

August 31, 2023

The Honorable Mike Levin  
United States House of Representatives  
1030 Longworth House Office Building  
Washington, DC 20515

The Honorable Brian Fitzpatrick  
United States House of Representatives  
271 Cannon House Office Building  
Washington, DC 20515

Dear Representatives Levin and Fitzpatrick,

The undersigned organizations strongly support H.R. 177, The Nursing Home Disclosure Act.

Under 42 CFR §483.70(h), the Centers for Medicare & Medicaid Services (CMS) requires every nursing home to designate a physician to serve as medical director. Requirements of the medical director role include coordinating medical care and providing clinical guidance; overseeing the implementation of resident care policies; ensuring policies and procedures align with current standards of practice; and identifying and addressing issues with resident care or quality of life practices. Medical directors serve in an administrative and regulatory role overseeing overall clinical care practices of their facilities. When the medical director role was created in the OBRA' 87 law, the goal was to help improve the overall quality of care, operations, and clinical practice within the nation's nursing facilities. **We have an imperative to ensure that this role is transparent to the public.**

In 2022, the National Academies of Sciences, Engineering, and Medicine (NASEM) released a report, *The National Imperative to Improve Nursing Home Quality: Honoring Our Commitment to Residents, Families and Staff*, that further highlights the importance of medical directors in the nursing home setting. According to the NASEM report, the medical director's role is critical for the "promotion of high-quality clinical care, assistance in reviewing the quality of care, advising on infection prevention and control issues, promoting employee health and safety, and being active in facility-related education and communication." The NASEM report also noted that in 2020, the Center for Medicare and Medicaid Services (CMS) coronavirus commission report emphasized "the importance of medical director engagement in nursing home emergency management planning and execution."

The NASEM report recommended developing a public, national database about the basic demographics and training of the medical director, among other pieces of information. As the report notes, "CMS does not keep any record of the characteristics of nursing home medical directors (e.g., age, medical specialty, certification status, geriatric or medical director training, number of patients served, time spent in the nursing homes) in its databases, which makes research in this area challenging."

We believe that CMS should disclose the medical directors of facilities and publicly display these on a website. Nursing home residents and their families have a right to know the physician who is charged with the vital tasks of coordinating the medical care given in the facility and the implementation of resident care policies. We strongly support your bill, H.R. 177, The Nursing Home Disclosure Act. The bill would ensure nursing facilities publicly report information on medical directors on Nursing Home Compare. Of note, CMS could implement this policy without a statutory change.

In short, we believe that CMS should begin keeping a public record, by name, of medical directors in each nursing home. The public needs and deserves access to immediate and adequate data about the clinicians who perform this vital role.

We look forward to working with you to enact this important legislation.

Sincerely,



AMDA-The Society for Post-Acute and Long-Term Care Medicine



American Society of Consultant Pharmacists



LeadingAge



American Geriatrics Society



The Gerontological Society of America



National Association of State Long-Term Care Ombudsman



National Association of Social Workers



National Consumer Voice for Quality Long-Term Care