

## MDS Alert

### Industry Updates: CMS Announces Changes to SFF Program

#### Beware of more, expanded enforcement actions.

The Centers for Medicare & Medicaid Services (CMS) has announced some adjustments to the Special Focus Facilities (SFF) program, in hopes of boosting the quality of care in the poorest performing nursing homes.

"Let us be clear: we are cracking down on enforcement of our nation's poorest-performing nursing homes," said HHS Secretary **Xavier Becerra** in an Oct. 21, 2022, press release. "As President Biden directed, we are increasing scrutiny and taking aggressive action to ensure everyone living in nursing homes gets the high-quality care they deserve. We are demanding better, because our seniors deserve better."



The reforms include adjusting the number of adequately trained staff, enforcement actions (like cutoff of taxpayer dollars) against poorly performing nursing homes, and more transparency for the public about nursing home conditions, according to a fact sheet released by the White House.

"People in this country's nursing homes deserve access to safe and high-quality care, and facilities that aren't providing that level of service need to improve their performance or face the consequences," said CMS Administrator **Chiquita Brooks-LaSure** in the Oct. 21 release. "Poor-performing nursing homes have the opportunity to improve, but if they fail to do so, the changes we are making to CMS' Special Focus Facilities Program will hold these facilities accountable for the health and safety of their residents."

The pandemic has made these reforms especially necessary, highlighting the dire conditions of most surveyor-inspected nursing homes, where 82 percent from 2013-2017 had an infection prevention and control deficiency, including lack of handwashing.

The reforms announced include establishing a minimum nursing home staffing requirement, reducing resident room crowding, strengthening the SNF Value-Based Purchasing (VBP) program, and looking into the safeguards against



unnecessary medications and treatments.

President **Joseph Biden** says he will call on Congress to provide a nearly 25 percent increase in funding in order to meet these aims, as well as beefing up scrutiny of the poorest performing facilities, including those considered SFF.

Some of the enforcement actions against facilities that do not meet the standards will include expanded financial penalties and other sanctions, like per-day penalties for noncompliance. Biden also hopes that Congress will allow CMS to pursue more accountability from nursing home owners, in recognition that privately owned nursing homes sometimes have the most surveyor-observed noncompliance.

For more information on what nursing homes can expect, see the fact sheet, here [www.whitehouse.gov/briefing-room/statements-releases/2022/02/28/fact-sheet-protecting-seniors-and-people-with-disabilities-by-improving-safety-and-quality-of-care-in-the-nations-nursing-homes/](https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/28/fact-sheet-protecting-seniors-and-people-with-disabilities-by-improving-safety-and-quality-of-care-in-the-nations-nursing-homes/).