting periodic reviews  
21 and preparing root-cause quality and  
22 deficiency analyses of a chain de-  
23 scribed in such subparagraph to as-  
24 sess compliance by the chain with

1 State and Federal laws and regula-  
2 tions;

3 “(II) conducting oversight of ef-  
4 forts by such a chain, whether pub-  
5 licly or privately held, to achieve com-  
6 pliance with State and Federal laws  
7 and regulations;

8 “(III) analyzing the management  
9 structure, distribution of expenditures,  
10 and direct care staffing levels of facili-  
11 ties of such a chain in relation to resi-  
12 dent census, staff turnover rates, and  
13 tenure;

14 “(IV) reporting findings and rec-  
15 ommendations with respect to such re-  
16 views, analyses, and oversight to the  
17 chain and facilities of the chain, to  
18 the Secretary, and to relevant States;  
19 and

20 “(V) other responsibilities of  
21 independent monitors; and

22 “(iv) Other implementation issues, in-  
23 cluding timelines, processes, and enforce-  
24 ment mechanisms for implementation of

1 independent monitor recommendations and  
2 corrective action plans.”.

3 **SEC. 203. GAO STUDIES AND REPORTS ON TEMPORARY**  
4 **MANAGEMENT.**

5 (a) IN GENERAL.—The Comptroller General of the  
6 United States (in this section referred to as the “Comp-  
7 troller General”) shall conduct a study on—

8 (1) best practices for the appointment of tem-  
9 porary management under sections  
10 1819(h)(2)(B)(iii), 1919(h)(2)(A)(iii), and  
11 1919(h)(3)(C)(iii) of the Social Security Act (42  
12 U.S.C. 1395i–3(h)(2)(B)(iii); 1396r(h)(2)(A)(iii);  
13 1396r(h)(3)(C)(iii)); and

14 (2) barriers to the appointment of such tem-  
15 porary management.

16 (b) REPORT.—Not later than 1 year after the date  
17 of enactment of this Act, the Comptroller General shall  
18 submit a report to Congress containing the results of the  
19 study conducted under subsection (a), together with rec-  
20 ommendations for such legislation and administrative ac-  
21 tion as the Comptroller General determines appropriate.

22 (c) GUIDANCE TO STATES.—The Secretary of Health  
23 and Human Services shall issue guidance to States based  
24 on the recommendations contained in the report submitted  
25 under subsection (b).

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

2 (a) SKILLED NURSING FACILITIES.—

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

6 “(7) NOTIFICATION OF FACILITY CLOSURE.—

7 “(A) IN GENERAL.—Any individual who is  
8 the license holder of a skilled nursing facility  
9 must—

10 “(i) submit to the Secretary, the State  
11 long-term care ombudsman, residents of  
12 the facility, and the legal representatives of  
13 such residents or other responsible parties,  
14 written notification of an impending clo-  
15 sure—

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

19 “(II) in the case of a facility  
20 where the Secretary terminates the fa-  
21 cility’s participation under this title,  
22 not later than the date that the Sec-  
23 retary determines appropriate;

24 “(ii) ensure that the facility does not  
25 admit any new residents on or after the

1 date on which such written notification is  
2 submitted; and

3 “(iii) include in the notice a plan for  
4 the transfer and adequate relocation of the  
5 residents of the facility by a specified date  
6 prior to closure that has been approved by  
7 the State, including assurances that the  
8 residents will be transferred to the most  
9 appropriate facility or other setting in  
10 terms of quality, services, and location,  
11 taking into consideration the needs, best  
12 interests, and preferences of each resident.

13 “(B) RELOCATION.—

14 “(i) IN GENERAL.—The State shall  
15 ensure that, before a facility closes, all  
16 residents of the facility have been success-  
17 fully relocated to another facility or an al-  
18 ternative home and community-based set-  
19 ting.

20 “(ii) CONTINUATION OF PAYMENTS  
21 UNTIL RESIDENTS RELOCATED.—The Sec-  
22 retary may, as the Secretary determines  
23 appropriate, continue to make payments  
24 under this title with respect to residents of  
25 a facility that has submitted a notification

1 under subparagraph (A) during the period  
2 beginning on the date such notification is  
3 submitted and ending on the date on which  
4 the resident is successfully relocated.”.

5 (2) CONFORMING AMENDMENTS.—Section  
6 1819(h)(4) of the Social Security Act (42 U.S.C.  
7 1395i–3(h)(4)) is amended—

8 (A) in the first sentence, by striking “the  
9 Secretary shall terminate” and inserting “the  
10 Secretary, subject to subsection (c)(7), shall  
11 terminate”; and

12 (B) in the second sentence, by striking  
13 “subsection (c)(2)” and inserting “paragraphs  
14 (2) and (7) of subsection (c)”.

15 (b) NURSING FACILITIES.—

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

19 “(9) NOTIFICATION OF FACILITY CLOSURE.—

20 “(A) IN GENERAL.—Any individual who is  
21 the license holder of a nursing facility must—

22 “(i) submit to the Secretary, the State  
23 long-term care ombudsman, residents of  
24 the facility, and the legal representatives of  
25 such residents or other responsible parties,

1 written notification of an impending clo-  
2 sure—

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

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

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

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

25 “(B) RELOCATION.—



1                   “(i) IN GENERAL.—The State shall  
2                   ensure that, before a facility closes, all  
3                   residents of the facility have been success-  
4                   fully relocated to another facility or an al-  
5                   ternative home and community-based set-  
6                   ting.

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

17                  (c) EFFECTIVE DATE.—The amendments made by  
18                  this section shall take effect 1 year after the date of enact-  
19                  ment of this Act.

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

23                  (a) IN GENERAL.—The Secretary shall conduct 2  
24                  demonstration projects, 1 for the development of best  
25                  practices in skilled nursing facilities and nursing facilities

1 that are involved in the culture change movement (includ-  
2 ing the development of resources for facilities to find and  
3 access funding in order to undertake culture change) and  
4 1 for the development of best practices in skilled nursing  
5 facilities and nursing facilities for the use of information  
6 technology to improve resident care.

7 (b) CONDUCT OF DEMONSTRATION PROJECTS.—

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

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

22 (c) IMPLEMENTATION AND DURATION.—

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

1           (2) IN GENERAL.—The demonstration projects  
2 shall each be conducted for a period not to exceed  
3 3 years.

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 are nec-  
17 essary 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 a report to Congress 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.—Section  
5   1819(f)(2)(A)(i)(I) of the Social Security Act (42 U.S.C.  
6   1395i–3(f)(2)(A)(i)(I)) is amended by inserting “(includ-  
7   ing, in the case of initial training and, if the Secretary  
8   determines appropriate, in the case of ongoing training,  
9   dementia management training, and patient abuse preven-  
10   tion training” before “, (II)”.

11       (b)               NURSING               FACILITIES.—Section  
12   1919(f)(2)(A)(i)(I) of the Social Security Act (42 U.S.C.  
13   1396r(f)(2)(A)(i)(I)) is amended by inserting “(including,  
14   in the case of initial training and, if the Secretary deter-  
15   mines appropriate, in the case of ongoing training, demen-  
16   tia management training, and patient abuse prevention”  
17   before “, (II)”.

18       (c)   EFFECTIVE DATE.—The amendments made by  
19   this section shall take effect 1 year after the date of enact-  
20   ment of this Act.

21   **SEC. 302. STUDY AND REPORT ON TRAINING REQUIRED**  
22                                   **FOR CERTIFIED NURSE AIDES AND SUPER-**  
23                                   **VISORY STAFF.**

24       (a)   STUDY.—

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

6           (A) Whether the number of initial training  
7 hours for certified nurse aides required under  
8 sections 1819(f)(2)(A)(i)(II) and  
9 1919(f)(2)(A)(i)(II) of the Social Security Act  
10 (42 U.S.C. 1395i–3(f)(2)(A)(i)(II);  
11 1396r(f)(2)(A)(i)(II)) should be increased from  
12 75 and, if so, what the required number of ini-  
13 tial training hours should be, including any rec-  
14 ommendations for the content of such training  
15 (including training related to dementia).

16           (B) Whether requirements for ongoing  
17 training under such sections  
18 1819(f)(2)(A)(i)(II) and 1919(f)(2)(A)(i)(II)  
19 should be increased from 12 hours per year, in-  
20 cluding any recommendations for the content of  
21 such training.

22           (2) CONSULTATION.—In conducting the anal-  
23 ysis under paragraph (1)(A), the Secretary shall  
24 consult with States that currently (as of the date of

1 enactment of this Act) require more than 75 hours  
2 of training for certified nurse aides.

3 (3) DEFINITIONS.—In this section:

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

8 (B) SECRETARY.—The term “Secretary”  
9 means the Secretary of Health and Human  
10 Services, acting through the Assistant Secretary  
11 for Planning and Evaluation.

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

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