

SUMMARY OF THE NURSING HOME QUALITY PROTECTION ACT

The Nursing Home Quality Protection Act of 2001 offers a comprehensive approach to improving the quality of care received by nursing home residents.

Increased Funding

The bill increases resources to nursing homes to hire more staff and comply with federal standards. The bill reinstates the “Boren Amendment,” which, until its repeal by Congress in 1997, guaranteed “reasonable and adequate” reimbursements for providing quality care.

Mandatory Nurse Staffing Levels

The bill requires that nursing homes comply with minimum staffing levels recommended by an expert panel. These minimum staffing levels require that all residents receive at least 4.13 hours of individual nursing care per day. The Secretary can modify or delay this staffing level if the Secretary makes a detailed finding that quality of care will not be compromised or that compliance is not feasible immediately. However, in no case may staffing levels fall below the minimum level of 3.45 hours identified by the Department of Health and Human Services in July 2000.

Tougher Sanctions

Under the current system of penalties, nursing homes cited for violations of federal health and safety standards rarely pay any fines. The bill establishes a new system of “substandard care refunds” that are immediate and certain. The amounts that homes with violations are required to refund (ranging from \$2,000 to \$25,000) are automatically withheld from future payments to the nursing home if they are not paid within 30 days. Nursing homes can appeal the refunds, but only after the refunds are paid. These refunds are used to make grants to recruit and retain nursing staff, improve education and training of nursing staff, and improve workplace safety.

Increased Public Disclosure

The bill requires greater Internet disclosure about conditions in nursing homes, including copies of inspection reports, complaints filed by residents and their families, summaries of enforcement actions taken against nursing homes, and staffing information.

Background Checks

The bill institutes mandatory background checks for potential nursing home employees.

Greater Protection to All Nursing Home Residents

The bill clarifies an ambiguity in current law that leaves some nursing home residents outside the protection of federal health and safety standards. The bill requires that nursing home inspectors monitor the well-being of all residents, whether or not their care is paid for by Medicare and Medicaid.

Support

The Nursing Home Quality Protection Act of 2001 is supported by: Alliance for Retired Americans; Alzheimer’s Association; American Federation of State, County, and Municipal Employees (AFSCME); National Association of Social Workers (NASW); National Citizens’ Coalition for Nursing Home Reform (NCCNHR); National Committee to Preserve Social Security and Medicare (NCPSSM); and Service Employees’ International Union (SEIU).