

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2879

To amend titles XVIII and XIX of the Social Security Act to improve the availability of accurate nursing facility staffing information, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

Mr. GRASSLEY (for himself, Mr. BREAUX, and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend titles XVIII and XIX of the Social Security Act to improve the availability of accurate nursing facility staffing information, 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 “Nursing Home Staff-  
5 ing Accountability Act of 2002”.

6 **SEC. 2. IMPROVING THE AVAILABILITY OF ACCURATE DATA**

7 **ON NURSING FACILITY STAFFING.**

8 (a) MEDICARE.—Section 1819(b)(8) of the Social Se-  
9 curity Act (42 U.S.C. 1395i–3(b)) is amended—

1 (1) in subparagraph (A), by adding at the end  
2 the following new sentence: “The information posted  
3 under this subparagraph shall include information  
4 regarding nurse staffing with respect to beds made  
5 available by reason of an agreement under section  
6 1883.”; and

7 (2) by adding at the end the following new sub-  
8 paragraphs:

9 “(C) SUBMISSION AND POSTING OF  
10 DATA.—Beginning on July 1, 2003, a skilled  
11 nursing facility shall submit to the Secretary in  
12 a uniform manner (as prescribed by the Sec-  
13 retary) the nursing staff data described in sub-  
14 paragraph (A) through electronic data submis-  
15 sion not less frequently than quarterly and the  
16 Secretary shall make such data publicly avail-  
17 able, including by posting such data on an  
18 Internet website.

19 “(D) AUDIT OF DATA.—As part of each  
20 standard survey conducted under subsection  
21 (g)(2)(A), there shall be an audit of the nursing  
22 staff data reported under subparagraph (C) to  
23 ensure that such data are accurate.”.

24 (b) MEDICAID.—Section 1919(b)(8) of the Social Se-  
25 curity Act (42 U.S.C. 1395r(b)(8)) is amended—

1           (1) in subparagraph (A), by adding at the end  
2           the following new sentence: “The information posted  
3           under this subparagraph shall include information  
4           regarding nurse staffing with respect to beds made  
5           available by reason of an agreement under section  
6           1883.”; and

7           (2) by adding at the end the following new sub-  
8           paragraphs:

9                   “(C) SUBMISSION AND POSTING OF  
10                   DATA.—Beginning on July 1, 2003, a nursing  
11                   facility shall submit to the Secretary in a uni-  
12                   form manner (as prescribed by the Secretary)  
13                   the nursing staff data described in subpara-  
14                   graph (A) through electronic data submission  
15                   not less frequently than quarterly and the Sec-  
16                   retary shall make such data publicly available,  
17                   including by posting such data on an Internet  
18                   website.

19                   “(D) AUDIT OF DATA.—As part of each  
20                   standard survey conducted under subsection  
21                   (g)(2)(A), there shall be an audit of the nursing  
22                   staff data reported under subparagraph (C) to  
23                   ensure that such data are accurate.”.

1 (c) REPORT.—Not later than October 1, 2003, the  
2 Secretary of Health and Human Services shall submit to  
3 Congress a report on—

4 (1) the manner in which the Secretary intends  
5 to implement reporting of additional nurse staffing  
6 variables such as unit worked, day of week (weekday  
7 and weekend), and type of care (direct or adminis-  
8 trative) provided; and

9 (2) the most effective mechanisms for auditing  
10 nurse staffing data under sections 1819(b)(8)(D)  
11 and 1919(b)(8)(D) of the Social Security Act (as  
12 added by subsections (a)(2) and (b)(2), respectively).

13 (d) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply with respect to calendar quarters  
15 beginning on and after January 1, 2003.

16 **SEC. 3. CREATING A STAFFING QUALITY MEASURE FOR**  
17 **CONSUMERS TO COMPARE NURSING FACILI-**  
18 **TIES.**

19 (a) IN GENERAL.—Beginning on October 1, 2003,  
20 and for as long as the Secretary of Health and Human  
21 Services publishes quality measures to help the public  
22 compare the quality of care that nursing facilities provide,  
23 these quality measures shall include a quality measure for  
24 nursing staff that—

1           (1) includes the average daily total nursing  
2           hours worked for the quarterly reporting period for  
3           which data is submitted under sections  
4           1819(b)(8)(C) and 1919(b)(8)(C) of the Social Secu-  
5           rity Act (as added by subsections (a)(2) and (b)(2),  
6           respectively, of section 2);

7           (2) is sensitive to case mix and quality out-  
8           comes; and

9           (3) indicates the percentile in which each nurs-  
10          ing facility falls compared with other nursing facili-  
11          ties in the State.

12       The Secretary shall not be required to comply with the  
13       requirements of paragraph (2) to the extent that the devel-  
14       opment of a methodology to comply with such requirement  
15       would delay the implementation of this section.

16       (b) FORM AND MANNER.—The nursing facility staff-  
17       ing measure described in subsection (a) shall be displayed  
18       in the same form and manner as information that the Sec-  
19       retary displays to help the public compare the quality of  
20       care that nursing facilities provide.

21       (c) PERIODIC REVISIONS.—The Secretary may revise  
22       the nursing facility staffing measure described in sub-  
23       section (a) from time to time to improve the accuracy of  
24       such measure.

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