

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4614

To amend title XVIII of the Social Security Act to require skilled nursing facilities furnishing services to Medicare beneficiaries to submit data to the Secretary of Health and Human Services with respect to nursing staff levels of the facility, to require posting of staffing information by facilities and the Secretary, to assess the adequacy of training requirements for certified nurse aides, and provide for grants to improve the quality of care furnished in nursing facilities.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2000

Mr. STARK (for himself, Ms. ESHOO, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Ms. PELOSI, Ms. LEE, and Mr. LANTOS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to require skilled nursing facilities furnishing services to Medicare beneficiaries to submit data to the Secretary of Health and Human Services with respect to nursing staff levels of the facility, to require posting of staffing information by facilities and the Secretary, to assess the adequacy of training requirements for certified nurse aides, and provide for grants to improve the quality of care furnished in nursing 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 Staff Accountability and Training Improvement  
 6 Act of 2000”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of  
 8 this Act is as follows:

Sec. 1. Short title.

**TITLE I—INFORMATION ON NURSING STAFF IN NURSING  
 FACILITIES**

Sec. 101. Submission of nursing staff level data to the secretary.

Sec. 102. Information on nursing facility staffing.

Sec. 103. Direct spending for administrative expenses of State agencies deter-  
 mining compliance by providers of services with conditions of  
 participation.

Sec. 104. Comprehensive report on certified nurse aide training.

Sec. 105. Effective date.

**TITLE II—GRANTS TO IMPROVE QUALITY OF NURSING HOME  
 AND LONG-TERM CARE**

Sec. 201. Improvement of training of long-term care professionals and workers.

Sec. 202. Upward mobility of long-term care workers.

Sec. 203. Retention of long-term care professionals and workers in medically  
 underserved areas.

Sec. 204. Improvement in worker safety.

Sec. 205. Demonstration program to implement quality improvement models in  
 nursing facility settings.

9 **TITLE I—INFORMATION ON**  
 10 **NURSING STAFF IN NURSING**  
 11 **FACILITIES**

12 **SEC. 101. SUBMISSION OF NURSING STAFF LEVEL DATA TO**  
 13 **THE SECRETARY.**

14 (a) **MEDICARE.**—

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

4           “(8) SUBMISSION OF DATA ON STAFFING LEV-  
5           ELS.—

6           “(A) IN GENERAL.—A skilled nursing fa-  
7           cility shall submit to the Secretary, in a form  
8           and manner determined by the Secretary, such  
9           data for a covered period (as defined in sub-  
10          paragraph (C)) with respect to nursing staff as  
11          is necessary for the Secretary to determine  
12          whether a resident of the skilled nursing facility  
13          receives the level of care commensurate with the  
14          assessment of the resident under this sub-  
15          section. Such data shall include the total num-  
16          ber of nursing staff hours furnished during  
17          each covered period by the facility to residents  
18          for which payment is made under section  
19          1888(e) broken down by total certified nurse  
20          aide hours, total licensed practical or vocational  
21          nurse hours, and total registered nurse hours.

22          “(B) ADJUSTMENT IN PAYMENT AMOUNT  
23          FOR INADEQUATE STAFFING.—If the nursing  
24          staff data discloses that the aggregate nursing  
25          staff hours furnished during the covered period

1 by the facility for residents for which payment  
2 is made under section 1888(e) during the pe-  
3 riod is less than the aggregate amount cor-  
4 responding to the nursing staff hours which is  
5 the basis of the case mix reimbursement (under  
6 section 1888(e)(4)(G)(i)) for such residents for  
7 the facility for that period, the Secretary shall  
8 make proportionate adjustments in the payment  
9 amounts determined under section 1888(e) to  
10 the facility.

11 “(C) COVERED PERIOD DEFINED.—

12 “(i) IN GENERAL.—For purposes of  
13 this paragraph, the term ‘covered period’  
14 means the lesser of 32 days or the facility  
15 billing period described in clause (ii).

16 “(ii) FACILITY BILLING PERIOD DE-  
17 SCRIBED.—A facility billing period referred  
18 to in clause (i) the aggregate number of  
19 days between periods that the Secretary  
20 makes payment for claims for services fur-  
21 nished by the facility under this title.”.

22 (2) INCLUSION OF NURSING STAFFING LEVELS  
23 IN ANNUAL SURVEY.—Section 1819(g)(2)(A)(ii) of  
24 such Act (42 U.S.C. 1395i-3(g)(2)(A)(ii)) is  
25 amended—

1 (A) by striking “and” at the end of sub-  
2 clause (II);

3 (B) by striking the period at the end of  
4 subclause (III) and inserting “; and”; and

5 (C) by adding at the end the following new  
6 subclause:

7 “(IV) a review of the sufficiency  
8 and distribution of staffing in the  
9 skilled nursing facility to meet the  
10 needs of residents 24 hours a day, 7  
11 days a week.”.

12 (3) DEVELOPMENT OF STANDARD COST RE-  
13 PORTING FORM FOR ALL SKILLED NURSING FACILI-  
14 TIES.—Section 1888(e) of the Social Security Act  
15 (42 U.S.C. 1395yy(e)) is amended by adding at the  
16 end the following new paragraph:

17 “(13) REQUIRED UNIFORM COST REPORTING  
18 FORMS.—For cost reporting periods beginning on or  
19 after October 1, 2001, a skilled nursing facility shall  
20 submit to the Secretary a cost report for the cost re-  
21 porting period involved using the standard, uniform  
22 cost reporting form developed by the Secretary for  
23 such purpose. Such standard, uniform form shall be  
24 developed in a manner to enable the Secretary to as-  
25 sess amounts of direct patient care furnished by

1 nursing staff of the facility and to determine wheth-  
2 er payments made for such care are appropriate.”.

3 (b) MEDICAID.—

4 (1) ANALYSIS OF SPENDING FOR PATIENT CARE  
5 IN AUDITS OF NURSING FACILITY COST REPORTS.—

6 (A) IN GENERAL.—A State shall carry out  
7 periodic audits of cost reports submitted by a  
8 nursing facility (as defined in section 1919(a)  
9 of the Social Security Act (42 U.S.C.  
10 1396r(a))) operating in the State. Such audits  
11 shall (i) determine the aggregate expenditures  
12 made by the nursing facility during the cost re-  
13 porting period on direct patient care furnished  
14 by licensed health professionals (as defined in  
15 subparagraph (G) of section 1919(b)(5) of such  
16 Act (42 U.S.C. 1396r(b)(5))) and by nurse  
17 aides (as defined in subparagraph (F) of such  
18 section) and (ii) compare such aggregate ex-  
19 penditures to payments made by the State for  
20 such direct patient care.

21 (B) STUDY.—The Secretary of Health and  
22 Human Services shall conduct a study to deter-  
23 mine the feasibility of developing and admin-  
24 istering a standardized, uniform cost reporting  
25 form for all nursing facilities furnishing services

1 for which payment is made under title XIX of  
2 the Social Security Act. Any such form should  
3 enable the Secretary to assess the amount of di-  
4 rect patient care referred to in subparagraph  
5 (A) furnished by each nursing facility and to  
6 determine whether payments made for such di-  
7 rect patient care are appropriate.

8 (2) INCLUSION OF NURSING STAFFING LEVELS  
9 IN ANNUAL SURVEY.—Section 1919(g)(2)(A)(ii) of  
10 the Social Security Act (42 U.S.C.  
11 1396r(g)(2)(A)(ii)) is amended—

12 (A) by striking “and” at the end of sub-  
13 clause (II);

14 (B) by striking the period at the end of  
15 subclause (III) and inserting “; and”; and

16 (C) by adding at the end the following new  
17 subclause:

18 “(IV) a review of the sufficiency  
19 and distribution of staffing in the  
20 skilled nursing facility to meet the  
21 needs of residents 24 hours a day, 7  
22 days a week.”.

23 **SEC. 102. INFORMATION ON NURSING FACILITY STAFFING.**

24 (a) **MEDICARE AMENDMENTS.**—

1           (1) IN GENERAL.—Section 1819(b) of the So-  
2           cial Security Act (42 U.S.C. 1395i–3(b)), as amend-  
3           ed by section 2(a), is further amended by adding at  
4           the end the following new paragraph:

5           “(9) INFORMATION ON NURSE STAFFING.—

6           “(A) IN GENERAL.—A skilled nursing fa-  
7           cility shall post daily for each nursing unit of  
8           the facility and for each shift the current num-  
9           ber of licensed and unlicensed nursing staff di-  
10          rectly responsible for resident care and the cur-  
11          rent ratios of residents to staff, stated sepa-  
12          rately for the ratio of the number of residents  
13          to such licensed nursing staff and the ratio of  
14          the number of residents to such unlicensed  
15          nursing staff. The information shall be dis-  
16          played in a uniform manner and in a clearly  
17          visible place. The facility shall also post in a  
18          clearly visible place annual average daily staff-  
19          ing ratios per shift for the last cost reporting  
20          period.

21          “(B) PUBLICATION OF DATA.—

22          “(i) IN GENERAL.—A skilled nursing  
23          facility shall, upon request, make available  
24          to the public nursing staff data to the

1 same extent and in the same manner as  
2 cost reporting information.

3 “(ii) INTERNET.—Not later than 60  
4 days after the date of completion of an an-  
5 nual survey under subsection (g)(2), the  
6 Secretary shall provide for the publication  
7 on the Internet Site of the Department of  
8 Health and Human Services known as  
9 Nursing Home Compare the facility-spe-  
10 cific nursing staff information collected  
11 under such survey. The Secretary shall up-  
12 date such information periodically.”.

13 (2) PENALTY FOR FAILURE TO POST REQUIRED  
14 INFORMATION.—Section 1819(h)(2) of such Act (42  
15 U.S.C. 1395i–3(h)(2)), is amended by adding at the  
16 end the following new subparagraph:

17 “(F) MANDATORY CIVIL MONEY PENALTY  
18 FOR FAILURE TO POST REQUIRED INFORMA-  
19 TION.—Notwithstanding any other provision of  
20 law, the Secretary shall impose a civil monetary  
21 penalty upon a skilled nursing facility that fails  
22 to meet the posting requirement of subsection  
23 (b)(9). The penalty shall be in the amount of  
24 \$1,000 for each day upon which the facility  
25 fails to meet fully such requirement. The provi-

1           sions of section 1128A of the Social Security  
2           Act (other than subsections (a) and (b)) shall  
3           apply to civil money penalties under this sub-  
4           paragraph in the same manner as they apply to  
5           a penalty or proceeding under section 1128A(a)  
6           of such Act.”.

7           (b) MEDICAID AMENDMENTS.—

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

11          “(8) INFORMATION ON NURSE STAFFING.—

12                 “(A) IN GENERAL.—A skilled nursing fa-  
13                 cility shall post daily for each nursing unit of  
14                 the facility and for each shift the current num-  
15                 ber of licensed and unlicensed nursing staff di-  
16                 rectly responsible for resident care and the cur-  
17                 rent ratios of residents to staff, stated sepa-  
18                 rately for the ratio of the number of residents  
19                 to such licensed nursing staff and the ratio of  
20                 the number of residents to such unlicensed  
21                 nursing staff. The information shall be dis-  
22                 played in a uniform manner and in a clearly  
23                 visible place. The facility shall also post in a  
24                 clearly visible place annual average daily staff-

1 ing ratios per shift for the last cost reporting  
2 period.

3 “(B) PUBLICATION OF DATA.—

4 “(i) IN GENERAL.—A skilled nursing  
5 facility shall, upon request, make available  
6 to the public nursing staff data to the  
7 same extent and in the same manner as  
8 cost reporting information.

9 “(ii) INTERNET.—Not later than 60  
10 days after the date of completion of an an-  
11 nual survey under subsection (g)(2), the  
12 Secretary shall provide for the publication  
13 on the Internet Site of the Department of  
14 Health and Human Services known as  
15 Nursing Home Compare the facility-spe-  
16 cific nursing staff information collected  
17 under such survey. The Secretary shall up-  
18 date such information periodically.”.

19 (2) Section 1919(h)(3) of such Act (42 U.S.C.  
20 1396r(h)(3)), is amended by adding at the end the  
21 following new subparagraph:

22 “(E) MANDATORY CIVIL MONEY PENALTY  
23 FOR FAILURE TO POST REQUIRED INFORMA-  
24 TION.—Notwithstanding any other provision of  
25 law, the Secretary shall impose a civil monetary

1 penalty upon a nursing facility that fails to  
2 meet the posting requirement of subsection  
3 (b)(9). The penalty shall be in the amount of  
4 \$1,000 for each day upon which the facility  
5 fails to meet fully such requirement. The provi-  
6 sions of section 1128A of the Social Security  
7 Act (other than subsections (a) and (b)) shall  
8 apply to civil money penalties under this sub-  
9 paragraph in the same manner as they apply to  
10 a penalty or proceeding under section 1128A(a)  
11 of such Act. This subparagraph shall not apply  
12 to a failure for which a civil money penalty is  
13 imposed under section 1819(h)(2)(F).”.

14 **SEC. 103. DIRECT SPENDING FOR ADMINISTRATIVE EX-**  
15 **PENSES OF STATE AGENCIES DETERMINING**  
16 **COMPLIANCE BY PROVIDERS OF SERVICES**  
17 **WITH CONDITIONS OF PARTICIPATION.**

18 (a) IN GENERAL.—Section 1864 of the Social Secu-  
19 rity Act (42 U.S.C. 1395aa) is amended by adding at the  
20 end the following new subsection:

21 “(f) APPROPRIATION OF CERTAIN FUNDS TO ADMIN-  
22 ISTER THIS SECTION.—The Secretary shall pay expenses  
23 incurred in the administration of this section from funds  
24 in the Federal Hospital Insurance Trust Fund (estab-  
25 lished under section 1817) and the Federal Supple-

1 mentary Medical Insurance Trust Fund (established  
2 under section 1841), in such amounts from each of such  
3 trust funds as the Secretary shall deem to be fair and eq-  
4 uitable after taking into consideration the expenses attrib-  
5 utable to the administration of this section with respect  
6 to items and services furnished under this title attrib-  
7 utable to parts A and B and under title XI with respect  
8 to those parts, without regard to amounts appropriated  
9 in advance in appropriations Acts, in the same manner  
10 as payments are made for services furnished directly to  
11 individuals entitled to benefits under this title. The Sec-  
12 retary shall make such transfers of monies between such  
13 trust funds as may be appropriate to settle accounts be-  
14 tween them in cases where expenses properly payable from  
15 one such trust fund have been paid from the other trust  
16 fund.”.

17 (b) EFFECTIVE DATE.—The amendment made by  
18 subsection (a) shall take effect October 1, 2000.

19 **SEC. 104. COMPREHENSIVE REPORT ON CERTIFIED NURSE**  
20 **AIDE TRAINING.**

21 Not later than 18 months after the date of the enact-  
22 ment of this Act, the Secretary of Health and Human  
23 Services shall submit to Congress a comprehensive report  
24 on training of certified nurse aides, and shall include in

1 that comprehensive report recommendations for the fol-  
2 lowing:

3 (1) Whether training standards in effect on the  
4 date of the enactment of this Act for certified nurse  
5 aides should be increased from 75 hours (the Fed-  
6 eral minimum number of hours of training for cer-  
7 tification) to 160 hours, or some other minimum  
8 standard.

9 (2) Whether Federal curriculum standards  
10 should require more focus on each of the following:

11 (A) The recognition of the symptoms of  
12 malnutrition, dehydration, pain, confusion, and  
13 anxiety.

14 (B) The prevention and treatment of infec-  
15 tions, bed sores, incontinence, and lack of mo-  
16 bility.

17 (C) Appropriate strategies for preventing  
18 physical and mental abuse of residents of nurs-  
19 ing facilities, such as conflict resolution and  
20 stress management.

21 (D) Appropriate care for residents diag-  
22 nosed with dementia or dementia-related dis-  
23 ease.

24 (E) Care for residents with diminished vis-  
25 ual or audio acuity.

1 **SEC. 105. EFFECTIVE DATE.**

2 The amendments made by sections 101 and 102 take  
3 effect on the first day of the first month that begins at  
4 least 6 months after the date of the enactment of this Act.

5 **TITLE II—GRANTS TO IMPROVE**  
6 **QUALITY OF NURSING HOME**  
7 **AND LONG-TERM CARE**

8 **SEC. 201. IMPROVEMENT OF TRAINING OF LONG-TERM**  
9 **CARE PROFESSIONALS AND WORKERS.**

10 (a) GRANT PROGRAM.—

11 (1) ESTABLISHMENT OF TRAINING CENTERS.—

12 The Secretary shall, in accordance with the provi-  
13 sions of this section, award grants to a qualified en-  
14 tity to establish education and training programs for  
15 individuals who furnish direct resident care services  
16 in nursing facilities, including registered professional  
17 nurses, licensed practical nurses, and certified nurse  
18 aides.

19 (2) DISCRETION TO AWARD GRANTS TO EXIST-  
20 ING TRAINING PROGRAMS.—The Secretary may  
21 award grants to fund programs of such education  
22 and training carried out by the following:

23 (A) A qualified entity.

24 (B) An accredited educational institution.

25 (C) An institutional health care provider,  
26 including a nursing facility.

1           (3) PRIORITY OF GRANT AWARDS.—In award-  
2           ing grants under this section, the Secretary shall  
3           give priority to nursing facilities with approved ap-  
4           plications filed in partnership with labor representa-  
5           tives.

6           (4) DEADLINE FOR INITIAL GRANT AWARDS.—  
7           The Secretary shall award grants under this section  
8           by not later than 6 months after the date of the en-  
9           actment of this Act.

10          (b) APPLICATIONS.—

11           (1) APPLICATIONS REQUIRED.—Each qualified  
12           or other entity referred to in subsection (a) that  
13           wishes to receive a grant under this section shall  
14           submit an application at such time, in such form,  
15           and complete with such information as the Secretary  
16           shall by regulation require, except that any such ap-  
17           plication shall include at least—

18                   (A) a statement of the objectives for which  
19                   the grant is sought; and

20                   (B) a description of the types of programs  
21                   and activities for which the grant is sought.

22           (2) NOTICE OF APPROVAL OR DISAPPROVAL.—  
23           Each qualified or other entity referred to in sub-  
24           section (a) submitting an application under para-  
25           graph (1) shall, not later than 60 days after the

1 date of its submission, be notified in writing as to  
2 whether such application is approved or disapproved.

3 (3) REQUIREMENT OF PRIOR APPROVAL FROM  
4 COLLECTIVE BARGAINING AGENCY.—In the case of a  
5 nursing facility applying for a grant under this sec-  
6 tion that has a collective bargaining agent, the appli-  
7 cation filed by the facility shall include written ap-  
8 proval from that agent for the facility’s proposed use  
9 of the grant award.

10 (c) DURATION.—A grant under this section may ex-  
11 tend over a period of not more than three years.

12 (d) ANNUAL APPROVAL.—The provision of payments  
13 under a grant under this section shall be subject to annual  
14 approval by the Secretary and subject to the availability  
15 of appropriations for each fiscal year to make the pay-  
16 ments.

17 (e) USE OF GRANT FUNDS.—

18 (1) AUTHORIZED USES.—A grant made under  
19 this section may be used only to carry out to estab-  
20 lish or fund education and training centers for indi-  
21 viduals who furnish direct resident care services in  
22 nursing facilities. Each qualified or other entity re-  
23 ferred to in subsection (a) awarded a grant under  
24 this section shall develop curricula and interdiscipli-  
25 nary programs to enhance direct care workers’ abili-

1 ties to provide quality care, including for the fol-  
2 lowing:

3 (A) New training that focuses on—

4 (i) recognizing signs of malnutrition,  
5 dehydration, pain, confusion, and anxiety,

6 (ii) prevention and treatment of infec-  
7 tions, bed sores, incontinence, and lack of  
8 mobility,

9 (iii) strategies for preventing abuse of  
10 residents of nursing facilities, such as con-  
11 flict resolution and stress management,  
12 and

13 (iv) recognizing symptoms in residents  
14 of nursing facilities of dementia or demen-  
15 tia-related disease.

16 (B) Continuing education for licensed pro-  
17 viders in the care of the chronically ill and dis-  
18 abled or gerontological nursing, or both.

19 (2) PROHIBITED USES.—A grant may not be  
20 used to pay for the minimum number of training  
21 hours required for certified nurse aide certification.

22 (f) REPORTS.—A qualified or other entity referred to  
23 in subsection (a) awarded a grant under this section shall  
24 submit to the Secretary such reports, and within such time  
25 frames, as the Secretary may require.

1 (g) REGULATIONS.—Any regulations to carry out this  
2 section shall be prescribed not later than 60 days after  
3 the date of enactment of this section.

4 (h) AUTHORIZATION OF APPROPRIATIONS.—For pur-  
5 poses of carrying out this section, there are authorized to  
6 be appropriated to the Secretary \$25,000,000 for each of  
7 fiscal years 2001, 2002, and 2003. 60 percent of such ap-  
8 propriation shall be payable from the Federal Hospital In-  
9 surance Trust Fund, and 40 percent of such appropriation  
10 shall be payable from the Federal Supplementary Medical  
11 Insurance Trust Fund under title XVIII of the Social Se-  
12 curity Act (42 U.S.C. 1395i, 1395t).

13 (i) DEFINITIONS.—In this section:

14 (1) The term “Secretary” means the Secretary  
15 of Health and Human Services.

16 (2) The term “qualified entity” means—

17 (A) a nursing facility as defined in section  
18 1919(a) of the Social Security Act (42 U.S.C.  
19 1396r(a));

20 (B) a skilled nursing facility (as defined in  
21 section 1819(a) of such Act (42 U.S.C. 1395i-  
22 3(a));

23 (C) a labor union;

24 (D) a community-based nonprofit organiza-  
25 tion;

- 1 (E) a State long-term care Ombudsman;  
2 community-based citizen advocacy groups;  
3 (F) a State department on aging; and  
4 (G) such other entities approved by the  
5 Secretary.

6 **SEC. 202. UPWARD MOBILITY OF LONG-TERM CARE WORK-**  
7 **ERS.**

8 (a) GRANT PROGRAM.—

9 (1) IN GENERAL.—The Secretary shall, in ac-  
10 cordance with the provisions of this section, award  
11 grants to qualified entities to provide for such addi-  
12 tional or advanced education and training of cer-  
13 tified nursing aides who furnish services in the facil-  
14 ity. Such education and training shall be designed to  
15 enable such staff to provide care in accordance with  
16 the limitations of State nurse practice laws or regu-  
17 lations and with principles of nurse delegations.

18 (2) PRIORITY OF GRANT AWARDS.—In award-  
19 ing grants under this section, the Secretary shall  
20 give priority to nursing facilities with approved ap-  
21 plications filed in partnership with labor representa-  
22 tives.

23 (3) DEADLINE FOR INITIAL GRANT AWARDS.—  
24 The Secretary shall award grants under this section

1 by not later than 6 months after the date of the en-  
2 actment of this Act.

3 (b) APPLICATIONS.—

4 (1) APPLICATIONS REQUIRED.—Each qualified  
5 entity that wishes to receive a grant under this sec-  
6 tion shall submit an application at such time, in  
7 such form, and complete with such information as  
8 the Secretary shall by regulation require, except that  
9 any such application shall include at least—

10 (A) a statement of the objectives for which  
11 the grant is sought; and

12 (B) a description of the types of programs  
13 and activities for which the grant is sought.

14 (2) NOTICE OF APPROVAL OR DISAPPROVAL.—  
15 Each qualified entity submitting an application  
16 under paragraph (1) shall, not later than 60 days  
17 after the date of its submission, be notified in writ-  
18 ing as to whether such application is approved or  
19 disapproved.

20 (3) REQUIREMENT OF PRIOR APPROVAL FROM  
21 COLLECTIVE BARGAINING AGENCY.—In the case of a  
22 nursing facility applying for a grant under this sec-  
23 tion that has a collective bargaining agent, the appli-  
24 cation filed by the facility shall include written ap-

1       proval from that agent for the facility's proposed use  
2       of the grant award.

3       (c) DURATION.—A grant under this section may ex-  
4       tend over a period of not more than three years.

5       (d) ANNUAL APPROVAL.—The provision of payments  
6       under a grant under this section shall be subject to annual  
7       approval by the Secretary and subject to the availability  
8       of appropriations for each fiscal year to make the pay-  
9       ments.

10      (e) USE OF GRANT FUNDS.—A grant made under  
11      this section may be used only to carry out to establish  
12      education and training programs referred to in subsection  
13      (a)(1).

14      (f) REPORTS.—A qualified entity awarded a grant  
15      under this section shall submit to the Secretary such re-  
16      ports, and within such time frames, as the Secretary may  
17      require.

18      (g) REGULATIONS.—Any regulations to carry out this  
19      section shall be prescribed not later than 60 days after  
20      the date of enactment of this section.

21      (h) AUTHORIZATION OF APPROPRIATIONS.—For pur-  
22      poses of carrying out this section, there are authorized to  
23      be appropriated to the Secretary \$25,000,000 for each of  
24      fiscal years 2001, 2002, and 2003. 60 percent of such ap-  
25      propriation shall be payable from the Federal Hospital In-

1 insurance Trust Fund, and 40 percent of such appropriation  
2 shall be payable from the Federal Supplementary Medical  
3 Insurance Trust Fund under title XVIII of the Social Se-  
4 curity Act (42 U.S.C. 1395i, 1395t).

5 (i) DEFINITIONS.—In this section:

6 (1) The term “Secretary” means the Secretary  
7 of Health and Human Services.

8 (2) The term “qualified entity” means—

9 (A) a nursing facility as defined in section  
10 1919(a) of the Social Security Act (42 U.S.C.  
11 1396r(a));

12 (B) a skilled nursing facility (as defined in  
13 section 1819(a) of such Act (42 U.S.C. 1395i-  
14 3(a));

15 (C) a labor union;

16 (D) a community-based nonprofit organiza-  
17 tion;

18 (E) a State long-term care Ombudsman;  
19 community-based citizen advocacy groups;

20 (F) a State department on aging; and

21 (G) such other entities approved by the  
22 Secretary.

1 **SEC. 203. RETENTION OF LONG-TERM CARE PROFES-**  
2 **SIONALS AND WORKERS IN MEDICALLY UN-**  
3 **DESERVED AREAS.**

4 (a) GRANT PROGRAM.—

5 (1) IN GENERAL.—The Secretary shall, in ac-  
6 cordance with the provisions of this section, award  
7 grants to nursing facilities to establish programs to  
8 retain individuals who furnish direct resident care  
9 services in nursing facilities located in medically un-  
10 derserved areas, including registered professional  
11 nurses, licensed practical nurses, and certified nurse  
12 aides.

13 (2) DEADLINE FOR INITIAL GRANT AWARDS.—  
14 The Secretary shall award grants under this section  
15 by not later than 6 months after the date of the en-  
16 actment of this Act.

17 (b) APPLICATIONS.—

18 (1) APPLICATIONS REQUIRED.—Each nursing  
19 facility that wishes to receive a grant under this sec-  
20 tion shall submit an application at such time, in  
21 such form, and complete with such information as  
22 the Secretary shall by regulation require, except that  
23 any such application shall include at least—

24 (A) a statement of the objectives for which  
25 the grant is sought; and

1           (B) a description of the types of programs  
2           and activities for which the grant is sought.

3           (2) NOTICE OF APPROVAL OR DISAPPROVAL.—

4           Each nursing facility submitting an application  
5           under paragraph (1) shall, not later than 60 days  
6           after the date of its submission, be notified in writ-  
7           ing as to whether such application is approved or  
8           disapproved.

9           (c) DURATION.—A grant under this section may ex-  
10          tend over a period of not more than three years.

11          (d) ANNUAL APPROVAL.—The provision of payments  
12          under a grant under this section shall be subject to annual  
13          approval by the Secretary and subject to the availability  
14          of appropriations for each fiscal year to make the pay-  
15          ments.

16          (e) USE OF GRANT FUNDS.—

17           (1) AUTHORIZED USES.—A grant made under  
18           this section shall be used by the nursing facility,  
19           with respect to individuals who furnish direct resi-  
20           dent care services in nursing facilities, including reg-  
21           istered professional nurses, licensed practical nurses,  
22           and certified nurse aides, to do any or all of the fol-  
23           lowing:

24           (A) Increase the salary of such individuals.

1           (B) Reimburse all or part of the out-  
2           standing balance of any education loan under-  
3           taken by the individual.

4           (C) Reduce payments due under other obli-  
5           gations imposed under an agreement of a pro-  
6           gram under the Public Health Service Act (42  
7           U.S.C. 201 et seq.).

8           (D) With respect to certified nurse aides,  
9           subsidize the costs of (i) the employee share of  
10          employer-based health care coverage, and (ii)  
11          child care expenses of the aides.

12          (E) Subsidize the costs of transportation  
13          to and from the nursing facility of such individ-  
14          uals.

15          (2) PROHIBITED USES.—A grant may not be  
16          used by a nursing facility to offset salary and bene-  
17          fits that would be otherwise payable by the facility  
18          to such individuals in the absence of the grant.

19          (f) REPORTS.—A nursing facility awarded a grant  
20          under this section shall submit to the Secretary such re-  
21          ports, and within such time frames, as the Secretary may  
22          require. The report shall include such information and  
23          data as the Secretary requires to determine compliance of  
24          the nursing facility with the provisions of this section.

1 (g) REGULATIONS.—Any regulations to carry out this  
2 section shall be prescribed not later than 60 days after  
3 the date of enactment of this section.

4 (h) AUTHORIZATION OF APPROPRIATIONS.—For pur-  
5 poses of carrying out this section, there are authorized to  
6 be appropriated to the Secretary \$25,000,000 for each of  
7 fiscal years 2001, 2002, and 2003. 60 percent of such ap-  
8 propriation shall be payable from the Federal Hospital In-  
9 surance Trust Fund, and 40 percent of such appropriation  
10 shall be payable from the Federal Supplementary Medical  
11 Insurance Trust Fund under title XVIII of the Social Se-  
12 curity Act (42 U.S.C. 1395i, 1395t).

13 (i) DEFINITIONS.—In this section:

14 (1) The term “Secretary” means the Secretary  
15 of Health and Human Services.

16 (2) The term “nursing facility” has the mean-  
17 ing given that term in section 1919(a) of the Social  
18 Security Act (42 U.S.C. 1396r(a)), and includes a  
19 skilled nursing facility (as defined in section 1819(a)  
20 of such Act (42 U.S.C. 1395i–3(a))).

21 **SEC. 204. IMPROVEMENT IN WORKER SAFETY.**

22 (a) GRANT PROGRAM.—

23 (1) IN GENERAL.—The Secretary shall, in ac-  
24 cordance with the provisions of this section, award  
25 grants to nursing facilities to establish model work-

1 place safety programs. Such programs shall be de-  
2 signed to result in a significant reduction in the inci-  
3 dence of accidents and injuries at the nursing facil-  
4 ity to employees of the nursing facility.

5 (2) PRIORITY OF GRANT AWARDS.—In award-  
6 ing grants under this section, the Secretary shall  
7 give priority to nursing facilities with approved ap-  
8 plications filed in partnership with labor representa-  
9 tives.

10 (3) DEADLINE FOR INITIAL GRANT AWARDS.—  
11 The Secretary shall award grants under this section  
12 by not later than 6 months after the date of the en-  
13 actment of this Act.

14 (4) COORDINATION WITH THE SECRETARY OF  
15 LABOR.—The Secretary shall coordinate the imple-  
16 mentation of the grant program established under  
17 this section with the Secretary of Labor.

18 (b) APPLICATIONS.—

19 (1) APPLICATIONS REQUIRED.—Each nursing  
20 facility that wishes to receive a grant under this sec-  
21 tion shall submit an application at such time, in  
22 such form, and complete with such information as  
23 the Secretary shall by regulation require, except that  
24 any such application shall include at least—

1 (A) a statement of the objectives for which  
2 the grant is sought;

3 (B) a description of the types of programs  
4 and activities for which the grant is sought;

5 (C) a plan for the timely implementation of  
6 the program and evaluation of the program in  
7 the facility; and

8 (D) consultation with a State long-term  
9 care Ombudsman or a community-based citizen  
10 advocacy group.

11 (2) NOTICE OF APPROVAL OR DISAPPROVAL.—  
12 Each nursing facility submitting an application  
13 under paragraph (1) shall, not later than 60 days  
14 after the date of its submission, be notified in writ-  
15 ing as to whether such application is approved or  
16 disapproved.

17 (3) REQUIREMENT OF PRIOR APPROVAL FROM  
18 COLLECTIVE BARGAINING AGENCY.—In the case of a  
19 nursing facility applying for a grant under this sec-  
20 tion that has a collective bargaining agent, the appli-  
21 cation filed by the facility shall include written ap-  
22 proval from that agent for the facility's proposed use  
23 of the grant award.

24 (c) DURATION.—A grant under this section may ex-  
25 tend over a period of not more than three years.

1 (d) ANNUAL APPROVAL.—The provision of payments  
2 under a grant under this section shall be subject to annual  
3 approval by the Secretary and subject to the availability  
4 of appropriations for each fiscal year to make the pay-  
5 ments.

6 (e) USE OF GRANT FUNDS.—A grant made under  
7 this section may be used only to establish and carry out  
8 the model workplace safety program referred to in sub-  
9 section (a)(1).

10 (f) REPORTS.—A nursing facility awarded a grant  
11 under this section shall submit to the Secretary such re-  
12 ports, and within such time frames, as the Secretary may  
13 require.

14 (g) REGULATIONS.—Any regulations to carry out this  
15 section shall be prescribed not later than 60 days after  
16 the date of enactment of this section.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—For pur-  
18 poses of carrying out this section, there are authorized to  
19 be appropriated to the Secretary \$25,000,000 for each of  
20 fiscal years 2001, 2002, and 2003. 60 percent of such ap-  
21 propriation shall be payable from the Federal Hospital In-  
22 surance Trust Fund, and 40 percent of such appropriation  
23 shall be payable from the Federal Supplementary Medical  
24 Insurance Trust Fund under title XVIII of the Social Se-  
25 curity Act (42 U.S.C. 1395i, 1395t).

1 (i) DEFINITIONS.—In this section:

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

4 (2) The term “nursing facility” has the mean-  
5 ing given that term in section 1919(a) of the Social  
6 Security Act (42 U.S.C. 1396r(a)), and includes a  
7 skilled nursing facility (as defined in section 1819(a)  
8 of such Act (42 U.S.C. 1395i–3(a))).

9 (3) The term “model safety workplace pro-  
10 gram” means a program certified by an appropriate  
11 worker safety training expert (as determined by the  
12 Secretary) to reduce the incidence of accidents and  
13 injuries at nursing facilities, including such acci-  
14 dents and injuries associated with the lifting and  
15 transportation of residents of the facility, stress re-  
16 duction activities, and compliance with workplace  
17 safety standards (such as standards to reduce acci-  
18 dental needle stick injuries).

19 **SEC. 205. DEMONSTRATION PROGRAM TO IMPLEMENT**  
20 **QUALITY IMPROVEMENT MODELS IN NURS-**  
21 **ING FACILITY SETTINGS.**

22 (a) QUALITY IMPROVEMENT MODELS.—

23 (1) IN GENERAL.—The Secretary shall provide  
24 for a demonstration project under this section under  
25 which grants are made to 4 States to implement in-

1       novative quality improvement models (described in  
2       paragraph (2) to improve the quality of care fur-  
3       nished to residents of nursing facilities operating in  
4       the State.

5               (2) MODELS DESCRIBED.—A model referred to  
6       in paragraph (1) is a model developed by the Agency  
7       for Healthcare Research and Quality, the American  
8       Medical Directors Association, and the Nutrician In-  
9       stitute to reduce the incidence and prevalence of in-  
10      fections, bed sores, incontinence, and lack of mobil-  
11      ity among such residents.

12      (b) APPLICATION.—

13              (1) APPLICATIONS REQUIRED.—Each State  
14      that wishes to receive a grant under this section  
15      shall submit an application at such time, in such  
16      form, and complete with such information as the  
17      Secretary shall by regulation require, except that  
18      any such application shall include at least—

19              (A) a statement of the objectives for which  
20      the grant is sought;

21              (B) a description of the types of programs  
22      and activities for which the grant is sought; and

23              (C) consultation with a State long-term  
24      care Ombudsman or a community-based citizen  
25      advocacy group.

1           (2) NOTICE OF APPROVAL OR DISAPPROVAL.—

2           Each State submitting an application under para-  
3           graph (1) shall, not later than 60 days after the  
4           date of its submission, be notified in writing as to  
5           whether such application is approved or disapproved.

6           (c) DURATION.—A grant under this section may ex-  
7           tend over a period of not more than three years.

8           (d) ANNUAL APPROVAL.—The provision of payments  
9           under a grant under this section shall be subject to annual  
10          approval by the Secretary and subject to the availability  
11          of appropriations for each fiscal year to make the pay-  
12          ments.

13          (e) USE OF GRANT FUNDS.—A grant made under  
14          this section may be used only to carry out to innovative  
15          quality improvement models referred to in subsection (a).

16          (f) REPORTS.—

17                 (1) IN GENERAL.—A State awarded a grant  
18                 under this section shall submit to the Secretary such  
19                 reports, and within such time frames, as the Sec-  
20                 retary may require.

21                 (2) REVIEW BY GAO.—The Comptroller General  
22                 of the United States shall submit to Congress a re-  
23                 port on the results of the demonstration project  
24                 under this section, including in such report an anal-  
25                 ysis of the models developed by each State and the

1 effectiveness of each such model in reducing inconti-  
2 nence and pressure sores among residents of nursing  
3 facilities in each such State.

4 (g) REGULATIONS.—Any regulations to carry out this  
5 section shall be prescribed not later than 60 days after  
6 the date of enactment of this section.

7 (h) AUTHORIZATION OF APPROPRIATIONS.—For pur-  
8 poses of carrying out this section, there are authorized to  
9 be appropriated to the Secretary \$25,000,000 for each of  
10 fiscal years 2001, 2002, and 2003. 60 percent of such ap-  
11 propriation shall be payable from the Federal Hospital In-  
12 surance Trust Fund, and 40 percent of such appropriation  
13 shall be payable from the Federal Supplementary Medical  
14 Insurance Trust Fund under title XVIII of the Social Se-  
15 curity Act (42 U.S.C. 1395i, 1395t).

16 (i) DEFINITIONS.—In this section:

17 (1) The term “Secretary” means the Secretary  
18 of Health and Human Services.

19 (2) The term “nursing facility” has the mean-  
20 ing given that term in section 1919(a) of the Social  
21 Security Act (42 U.S.C. 1396r(a)), and includes a  
22 skilled nursing facility (as defined in section 1819(a)  
23 of such Act (42 U.S.C. 1395i–3(a))).

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