


CITY COUNCIL ACTION REQUEST

Department(s): City Manager's Office	Date: 04/21/21	Coordination: City Attorney's Office	Dept. Approval: /s/ Lee Wilcox
			CMO Approval:  04/23/21

SUBJECT: H.R. 1985 (Pascrell): Nursing Home Reform Modernization Act

RECOMMENDED POSITION: Support

RECOMMENDED ACTION:

1. Adopt a position of support for H.R. 1985 (Pascrell).
2. Recommend this item be agendized for the May 4, 2021 City Council Meeting so that the City's Legislative Representative can advocate the City's support for H.R. 1985.

BILL SYNOPSIS:

More than 500 nursing home facilities nationwide have consistently failed to meet federal safety and care requirements. Of these 500, only a select few are chosen for the Special Focus Facility (SFF) program which provides additional oversight and inspections. H.R. 1985 would expand the SFF program and ensure that all facilities nominated for the program receive additional oversight, enforcement, and technical assistance.

H.R. 1985 requires the Centers for Medicare & Medicaid Services to establish a ranking system and related programs for Medicare skilled nursing facilities and Medicaid nursing facilities, taking into account the findings and recommendations of an independent Advisory Council. The bill would provide alternative funding and increase educational resources for historically underperforming facilities and would task the Advisory Council with informing the U.S. Department of Health and Human Services on how best to foster quality improvements.

The author has not yet released full text of H.R. 1985, but the author's staff advised that the bill is identical to H.R. 9021 introduced in the 116th Congress. Under H.R. 9021, the Advisory Council's study would include an analysis of:

- which available, verifiable data sources and measures are best for appropriately designating facilities as a high-rated facility or a low-rated facility;
- the appropriate frequency with which to update the rankings for the high-rated and low-rated facilities;
- how best to ensure that skilled nursing facilities and nursing facilities appropriately report adverse events;
- how surveyors can clearly provide the rationale for giving deficiencies to such skilled nursing facilities and nursing facilities, and how this can be done in a timely manner;
- how to manage suspensions from the high-rated facility program and the need for additional consumer protections to administer a high-rated facility program;
- the availability or potential development of, or modifications to, measures or verifiable data sources on topics, including avoidable hospital readmissions, emergency room visits, risk-adjusted mortality, discharges to the community, involuntary discharges, situations involving the inappropriate administration of medications by a facility, and emergency management; and
- the development of, or modifications to, data collection, verifiable data sources, and potential measures to assess the financial stability of a facility.

IMPACTS TO CITY OF SAN JOSE:

The City of San José adopted Legislative Program policies for COVID-19 that express a strong commitment to ensure the health and safety of our most vulnerable residents. H.R. 1985 helps stop the spread and death from COVID-19 in nursing home facilities and provide needed transparency about the ranking of local nursing homes and programs.

POLICY ALIGNMENT:

H.R. 1985 aligns with the City’s Legislative Program position on COVID Response and Mitigation to: “Advocate for resources and policies to protect the health, safety, and economic viability of residents and businesses in San José, including testing, food, shelter, childcare, digital inclusion, and isolation support for the City’s most vulnerable populations.”

SUPPORTERS/OPPONENTS:

None on file.

STATUS OF BILL:

H.R. 1985 was introduced on March 17, 2021 and is currently in the House Ways and Means and Energy and Commerce committees.

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