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Client Alert: New Nursing Home Regulations are on the Horizon

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On February 28, President Biden announced that the Department of Health and Human Services (HHS) will be issuing new regulations for nursing homes. HHS will be issuing regulations through the Centers for Medicare & Medicaid Services (CMS). These regulations will include establishing a minimum nursing home staffing requirement, reduce resident room crowding, improve the Skilled Nursing Facility Value-Based Purchasing Program, and heighten safeguards against unnecessary medications and treatments.

The White House also announced that it will be seeking to increase the funding for nursing home inspection activities, "beef up scrutiny" on poor performing facilities, expand financial penalties and sanctions, increase the accountability for chain owners of substandard facilities, and provide technical assistance to nursing homes to improve quality.

Additionally, the new endeavor will seek to increase the transparency regarding ownership of facilities, and examine the role private equity ventures have played in the nursing home industry. This initiative is also going to look at the affordability of nurse aid training, improving staffing and workforce sustainability, and launching a national nursing pathways campaign.

Finally, CMS will be endeavoring to increase pandemic and emergency preparedness in nursing homes. This will include supporting COVID-19 testing and vaccinations in long-term care facilities, strengthen infection prevention requirements, enhance pandemic and emergency preparedness standards, and include COVID-19 lessons learned into nursing home requirements.

It is advisable that nursing homes monitor these potential changes, and address comments and concerns to regulators and your elected officials. These modifications could well lead to mandates that are not accompanied by additional funding.

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