

**Opening Statement of Chairman Walden
Subcommittee on Oversight and Investigations
“Examining Federal Efforts to Ensure Quality of Care and Resident Safety in
Nursing Homes”
September 6, 2018**

As Prepared for Delivery

Thank you, Mr. Chairman, for holding this hearing on the very important issue of protecting one of the most vulnerable populations in the United States—the elderly.

According to information released by the Centers for Medicare and Medicaid Services (CMS), more than three million individuals rely on services provided by nursing homes at some point during the year. On any given day, 1.4 million Americans reside in the more than 15,000 nursing homes across our country. The overwhelming majority of these nursing homes provide high quality, life-saving care to their residents.

I’ve heard from many seniors and their families in my district about how they or their loved ones are receiving excellent, around the clock care at their nursing homes. And many go above and beyond.

One provider I spoke with recently has a facility in Redding, California, and set a good example of what to strive for in preparing for an emergency, with 200 seats on buses ready to go at a moment’s notice, and agreements with providers in Klamath Falls, Oregon to house their patients if this summer’s devastating wildfires threatened their facility.

Unfortunately, this doesn't appear to be the case in all nursing homes across the country, such as the Rehabilitation Center in Hollywood Hills, Florida, run by Dr. Jack Michel. The tragedy that occurred at this facility during Hurricane Irma was a result of inexcusable management, and it resulted in needless loss of life. While many facilities in Florida had the right procedures in place and handled the hurricanes well, we need to make sure our federal oversight efforts are effective in detecting low quality, unsafe nursing homes while being mindful to not to impose excessive regulatory burdens that, in some cases, may actually hinder resident care.

As Chairman Harper described, CMS is the federal agency responsible for ensuring the safety and quality of care provided to Medicare and Medicaid beneficiaries in nursing homes. CMS enters into agreements with individual states, providing that state agencies will inspect nursing homes on CMS' behalf to determine whether the facilities in a particular state meet federal requirements to participate in these programs.

However, CMS may not always be effectively overseeing the work that these state agencies are doing on its behalf. Over the last decade or so, the Department of Health and Human Services' (HHS) Office of Inspector General (OIG) and the Government Accountability Office (GAO) have both issued reports indicating that CMS could improve its oversight of nursing homes.

For example, HHS OIG has examined whether states properly verify that deficiencies identified during nursing home inspections are corrected. In some instances, such as my home state of Oregon, HHS OIG has found that the state properly verified that facilities corrected deficiencies after they were identified during inspections. In several of the reports on this topic, however, HHS OIG has

found that state agencies did not meet that standard of proper oversight. For example, a report issued this past May, estimated that in 2016 Nebraska failed to properly verify that deficiencies at nursing homes identified during state inspections were corrected 92 percent of the time. CMS needs to ensure that all state survey agencies are adequately conducting the survey process on their behalf. We are looking forward to hearing what CMS is doing to improve its oversight of the survey process.

We also look forward to hearing from GAO about their work and recommendations – especially their recommendations relating to CMS’ oversight of state survey agencies.

The focus of today’s hearing is to learn more about what CMS is doing to maintain consistency across the country and guarantee that all states are effectively surveying nursing homes on their behalf to ensure compliance with existing federal requirements. We also want to know what we can do to help these efforts.

It is important that CMS effectively enforce existing requirements for nursing homes to protect and promote patient safety, especially in extreme cases like what happened at the Rehabilitation Center at Hollywood Hills. Lastly, I’d like to thank our witnesses for being a part of this important conversation and look forward to their testimony.