

111TH CONGRESS
2D SESSION

S. 3407

To improve the quality of care in nursing homes, help families make informed decisions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2010

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To improve the quality of care in nursing homes, help families make informed decisions, and for other purposes.

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 “Improving the Quality
5 of Care in Nursing Homes Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Institute of Medicine published the
9 1986 report Improving the Quality of Care in Nurs-
10 ing Homes, which laid out recommendations for pol-

1 icy and regulatory changes for Federal oversight of
2 nursing homes.

3 (2) The Omnibus Budget Reconciliation Act of
4 1987 incorporated many of those recommendations
5 as part of the amendments made by subtitle C of
6 title IV of such Act.

7 (3) Since the enactment of the Omnibus Budget
8 Reconciliation Act of 1987, there has been little sys-
9 tematic evaluation or review of the effectiveness of
10 the survey and certification system in measuring and
11 improving the quality of care for nursing home resi-
12 dents as well as ensuring compliance with the re-
13 quirements of participation by nursing homes par-
14 ticipating in Medicare or Medicaid.

15 **SEC. 3. STUDY AND REPORT BY THE INSTITUTE OF MEDI-**
16 **CINE.**

17 (a) IN GENERAL.—The Secretary of Health and
18 Human Services shall enter into an agreement with the
19 Institute of Medicine to conduct a study on the following:

20 (1) The current structure and methods for sur-
21 veying and evaluating nursing homes.

22 (2) The nature of the relationship between the
23 Centers for Medicare & Medicaid Services and nurs-
24 ing homes and how it affects efforts to improve qual-
25 ity.

1 (3) The relationship between the Centers for
2 Medicare & Medicaid Services and State agencies.

3 (4) The methodology used by the Centers for
4 Medicare & Medicaid Services to survey and evaluate
5 nursing homes.

6 (5) An evaluation of how the States and the
7 District of Columbia implement the Federal require-
8 ments and the resulting variations and differences.

9 (6) The objectivity and accuracy of the survey
10 process and criteria used to assess nursing homes.

11 (7) The effectiveness of the current enforcement
12 system in promoting and encouraging systemic orga-
13 nizational change leading to measurable and sus-
14 tained quality improvement within the nursing home.

15 (8) Whether the current system effectively un-
16 derstands and measures nursing homes that are un-
17 dergoing or have completed culture change activities.

18 (9) Whether the current system effectively al-
19 lows states and other stakeholders to engage in inno-
20 vative ways to pursue quality improvement.

21 (10) Alternatives to the current system.

22 (b) REPORT.—The agreement entered into under
23 subsection (a) shall provide for the Institute of Medicine
24 to submit to the Secretary of Health and Human Services
25 and the Congress, not later than 18 months after the date

1 of the enactment of this Act, a report containing a descrip-
2 tion of—

3 (1) the results of the study conducted under
4 this section; and

5 (2) the conclusions and recommendations of the
6 Institute of Medicine regarding changes in regu-
7 latory policies and procedures to enhance the ability
8 of the regulatory system to assure that nursing
9 home residents receive quality care.

10 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

11 To carry out this Act, there are authorized to be ap-
12 propriated such sums as may be necessary.

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