

# United States Senate

June 28, 2019

The Honorable Seema Verma  
Administrator  
Centers for Medicare & Medicaid Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Administrator Verma:

I am writing to follow up on my letter sent to you on May 3, 2019, regarding oversight of the nursing home industry. As a member of the Senate Finance Committee and an advocate for seniors in Montana, ensuring that older Americans in my home state and across the nation are protected from abuse and neglect and have access to quality care is a top priority of mine.

I am proud of the high-quality nursing homes operating in Montana that provide critical services to seniors and people with disabilities across the state. I am however concerned about reported incidences of older adults receiving substandard care in nursing homes in Montana and nationwide and want to make sure that there are appropriate processes in place to prevent abuse and improve care in facilities that are not performing well.

As someone who wants to ensure that there is a federal commitment to transparency, I welcome the announcement that the Centers for Medicare & Medicaid Services (CMS) will begin publicizing the list of poor performing nursing homes that are eligible for CMS' Special Focus Facility (SFF) program. This is a step in the right direction that will help families as they make the decision to seek nursing home services for a loved one.

In addition to identifying and resolving substandard care, I would like to know that CMS is doing all it can to help facilities achieve quality care and identify barriers and solutions to assure the quality we are seeking. I would welcome you to solicit feedback from facilities in Montana as CMS continues its review of nursing home regulations, guidelines, and processes that are intended to ensure seniors have access to quality care.

Along with my previous questions from my May 3<sup>rd</sup> letter, I would respectfully request you respond to the following:

1. According to a *New York Times* article published on June 24, 2019, 74 nursing homes with mortgages backed by the U.S. Department of Housing and Urban Development (HUD) are reportedly poor performing and labeled as SFFs or eligible for SFF designation. Does CMS coordinate with other government agencies, including HUD, as it oversees the SFF program? What information is shared between agencies? Please explain.

2. The Government Accountability Office (GAO) has made a number of recommendations related to the SFF program. Please provide information regarding GAO recommendations that CMS has implemented and those that have not been implemented.
3. Is CMS considering any adjustments to the SFF program? For example, has CMS considered changes to the methodology for how it determines which nursing homes are eligible for the SFF program or modifications to the interventions the agency employs in order to help nursing homes improve?
4. When will CMS begin publicizing nursing homes that are candidates for CMS' SFF program? How does CMS intend to make this information available?
5. What is CMS doing to make sure family members and future nursing home residents are aware of CMS quality measures, staffing, and other information?
6. Has CMS considered adding customer satisfaction to Nursing Home Compare? If so, how would consumer satisfaction be measured?

Thank you for your attention to this important matter. If you have any questions or need additional information, please feel free to contact my staff at 202-224-2651.

Sincerely,



STEVE DAINES  
U.S. Senator