

# Moving Forward Coalition

## Federal Policy Recommendations

### Don't Just Collect it ... Use it *From Transparency to Accountability*

#### The Issue:

Federal regulators should hold nursing home owners accountable for the quality of care they provide residents and their communities. A significant body of evidence shows that:

- Nursing home ownership influences quality of care
- Nursing home ownership changes are happening more frequently than ever
- Nursing home ownership structures are often complex and may be used to hide profits

Federal and state agencies may lack the bandwidth and systems to collect, verify, and use ownership data accurately and effectively. In most cases, they cannot oversee changes of ownership, hold owners accountable for poor quality, or protect communities from harmful market trends and ownership actions.



#### NASEM Recommendation 3B:

The U.S. Department of Health and Human Services should ensure that accurate and comprehensive data on the finances, operations, and ownership of all nursing homes are available in a real-time, readily usable, and searchable database so that consumers, payers, researchers, and federal and state regulators are able to use the data to:

- Evaluate and track the quality of care for facilities with common ownership or management company.
- Assess the impact of nursing home real estate ownership models and related-party transactions on the quality of care.

#### The Federal Policy Landscape:

In November 2023, The Centers for Medicare & Medicaid Services (CMS) finalized an important rule requiring nursing homes to submit detailed data on members of their governing bodies; each officer, director, member, partner, trustee, or managing employee; and each disclosable party with a description of its organizational structure and relationship to the nursing home. However, it's not clear that CMS can effectively audit this new data or use it to enforce ownership accountability. Moreover, the data collection remains largely independent of individual state policies and procedures – creating both gaps and redundancies in oversight activities.

#### Coalition Action:

Members of the Coalition spoke with policymakers and regulators in 16 states to talk about how those states collect, audit, share, and use ownership data, as well as how they think their state and the federal government can do that work better. They also spoke with leaders at CMS's Center for Program Integrity to learn about the new final rule and how it might encourage future work.

### Proposed Solution:

We believe CMS should spearhead a national system for ownership data collection, auditing, and use. Here's how to start:

1. Pool federal and state resources to support forensic accounting specialists and other data analysts.
2. Standardize definitions for nursing home ownership and financial relationships and approaches to data collection across Medicare and Medicaid programs.
3. Develop a common data network for all Medicaid, Medicare, and state licensure nursing home ownership data overseen by CMS in partnership with other federal agencies – including CMS, Medicaid programs and state licensure agencies, Health and Human Services Office of the Inspector General, U.S. Department of Justice, and the Centers for Disease Control and Prevention.
4. Coordinate agreements and approaches for state agencies to share data and communicate across state lines.

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In its 2022 report, [The National Imperative to Improve Nursing Home Quality](#), the National Academies of Sciences, Engineering & Medicine made a set of bold recommendations for federal policies to improve nursing home quality. Picking up where they left off, members of the Moving Forward Coalition prioritized three of these recommendations and worked together to develop the consensus and specificity to make them actionable for federal policymakers.

This one-page brief presents Moving Forward-backed steps for CMS to take in nursing home ownership transparency and accountability. We hope you will share it with your representatives, policymakers, and community leaders to spur dialogue about actionable opportunities to improve nursing home quality for all residents, care partners, and staff members.

Together, we can move from action plans to action.