



CMA Press Release – May 10, 2005

CENTER FOR MEDICARE ADVOCACY CALLS ON BUSH ADMINISTRATION TO ENFORCE THE NURSING HOME REFORM LAW

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“The regulatory system intended to protect nursing home residents from poor care, abuse, and neglect – and to assure that residents receive high quality care – is threatened by the Administration’s ineffective use of its existing authority,” said Toby S. Edelman, a Senior Policy Attorney with the Center for Medicare Advocacy. “The HHS Inspector General’s devastating recent findings that most of the fines proposed by the federal government in 2000 and 2001 were at or near the bottom of the allowable range; that nearly three-quarters of proposed fines were reduced prior to a request for payment; and ultimately, that less than half the amount imposed was ever collected – show that the Centers for Medicare & Medicaid Services (CMS) is failing to enforce the Nursing Home Reform Law in a way that assures that residents get the high quality care they need,” continued Ms. Edelman. The Center for Medicare Advocacy calls on the Administration to ensure that the multi-billion dollar nursing home industry provides the high quality care promised by federal law to our vulnerable parents, grandparents, spouses, friends, and neighbors.

The landmark Nursing Home Reform legislation was enacted in 1987 to improve care for nursing home residents. The law required that each resident receive all the care and services she or he needs “to attain and maintain the highest practicable physical, mental, and psychosocial well-being.” The law requires individualized assessments and care plans, protection of residents’ rights, high quality of life, high quality of care, and other comprehensive features designed to assure the best possible care.

“When the law is not enforced,” said Ms. Edelman, “its promise of better care for residents rings hollow. When, as the Office of Inspector General has found, the primary enforcement tool (civil fines) is used so ineffectively, if at all, by the Centers for Medicare & Medicaid Services, residents can only suffer.” (See *Nursing Home Enforcement: The Use of Civil Money Penalties*, OEI-06-02-00720 (Apr. 2005) for details on the use of these fines.)

The Center calls on CMS to strengthen the public regulatory system, rather than to devote increasing federal resources and attention to untested quality improvement activities.