

CARE FOR OUR SENIORS ACT

OVERSIGHT: IMPROVING SYSTEMS TO BE MORE RESIDENT-DRIVEN Survey Improvements for Better Resident Care

Background

The purpose behind government oversight of nursing homes is to ensure the safety and wellbeing of our residents, and nursing home providers share in that purpose. However, the current survey and enforcement system treats nursing homes like they are all bad actors, and as a result, the system has been shown to be inconsistent and ineffective.

The current process does not drive improved quality of care and quality of life for nursing home residents. The same modes of citation and penalty have been used for decades and have not evolved to reflect the science of quality improvement nor a current understanding of how to effectively use oversight to create change and achieve desired outcomes. Nursing homes, consumer advocates, Congress, and the Centers for Medicare and Medicaid Services (CMS) are dissatisfied with both the process and results.

The extensive investment of time and funding in the inspection process by state survey agencies, the federal government, nursing home staff, and other stakeholders is not delivering an equal or better return on investment to benefit the residents the system is intended to serve. The National Academies of Sciences, Engineering, and Medicine recognized this, and in 2020, began a study to revisit the linkages between the regulations/survey process and quality.

The punitive nature of the process drives qualified staff out of long term care and into other health care jobs where the oversight process focuses on supporting a culture of safety and continuous quality improvement. Moreover, excessive fines take away precious resources needed by facilities to make necessary improvements for better resident care.

In addition, CMS spends a substantial portion of its survey budget on addressing poor performing nursing homes, yet the current process and use of resources is not improving resident care among struggling providers.

We must foster an approach where providers and regulators have a shared responsibility to do what is best for the residents, recognize good faith efforts, and effectively remedy identified issues.

Proposed Solution

We recommend a **three-tiered approach that leverages continuous learning to improve the oversight and enforcement process for better resident care.**

1. Incorporate a good faith effort evaluation and quality improvement focus on the survey process.
2. Understand when and how citation and enforcement remedies are helpful in driving compliance and improvement and apply consistently across the nation.
3. Align state survey agency performance evaluation with the CMS mission of assuring basic levels of quality and safety for all residents.

Funded By: Current CMS and state survey agency funding (budget neutral)