

Summary of the Biden-Harris Administration Nursing Home Reforms



On February 28, 2022, the Biden-Harris Administration announced a set of [wide-ranging reforms](#) aimed at improving the quality of nursing home care for residents. These reforms take aim at long-standing issues that have plagued nursing home care for decades, including poor staffing, inadequate enforcement, and lack of transparency in nursing home ownership and how taxpayer dollars are spent.

If implemented, these reforms would be the most significant increase in protections for nursing home residents in decades. Some of these provisions will be implemented by the Centers for Medicare & Medicaid Services (CMS), while others will require Congress to pass legislation. Regardless, implementation would result in better outcomes for hundreds of thousands of nursing home residents.

The announcement was broken down into five categories, which are summarized below.

1. Ensuring Taxpayer Dollars Support Nursing Homes That Provide Safe, Adequate, and Dignified Care

- **Establish a Minimum Nursing Home Staffing Requirement:** CMS is charged with conducting a research study to determine minimum staffing standards and issuing proposed rules within one year that would establish a federal staffing standard. Inadequate staffing has plagued nursing homes for years and has reached crisis levels during the COVID-19 pandemic. Several studies have shown that nursing homes with higher staff ratings and higher levels of RN care had better outcomes when related to COVID-19 cases and deaths.
- **Reduce Resident Room Crowding:** CMS will find ways to phase out rooms with three or more residents, which pose a threat both to residents' privacy and to their risk of contracting infectious diseases, and instead promote single-occupancy rooms.
- **Strengthen the Skilled Nursing Facility (SNF) Value-Based Purchasing (VBP) Program:** CMS will change the current incentive funding structure to focus on staffing adequacy, resident experience, and staff retention, instead of "quality performance," a measure that has historically not been reflective of high-quality care.
- **Reinforce Safeguards Against Unnecessary Medications and Treatments:** CMS will continue its attempts to reduce the inappropriate use of antipsychotic medications. The COVID-19 pandemic saw a significant increase in the rate of residents receiving antipsychotic medications. These drugs are intended for residents with a medical diagnosis, such as Schizophrenia or Bipolar Disorder, but are sometimes used to sedate residents that do not have a medical diagnosis but may have more care needs than other residents – this is often the result of inadequate staffing.

2. Enhancing Accountability and Oversight

- **Adequately Fund Inspection Activities:** President Biden will call on Congress to provide almost \$500 million to CMS to fund health and safety inspections. This funding will go to both CMS and the states to increase inspections in nursing homes.
- **Beef up Scrutiny on More of the Poorest Performers:** CMS will overhaul their Special Focus Facility (SFF) program to more quickly identify poor-performing nursing homes and demand their improvement, with enforcement actions including “termination from participation in Medicare and Medicaid” possible for facilities that do not comply. The SFF program singles out the worst performing facilities and attempts to increase the quality of care in those homes.
- **Expand Financial Penalties and Other Enforcement Sanctions:** CMS will expand the use of enforcement actions against poor-performing facilities. CMS will conduct increased desk reviews of violations and increased on-site inspections. President Biden will ask Congress to raise the dollar limit on per-instance financial penalties levied on poor-performing facilities from \$21,000 to \$1,000,000.
- **Increase Accountability for Chain Owners of Substandard Facilities:** President Biden will call on Congress to allow CMS to require minimum corporate competency to participate in Medicare and Medicaid programs, based on the compliance history of the entity’s other owned or operated facilities. Additionally, he will call on Congress to expand CMS enforcement authority to impose actions on owners and operators of facilities even after they close a facility.
- **Provide Technical Assistance to Nursing Homes to Help Them Improve:** In partnership with contracted Quality Improvement Organizations, CMS will explore ways to provide evidence-based technical assistance to facilities.

3. Increasing Transparency

- **Create a Database of Nursing Home Owners and Operators:** CMS will create a new publicly available database providing information about owners and operators across states, highlighting any previous problems their facilities have had with maintaining residents’ health and safety.
- **Improve Transparency of Facility Ownership and Finances:** CMS will publicly report data on corporate ownership and operation of nursing homes on the Nursing Home Care Compare website.
- **Enhance Nursing Home Care Compare:** CMS will improve Nursing Home Care Compare by prominently displaying whether a facility meets the new minimum staffing requirements. Additionally, the ratings will more closely reflect verifiable data, rather than data self-reported from facilities themselves.

- **Examine the Role of Private Equity:** The Department of Health & Human Services (HHS) and other federal agencies will examine the role of private equity ownership of nursing homes, including the well-documented negative effect on residents.

4. Creating Pathways to Good-paying Jobs with the Free and Fair Choice to Join a Union

- **Ensure Nurse Aide Training is Affordable:** CMS will ensure nurse aid trainees are informed about their potential entitlement to training reimbursement upon employment, and more widely publicize free training opportunities.
- **Support State Efforts to Improve Staffing and Workforce Sustainability:** CMS will assist and encourage states requesting to tie Medicaid payments to clinical staff wages and benefits, including additional pay for experience.
- **Launch National Nursing Career Pathways Campaign:** CMS will collaborate with the Department of Labor in conducting a nationwide campaign to recruit, train, retain, and transition workers into long-term care careers.

5. Ensuring Pandemic and Emergency Preparedness in Nursing Homes

- **Continued COVID-19 Testing in Long-Term Care Facilities:** HHS will continue to support outbreak testing and regular testing of staff.
- **Continued COVID-19 Vaccinations and Boosters in Long-Term Care Facilities:** Facilities are required to ensure staff are vaccinated. HHS will continue to promote access to vaccination clinics and incentivize and encourage vaccination.
- **Strengthen Requirements for On-site Infection Preventionists:** CMS will increase the standards for nursing homes on the level of staffing facilities' need for on-site infection prevention employees, undoing the changes to these requirements by the previous Administration.
- **Enhance Requirements for Pandemic and Emergency Preparedness:** CMS will examine emergency preparedness requirements and attempt to bolster the resiliency of the healthcare sector at large.
- **Integrate Pandemic Lessons into Nursing Home Requirements:** CMS will integrate new lessons on standards of care into nursing home requirements around fire safety, infection control, and other areas, using an equity lens.

It is still very early in the process and the effort needed to implement these reforms will be significant. We will continue to share information and also action steps you can take to help realize these important goals. But, for now, we can all celebrate this momentous occasion and its promise for nursing home residents!