

106TH CONGRESS
2^D SESSION

H. R. 5646

To amend titles XVIII and XIX of the Social Security Act to provide for increased accountability of nursing facilities and adequate nurse staffing for patient needs in the facilities.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2000

Mr. STARK 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

A BILL

To amend titles XVIII and XIX of the Social Security Act to provide for increased accountability of nursing facilities and adequate nurse staffing for patient needs in the 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.**

4 This Act may be cited as the “Nursing Facility Staff-
5 ing Improvement Act of 2000”.

1 **SEC. 2. INTERIM SURVEYS FOR NURSING HOMES FOR DEFICI-**
2 **ENCIES ATTRIBUTABLE TO INADEQUATE**
3 **NURSE STAFFING.**

4 (a) INTERIM SURVEYS FOR QUALITY DEFICIENCIES
5 ATTRIBUTABLE TO INADEQUATE NURSE STAFFING.—

6 (1) ESTABLISHMENT OF REQUIREMENT FOR IN-
7 TERIM SURVEYS.—Sections 1819(g)(2) and
8 1919(g)(2) of the Social Security Act (42 U.S.C.
9 1395i–3(g)(2) and 1396r(g)(2)) are each amended—

10 (A) in subparagraph (A)(ii)—

11 (i) in subclause (II), by striking
12 “and” at the end;

13 (ii) in subclause (III), by striking the
14 period and inserting “, and”; and

15 (iii) by adding at the end the fol-
16 lowing new subclause:

17 “(IV) for each quality deficiency
18 identified in the survey that resulted
19 in actual harm to a resident of the fa-
20 cility or that posed a risk of imme-
21 diate jeopardy to the health or safety
22 of the resident, an assessment of
23 whether inadequate nurse staffing is a
24 contributing factor to that defi-
25 ciency.”; and

1 (B) by adding at the end the following new
2 subparagraph:

3 “(F) INTERIM SURVEYS FOR INADEQUATE
4 STAFFING.—

5 “(i) IN GENERAL.—With respect to
6 each quality deficiency of a facility identi-
7 fied in a survey to which inadequate nurse
8 staffing is determined to be a contributing
9 factor under subparagraph (A)(ii)(IV), the
10 facility shall be subject to interim surveys
11 under this subparagraph.

12 “(ii) INITIAL 2 MANDATORY SUR-
13 VEYS.—

14 “(I) PERIOD FOR CONDUCT OF
15 INTERIM SURVEYS.—Two interim sur-
16 veys shall be conducted during the pe-
17 riod beginning on the date of the im-
18 plementation by the facility of a plan
19 of correction for such quality defi-
20 ciencies and ending before the date of
21 the succeeding standard survey con-
22 ducted under subparagraph (A).

23 “(II) REQUIRED ASSESSMENT OF
24 INTERIM SURVEYS.—Such surveys
25 shall assess the adequacy of nurse

1 staffing at the facility and the contin-
2 ued compliance of the facility with
3 such plan of correction.

4 “(III) CONDUCT OF INTERIM
5 SURVEYS WITHOUT NOTICE TO FACIL-
6 ITY.—Such surveys shall be conducted
7 without any prior notice to the facil-
8 ity. Any individual who notifies (or
9 causes to be notified) a facility of the
10 time or date on which such a survey
11 is scheduled to be conducted is subject
12 to a civil money penalty in the same
13 manner as provided for under the sec-
14 ond and third sentences of subpara-
15 graph (A)(i).

16 “(iii) FINDING OF INADEQUATE
17 NURSE STAFFING IN AN INTERIM SUR-
18 VEY.—In the case of a finding in a facility
19 of a quality deficiency that is identified in
20 an interim survey under clause (ii) to
21 which inadequate nurse staffing is deter-
22 mined to be a contributing factor, during
23 the two-year period beginning on the date
24 of such finding, the facility shall be subject
25 to such additional interim surveys as the

1 State determines appropriate to verify the
2 maintenance of adequate nurse staffing in
3 the facility and continued compliance by
4 the facility with the plan of correction.

5 “(iv) NURSE STAFFING DEFINED.—In
6 this paragraph and subsection (b)(1)(B),
7 the term ‘nurse staffing’ means nursing
8 staff consisting of registered professional
9 nurses, licensed practical nurses, or cer-
10 tified nurse aides.”.

11 (2) CONFORMING AMENDMENT.—Section
12 1864(d) of the Social Security Act (42 U.S.C.
13 1395aa(d)) is amended by inserting “(including in-
14 terim surveys under section 1819(g)(2)(F))” after
15 “section 1819(g)”.

16 (b) PROMPT IMPLEMENTATION OF PLANS OF COR-
17 RECTION FOR DEFICIENCIES ATTRIBUTABLE TO INAD-
18 EQUATE NURSE STAFFING.—Sections 1819(b)(1)(B) and
19 1919(b)(1)(B) of the Social Security Act (42 U.S.C.
20 1395i–3(b)(1)(B) and 1396r(b)(1)(B)) are each amended
21 by adding at the end the following: “In the case of a plan
22 of correction to correct quality deficiencies of a facility
23 identified in a survey to which inadequate nurse staffing
24 is determined to be a contributing factor under subsection
25 (g)(2)(A)(ii)(IV), such plan shall specify the number and

1 type of additional nurse staff necessary to provide the req-
2 uisite care required under paragraph (2) for each resident
3 of the facility and shall be implemented not later than 30
4 days after receipt of notice of the deficiency.”.

5 (c) COLLECTION OF DATA ON NURSE STAFFING
6 LEVELS.—

7 (1) MEDICARE.—Section 1819(b) of the Social
8 Security Act (42 U.S.C. 1395i–3(b)) is amended by
9 adding at the end the following new paragraph:

10 “(8) COLLECTION OF DATA.—

11 “(A) SUBMISSION TO SECRETARY.—

12 “(i) ON STAFFING LEVELS.—A skilled
13 nursing facility shall submit to the Sec-
14 retary, in such form and manner and at
15 such intervals as the Secretary may re-
16 quire, data with respect to nursing staff of
17 the facility. Such data shall include the
18 total number of nursing staff hours fur-
19 nished during the period specified by the
20 Secretary (including totals for each shift
21 worked during such period) by the facility
22 to residents for which payment is made
23 under section 1888(e), broken down by
24 total certified nurse aide hours, total li-
25 censed practical or vocational nurse hours,

1 and total registered nurse hours, and shall
2 also include the average wage rate for each
3 class of nursing staff employed by the fa-
4 cility.

5 “(ii) INFORMATION CONCERNING
6 RESIDENTS.—The skilled nursing facility
7 shall provide the Secretary, in such form
8 and manner and at such intervals as the
9 Secretary may require, a classification of
10 all residents of the skilled nursing facility
11 that accords with the patient classification
12 system described in section
13 1888(e)(3)(B)(ii), or such successor system
14 as the Secretary may identify.

15 “(B) PUBLICATION.—The Secretary shall
16 provide for the publication on the Internet site
17 of the Department of Health and Human Serv-
18 ices known as ‘Nursing Home Compare’ the fa-
19 cility-specific nursing staff information collected
20 pursuant to subparagraph (A). The Secretary
21 shall update such information periodically.

22 “(C) REVIEW OF DATA.—The Secretary
23 shall determine for each year from data col-
24 lected under subparagraph (A) whether a facil-

1 ity maintains adequate nurse staffing for resi-
2 dent care in the facility.”.

3 (2) MEDICAID.—Section 1919(b) of the Social
4 Security Act (42 U.S.C. 1396r(b)) is amended by
5 adding at the end the following new paragraph:

6 “(9) SUBMISSION OF DATA.—

7 “(A) SUBMISSION TO SECRETARY.—

8 “(i) ON STAFFING LEVELS.—A nurs-
9 ing facility shall submit to the Secretary,
10 in such form and manner and at such in-
11 tervals as the Secretary may require, data
12 with respect to nursing staff of the facility.
13 Such data shall include the total number
14 of nursing staff hours furnished during the
15 period specified by the Secretary (including
16 totals for each shift worked during such
17 period) by the facility to residents for
18 which payment is made under section
19 1888(e), broken down by total certified
20 nurse aide hours, total licensed practical or
21 vocational nurse hours, and total registered
22 nurse hours, and shall also include the av-
23 erage wage rate for each class of nursing
24 staff employed by the facility.

1 “(ii) INFORMATION CONCERNING
2 RESIDENTS.—The nursing facility shall
3 provide the Secretary, in such form and
4 manner and at such intervals as the Sec-
5 retary may require, a classification of all
6 residents of the skilled nursing facility that
7 accords with the patient classification sys-
8 tem described in section 1888(e)(3)(B)(ii),
9 or such successor system as the Secretary
10 may identify.

11 “(B) PUBLICATION.—The Secretary shall
12 provide for the publication on the Internet site
13 of the Department of Health and Human Serv-
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15 cility-specific nursing staff information collected
16 pursuant to subparagraph (A). The Secretary
17 shall update such information periodically.

18 “(C) REVIEW OF DATA.—The Secretary
19 shall determine for each year from data col-
20 lected under subparagraph (A) whether a facil-
21 ity maintains adequate nurse staffing for resi-
22 dent care in the facility.”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section apply with respect to surveys conducted on

1 or after the date that is 6 months after the date of the
2 enactment of this Act.

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