



COMMITTEE ON
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DEMOCRATS
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Pallone Remarks at Nursing Homes Oversight Hearing

Washington, D.C. – *Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) delivered the following opening remarks today at a Subcommittee on Oversight and Investigations hearing on “Examining Federal Efforts to Ensure Quality of Care and Resident Safety in Nursing Homes:”*

Nursing home residents are among our most vulnerable populations, who are often unable to care for themselves and require personal attention. Many of us have had loved ones in the care of nursing homes or skilled nursing facilities, so we all can appreciate the need to ensure these facilities are providing high-quality care.

Most of the time, nursing homes are staffed by compassionate professionals who want to provide quality care to those who need it. These professionals are strong allies in our efforts to ensure residents are properly taken care of.

As the Department of Health and Human Services’ Office of Inspector General points out in its testimony today, nursing homes offer enormous benefit by providing a place of comfort and healing to residents in fragile health, many of whom are insured by Medicaid. The best nursing homes provide excellent care and take seriously their duty to protect their residents.

That said, nursing home quality of care is a long-standing concern and we should always strive to conduct oversight of this sector in an effort to improve the overall quality of care.

Over the past several years, HHS’s OIG and the Government Accountability Office have both found problems in nursing home delivery of care, and federal and state oversight.

That is not to say that we should be suspicious of all nursing homes. Rather, certain providers have failed to ensure high-quality care.

For example, OIG has found that when incidents of abuse or neglect occur, some nursing homes fail to report them as required. And GAO has identified gaps in nursing homes’ emergency preparedness and response capabilities.

We can and must demand better for our loved ones. That is why we must focus our resources to weed out these bad actors, so that residents are protected and the rest of the industry is not given a black eye.

That is where the Centers for Medicare and Medicaid Services comes in. In exchange for participating in the Medicare and Medicaid programs, nursing homes must comply with federal standards related to health and safety. CMS is charged with overseeing nursing homes' compliance with those standards, and the agency has enforcement mechanisms at its disposal. Among those standards are the ability to terminate a facility's participation in Medicare and Medicaid if it does not comply.

However, OIG and GAO have long raised questions about CMS's oversight of nursing homes. For instance, OIG notes that CMS does not always ensure that abuse and neglect at skilled nursing facilities are identified and reported. And when a nursing home is cited for a deficiency, OIG has found that CMS does not always require them to correct the problem. Many of these same issues have been raised for several years, so the Committee needs to hear what progress CMS is making, and what more needs to be done to better ensure quality of care.

CMS also relies on state survey agencies to conduct inspections of nursing homes on CMS's behalf, but some states have been better than others at ensuring high-quality care. OIG's audits have revealed that several states fell short in investigating the most serious complaints, and many had difficulty meeting CMS's standards. Workforce shortages and inexperienced surveyors at the state level have also led to the understatement of serious care problems.

Here, too, OIG and GAO have found problems with CMS's oversight of the state agencies. We need to hear what CMS needs to do better or differently to ensure federal requirements are being followed.

Finally, CMS has yet to finalize and enforce some 2016 regulations to update and strengthen the nursing home standards. These regulations addressed critical areas such as staff training and protections against abuse, among other issues.

However, last year CMS issued a moratorium on enforcement of many of these regulations. It is important to hear the input of industry and consumer groups to ensure regulations are done right, but without actually enforcing these rules, it is unclear how CMS will ensure the quality and safety of our nation's nursing homes.

Dr. Goodrich needs to articulate today how CMS is considering the concerns of the industry and consumers while also meeting its responsibility to ensure high-quality care in nursing homes.

I yield back.

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