

105TH CONGRESS  
1ST SESSION

# H. R. 2423

To direct the Secretary of Health and Human Services to disseminate to the public information relating to fraud, abuse, and quality of care in nursing homes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 1997

Mr. TOWNS introduced the following bill; which was referred to the Committee on Commerce

---

## A BILL

To direct the Secretary of Health and Human Services to disseminate to the public information relating to fraud, abuse, and quality of care in nursing homes.

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 Home Public  
5       Information Act of 1997”.

1 **SEC. 2. DISSEMINATION OF INFORMATION.**

2 (a) The Secretary shall publicly disseminate, through  
3 whatever means the Secretary determines appropriate, in-  
4 formation compiled in databases maintained by or avail-  
5 able to the Secretary concerning final adverse actions  
6 against and quality of care in nursing facilities.

7 (b) The Secretary shall determine the scope of the  
8 information disseminated under this section, but shall in-  
9 clude—

10 (1) the name (and history of name changes),  
11 address, phone number, tax identification number,  
12 chairman of the board or director, and licensing  
13 State or other governmental entity, of each nursing  
14 facility involved in a final adverse action;

15 (2) the basis and sanction or remedy of each  
16 final adverse action;

17 (3) information about quality of care in nursing  
18 facilities, including information collected through the  
19 standard surveys conducted pursuant to section  
20 1919 of the Social Security Act (42 U.S.C. 1396r);  
21 and

22 (4) any information that would be helpful to  
23 consumers purchasing care or services in nursing fa-  
24 cilities.

25 (c) In disseminating information under this section,  
26 the Secretary shall ensure that the privacy of individuals

1 receiving, or who have received, care or services in nursing  
2 facilities is appropriately protected.

3 (d) The Secretary shall determine the appropriate  
4 format and means to disseminate information under this  
5 section, but shall consider—

6 (1) a toll-free telephone hotline;

7 (2) a public website; and

8 (3) a printed manual or pamphlet.

9 (e) The Secretary shall update the information dis-  
10 seminated under this section not less than monthly.

11 **SEC. 3. DEFINITIONS.**

12 For purposes of this section—

13 (1) the term “Secretary” means the Secretary  
14 of Health and Human Services;

15 (2) the term “nursing facility” has the same  
16 meaning provided such term in section 1919 of the  
17 Social Security Act (42 U.S.C. 1396r);

18 (3) the term “final adverse action” includes—

19 (A) civil judgments against a nursing facil-  
20 ity in Federal or State court related to fraud,  
21 abuse, or improper billing;

22 (B) Federal or State criminal convictions  
23 related to fraud, abuse, or improper billing;

1 (C) actions by Federal or State agencies  
2 responsible for the licensing or certification of  
3 nursing facilities, including—

4 (i) formal or official actions, such as  
5 revocation or suspension of a license (and  
6 the length of any such suspension), rep-  
7 rimand, censure, or probation; or

8 (ii) any other loss of license or the  
9 right to apply for, or renew, a license of  
10 the nursing facility, whether by operation  
11 of law, voluntary surrender, non-renewabil-  
12 ity, or otherwise;

13 (D) exclusion from participation in Federal  
14 or State health care programs (as defined in  
15 sections 1128B(f) and 1128(h) of the Social Se-  
16 curity Act (42 U.S.C. 1320a-7b(f); 1320a-7(h));  
17 and

18 (E) any other adjudicated actions or deci-  
19 sions that the Secretary shall establish by regu-  
20 lation.

21 (4) the term “tax identification number” has  
22 the meaning provided such term in section  
23 7701(a)(41) of the Internal Revenue Code of 1986  
24 (42 U.S.C. 7701(a)(41)).

1 **SEC. 4. EFFECTIVE DATE.**

2       This Act shall take effect not more than 2 years after  
3 the date of its enactment.

○