CMS Increases Oversight for Low-Performing Nursing Homes



On October 21, 2022, the Centers for Medicare & Medicaid Services (CMS) announced that the oversight policies for the Special Focus Facility (SFF) program have been revised to improve the care that nursing homes deliver. The SFF program identifies the poorest performing nursing homes in the country for increased scrutiny to immediately improve the quality of care that is delivered. The facilities in the SFF program are inspected approximately twice as often as all other nursing homes, no less than once every six months, and face severe enforcement actions if improvement is not demonstrated. Facilities must pass two consecutive inspections to complete the program. Currently, 88 nursing homes, approximately 0.5% of all nursing homes in the country, participate in the SFF program.

Revisions to the SFF program include:

• Requiring nursing homes to demonstrate systemic improvements in quality to graduate from the SFF program.

• Terminating federal funding for facilities that don't improve.

• Imposing more severe enforcement remedies for non-compliant facilities.

• Incentivizing sustainable improvements.

• Considering staffing levels and compliance history when selecting candidates for the SFF program.

• CMS is encouraging facilities to make good-faith efforts to improve quality and measurable changes, such as changes in staffing, leadership, or increased overall staffing. These efforts will be considered when evaluating potential enforcement actions for noncompliance.

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