

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO COMMITTEE PRINT RELATING TO SKILLED
NURSING FACILITIES
OFFERED BY M__ . _____**

In lieu of the proposed recommendations, insert the following:

1 **PART 3—SKILLED NURSING FACILITIES**
2 **SEC. 134301. FUNDING TO IMPROVE THE ACCURACY AND**
3 **RELIABILITY OF CERTAIN SKILLED NURSING**
4 **FACILITY DATA.**

5 Section 1888 of the Social Security Act (42 U.S.C.
6 1395yy) is amended—

7 (1) in subsection (h)(12)—
8 (A) in subparagraph (A), by striking “and
9 the data submitted under subsection (e)(6)”
10 and inserting “, the data submitted under sub-
11 section (e)(6), and, during the period beginning
12 with fiscal year 2024 and ending with fiscal
13 year 2031, the resident assessment data de-
14 scribed in section 1819(b)(3) and the direct
15 care staffing information described in section
16 1128I(g)”; and

17 (B) in subparagraph (B)—

1 (i) by striking “FUNDING.—For pur-
2 poses” and inserting “FUNDING.—

3 “(i) FISCAL YEARS 2023 THROUGH
4 2025.—For purposes”; and

5 (ii) by adding at the end the following
6 new clause:

7 “(ii) FISCAL YEARS 2026 THROUGH
8 2031.—There is appropriated to the Sec-
9 retary, out of any monies in the Treasury
10 not otherwise appropriated, \$50,000,000
11 for the period of fiscal years 2026 through
12 2031 for purposes of carrying out this
13 paragraph.”; and

14 (2) in subsection (e)(6)(A)—

15 (A) in the header, by striking “FOR FAIL-
16 URE TO REPORT”; and

17 (B) in clause (i)—

18 (i) by striking “For fiscal years” and
19 inserting the following:

20 “(I) FAILURE TO REPORT.—For
21 fiscal years”; and

22 (ii) by adding at the end the following
23 new subclause:

24 “(II) REPORTING OF INAC-
25 CURATE INFORMATION.—For fiscal

1 years during the period beginning
2 with fiscal year 2025 and ending with
3 fiscal year 2031, in the case of a
4 skilled nursing facility that submits
5 data under this paragraph, measures
6 under subsection (h), resident assess-
7 ment data described in section
8 1819(b)(3), or direct care staffing in-
9 formation described in section
10 1128I(g) with respect to such fiscal
11 year that is inaccurate (as determined
12 by the Secretary through the valida-
13 tion process described in section
14 1888(h)(12) or otherwise), after de-
15 termining the percentage described in
16 paragraph (5)(B)(i), and after appli-
17 cation of clauses (ii) and (iii) of para-
18 graph (5)(B) and of subclause (I) of
19 this clause (if applicable), the Sec-
20 retary shall reduce such percentage
21 for payment rates during such fiscal
22 year by 2 percentage points.”.

1 **SEC. 134302. ENSURING ACCURATE INFORMATION ON COST**
2 **REPORTS.**

3 Section 1888(f) of the Social Security Act (42 U.S.C.
4 1395yy(f)) is amended by adding at the end the following
5 new paragraph:

6 “(5) AUDIT OF COST REPORTS.—There is ap-
7 propriated to the Secretary, out of any monies in the
8 Treasury not otherwise appropriated, \$250,000,000
9 for fiscal year 2023 to remain available until ex-
10 pended, for purposes of conducting an annual audit
11 (beginning with 2022 and ending with 2031) of cost
12 reports submitted under this title for a representa-
13 tive sample of skilled nursing facilities.”.

14 **SEC. 134303. SURVEY IMPROVEMENTS.**

15 Section 1819 of the Social Security Act (42 U.S.C.
16 1395i–3) is amended by adding at the end the following
17 new subsection:

18 “(1) SURVEY IMPROVEMENTS.—

19 “(1) IN GENERAL.—There is appropriated to
20 the Secretary, out of any monies in the Treasury not
21 otherwise appropriated, \$325,000,000, for the period
22 of fiscal years 2022 through 2031, for purposes of—

23 “(A) conducting reviews and identifying
24 plans under paragraph (2); and

1 “(B) providing training, tools, technical as-
2 sistance, and financial support in accordance
3 with paragraph (3).

4 “(2) REVIEW.—The Secretary shall conduct re-
5 views, during the period specified in paragraph (1),
6 of (and, as appropriate, identify plans to improve)
7 the following:

8 “(A) The extent to which surveys con-
9 ducted under subsection (g) and the enforce-
10 ment process under subsection (h) result in in-
11 creased compliance with requirements under
12 this section and subpart B of part 483 of title
13 42, Code of Federal Regulations, with respect
14 to skilled nursing facilities (in this subsection
15 referred to as ‘facilities’).

16 “(B) The timeliness and thoroughness of
17 State agency verification of deficiency correc-
18 tions at facilities.

19 “(C) The appropriateness of the scoping
20 and substantiation of cited deficiencies at facili-
21 ties.

22 “(D) The accuracy of the identification
23 and appropriateness of the scoping of life safe-
24 ty, infection control, and emergency prepared-
25 ness deficiencies at facilities.

1 “(E) The timeliness of State agency inves-
2 tigations of—

3 “(i) complaints at facilities; and

4 “(ii) reported allegations of abuse, ne-
5 glect, and exploitation at facilities.

6 “(F) The consistency of facility reporting
7 of substantiated complaints to law enforcement.

8 “(G) The ability of the State agency to
9 sufficiently hire, train, and retain individuals
10 who conduct surveys.

11 “(H) Any other area related to surveys of
12 facilities, or the individuals conducting such
13 surveys, determined appropriate by the Sec-
14 retary.

15 “(3) SUPPORT.—Based on the review under
16 paragraph (2), the Secretary shall, during the period
17 specified in paragraph (1), provide training, tools,
18 technical assistance, and financial support to State
19 agencies that perform surveys of facilities for the
20 purpose of improving the surveys conducted under
21 subsection (g) and the enforcement process under
22 subsection (h) with respect to the areas reviewed
23 under paragraph (2).”.

1 **SEC. 134304. NURSE STAFFING REQUIREMENTS.**

2 Section 1819(d) of the Social Security Act (42 U.S.C.
3 1395i–3(d)) is amended—

4 (1) in paragraph (4)(A), by inserting “and any
5 regulations promulgated under paragraph (5)(C)”
6 after “section 1124”; and

7 (2) by adding at the end the following new
8 paragraph:

9 “(5) NURSE STAFFING REQUIREMENTS.—

10 “(A) FUNDING.—There is appropriated to
11 the Secretary, out of any monies in the Treas-
12 ury not otherwise appropriated, \$50,000,000
13 for the period of fiscal years 2022 through
14 2031 for purposes of carrying out this para-
15 graph.

16 “(B) STUDY.—Not later than 3 years after
17 the date of the enactment of this paragraph,
18 and not less frequently than once every 5 years
19 thereafter, the Secretary shall, out of funds ap-
20 propriated under subparagraph (A), conduct a
21 study and submit to Congress a report on the
22 appropriateness of establishing minimum staff
23 to resident ratios for nursing staff for skilled
24 nursing facilities. Each such report shall in-
25 clude—

1 “(i) with respect to the first such re-
2 port, recommendations regarding appro-
3 priate minimum ratios of registered nurses
4 (and, if practicable, licensed practical
5 nurses (or licensed vocational nurses) and
6 certified nursing assistants) to residents at
7 such skilled nursing facilities; and

8 “(ii) with respect to each subsequent
9 such report, recommendations regarding
10 appropriate minimum ratios of registered
11 nurses, licensed practical nurses (or li-
12 censed vocational nurses), and certified
13 nursing assistants to residents at such
14 skilled nursing facilities.

15 “(C) PROMULGATION OF REGULATIONS.—

16 “(i) IN GENERAL.—Not later than 2
17 years after the Secretary first submits a
18 report under subparagraph (B), the Sec-
19 retary shall, out of funds appropriated
20 under subparagraph (A)—

21 “(I) specify through regulations,
22 consistent with such report, appro-
23 priate minimum ratios (if any) of reg-
24 istered nurses (and, if practicable, li-
25 censed practical nurses (or licensed

1 vocational nurses) and certified nurs-
2 ing assistants) to residents at skilled
3 nursing facilities; and

4 “(II) except as provided in clause
5 (ii), require such skilled nursing facili-
6 ties to comply with such ratios.

7 “(ii) EXCEPTION.—

8 “(I) IN GENERAL.—In addition
9 to the authority to waive the applica-
10 tion of clause (i)(II) under section
11 1135, the Secretary may waive the
12 application of such clause with respect
13 to a skilled nursing facility if the Sec-
14 retary finds that—

15 “(aa) the facility is located
16 in a rural area and the supply of
17 skilled nursing facility services in
18 such area is not sufficient to
19 meet the needs of individuals re-
20 siding therein;

21 “(bb) the Secretary provides
22 notice of the waiver to the State
23 long-term care ombudsman (es-
24 tablished under section
25 307(a)(12) of the Older Ameri-

1 cans Act of 1965) and the pro-
2 tection and advocacy system in
3 the State for the mentally ill; and

4 “(cc) the facility that is
5 granted such a waiver notifies
6 residents of the facility (or,
7 where appropriate, the guardians
8 or legal representatives of such
9 residents) and members of their
10 immediate families of the waiver.

11 “(II) RENEWAL.—Any waiver in
12 effect under this clause shall be sub-
13 ject to annual renewal.

14 “(iii) UPDATE.—Not later than 2
15 years after the submission of each subse-
16 quent report under subparagraph (B), the
17 Secretary shall, out of funds appropriated
18 under subparagraph (A) and consistent
19 with such report, update the regulations
20 described in clause (i)(I) to reflect appro-
21 priate minimum ratios (if any) of reg-
22 istered nurses, licensed practical nurses (or
23 licensed vocational nurses), and certified

1 nursing assistants to residents at skilled
2 nursing facilities.”.

