

110TH CONGRESS
1ST SESSION

S. 2480

To require the Secretary of Health and Human Services to publically disclose the identity of long-term care facilities listed under the Special Focus Facility Program of the Centers for Medicare & Medicaid Services.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2007

Mrs. CLINTON (for herself and Mr. HARKIN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To require the Secretary of Health and Human Services to publically disclose the identity of long-term care facilities listed under the Special Focus Facility Program of the Centers for Medicare & Medicaid Services.

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 Quality
5 and Transparency Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) America’s population is rapidly aging. The
2 population most likely to need long-term care, those
3 85 years of age and older, is projected to increase
4 from 5,000,000 in 2006 to 21,000,000 by 2050.

5 (2) Currently approximately 10,000,000 Ameri-
6 cans have long-term care needs. Conservative esti-
7 mates indicate that the number of those needing
8 care will double by 2050.

9 (3) Nearly 3,000,000 Americans depend on ap-
10 proximately 16,000 nursing homes nationwide at
11 some point during each year to provide them with
12 care that is critical to their health and well-being.

13 (4) On November 29, 2007, the Centers for
14 Medicare & Medicaid Services (referred to in this
15 section as “CMS”) at the Department of Health and
16 Human Services released its first ranking of poor-
17 performing nursing homes.

18 (5) This list of special focus facilities will give
19 families critical information as they are choosing
20 nursing home care for a loved one.

21 (6) As of October 2007, there were 128 special
22 focus facilities identified by CMS. These nursing
23 homes were identified because they are among the
24 poorest 5 to 10 percent in each State.

1 (7) Designation as a special focus facility re-
2 sults in twice as many inspections and monthly doc-
3 umentation of all complaints for nursing homes on
4 the list.

5 (8) CMS data indicate that about 50 percent of
6 the nursing homes identified as special focus facili-
7 ties improve their quality within 24 to 30 months,
8 while about 16 percent are terminated from partici-
9 pation in Medicare and Medicaid.

10 (9) Despite the value of disclosing this informa-
11 tion to families, CMS released the names of only 52
12 of the 128 poor performing nursing homes.

13 (10) To promote transparency and quality in
14 care, the names of all nursing homes that are des-
15 ignated as special focus facilities should be made
16 available to the public.

17 **SEC. 3. DISCLOSURE OF SPECIAL FOCUS FACILITIES.**

18 Not later than 30 days after the date of enactment
19 of this Act, and monthly thereafter, the Secretary of
20 Health and Human Services shall disclose, through the
21 use of the Internet website of the Centers for Medicare
22 & Medicaid Services, the identities of those long-term care
23 facilities that appear on the list of special focus facilities

- 1 under the Special Focus Facility Program of the Centers
- 2 for Medicare & Medicaid Services.

