



Urge Your Senators and Representatives to Support Nursing Home Transparency and Improvement In Health Care Reform!

Congress is considering the most extensive nursing home reforms in more than 20 years as part of health care reform. The Nursing Home Transparency and Improvement Act is part of both the House (H.R. 3200) and Senate health care bills. NCCNHR urges you to contact your Senators and Representatives to urge them to include these crucial provisions in health care reform.

Why is this legislation so important to nursing home residents?

Nursing home residents and their families deserve accurate information and better care.

The bill would improve access to information about how well nursing home providers staff their facilities; make other quality-related information available to the public; make it easier for family members to file complaints about poor care and protect them from retaliation; develop a model for independent government monitoring of nursing home chains; and ensure better care of the 70 percent of nursing home residents with Alzheimer's and other dementia by requiring pre-employment training in dementia management and abuse prevention.

It is based on recommendations of federal and state regulators, prosecutors, and watchdog agencies. Nursing home transparency and improvement provisions would increase public information about nursing home owners and operators, including chains and global private equity investment companies that control more than two-thirds of the industry. The bill requires reasonable, workable disclosure of information about companies that profit from Medicare and Medicaid—based on recommendations by the OIG, Government Accountability Office, state prosecutors, regulators, and consumer and worker advocates.

- The nursing home industry receives more than \$75 billion from Medicare and Medicaid annually.
- The Office of Inspector General calls lack of transparency in corporate nursing home operations one of its “most significant management and performance challenges.”
- 1.4 million elderly and disabled Americans live in nursing homes, and many are at risk because owners cannot be held accountable for their care and safety.

Complex operating structures contribute to substandard care, according to investigators. The OIG has found as many as 17 companies involved in the operation of a single nursing home. It says it is often unable to investigate substandard care because:

- ***the entity that acts as the facility operator does not own any assets;***
- ***the operating entity usually contracts with a management company to perform day-to-day operations;***
- ***these complex structures and associated lack of transparency in ownership and management create challenges for ensuring accountability and greatly complicate law enforcement investigations; and***
- ***profit-seeking investors compete against residents for resources.***

Serious problems persist in nursing homes, but fines have not increased in over 20 years. States cite 20 percent of nursing homes every year for harming residents or putting them at risk of serious injury or death. Yet civil monetary penalties—even for negligence or abuse that results in death—have not been increased since the 1987 Nursing Home Reform Act. Nursing homes may avoid paying fines by filing frivolous appeals.

Ask your members of Congress to support nursing home transparency provisions in health care reform that would:

- Require nursing homes to disclose their owners, operators, suppliers, financiers and others they do business with so they can be held accountable for the care residents receive.
- Require nursing homes to take steps internally to reduce criminal and civil violations.
- Establish a Quality Assurance and Performance Improvement Program to improve quality assurance standards.
- Require the government to implement a system to collect and report information about how well nursing homes are staffed, including accurate information about the hours of nursing care residents receive; their turnover rates; and how much facilities spend on wages and benefits.
- Evaluate and improve the Nursing Home Compare website, including adding new information about nurse staffing and penalties for violations.
- Improve the consumer complaint process, including creating a voluntary national complaint reporting form and protecting complainants against retaliation.
- Require cost reports that nursing homes file with the government to show expenditures by category—nursing, therapy, capital assets, and administrative services.
- Require civil monetary penalties (fines) to be held in escrow pending appeals rather than allowing nursing homes to delay payment indefinitely while they file appeals.
- Implement a pilot program to improve federal government oversight of nursing home chains that have quality of care problems.
- Provide training of direct care workers in caring for residents with dementia care and preventing abuse.

Supporters of the Nursing Home Transparency and Improvement Act

The following national organizations support Nursing Home Transparency and Improvement:

Alzheimer's Foundation of America
American Association for Geriatric Psychiatry
American Federation of State, County and Municipal Employees
Consumers Union
National Academy of Elder Law Attorneys
National Association of Local Long-Term Care Ombudsmen
National Association of Social Workers
National Association of State Long-Term Care Ombudsman Programs
National Committee to Preserve Social Security and Medicare
National Consumers League
National Direct Care Partnership, Direct Care Alliance
National Organization for Women
National Senior Citizens Law Center
NCCNHR: The National Consumer Voice for Quality Long-Term Care
OWL—The Voice of Midlife and Older Women
Project Lifesaver International
Service Employees International Union