

118TH CONGRESS
2D SESSION

S. _____

To amend title XIX of the Social Security Act to develop national quality standards for continuous skilled nursing services provided through Medicaid, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. VANCE (for himself and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title XIX of the Social Security Act to develop national quality standards for continuous skilled nursing services provided through Medicaid, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Continuous Skilled
5 Nursing Quality Improvement Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) FULL-BENEFIT DUAL ELIGIBLE INDI-
2 VIDUAL.—The term “full-benefit dual eligible indi-
3 vidual” means an individual who is entitled to, or
4 enrolled for, benefits under part A of title XVIII of
5 the Social Security Act (42 U.S.C. 1395 et seq.), or
6 enrolled for benefits under part B of title XVIII of
7 such Act, and is eligible for medical assistance under
8 the Medicaid program for full benefits under section
9 1902(a)(10)(A) of such Act (42 U.S.C.
10 1396a(a)(10)(A)) or 1902(a)(10)(C) of such Act (42
11 U.S.C. 1396a(a)(10)(C)), by reason of section
12 1902(f) of such Act (42 U.S.C. 1396a(f)), or under
13 any other category of eligibility for medical assist-
14 ance for full benefits, as determined by the Sec-
15 retary.

16 (2) MEDICAID BENEFICIARY.—The term “Med-
17 icaid beneficiary” means an individual who is eligible
18 for, and enrolled in, a State Medicaid program.

19 (3) MEDICAID PROGRAM.—The term “Medicaid
20 program” means, with respect to a State, the State
21 program under title XIX of the Social Security Act
22 (42 U.S.C. 1396 et seq.) (including any waiver or
23 demonstration under such title or under section
24 1115 of such Act (42 U.S.C. 1315) relating to such
25 title).

1 (4) PRIVATE DUTY NURSING SERVICES.—The
2 term “private duty nursing services” has the mean-
3 ing given that term for purposes of section
4 1905(a)(8) of the Social Security Act (42 U.S.C.
5 1396d(a)(8)) (as in effect on the date of enactment
6 of this Act).

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of Health and Human Services.

9 (6) STATE.—The term “State” has the mean-
10 ing given such term in section 1101(a) of the Social
11 Security Act (42 U.S.C. 1301(a)) for purposes of
12 title XIX of such Act (42 U.S.C. 1396 et seq.).

13 **SEC. 3. REDEFINING PRIVATE DUTY NURSING SERVICES**
14 **PROVIDED THROUGH MEDICAID.**

15 (a) DEFINITION OF MEDICAL ASSISTANCE.—

16 (1) IN GENERAL.—Section 1905(a)(8) of the
17 Social Security Act (42 U.S. 1396d(a)(8)) is amend-
18 ed by striking “private duty nursing services;” and
19 inserting “continuous skilled nursing services;”.

20 (2) EFFECTIVE DATE.—The amendment made
21 by paragraph (1) takes effect on the date that is 18
22 months after the date of enactment of this Act.

23 (b) DEFINITION OF CONTINUOUS SKILLED NURSING
24 SERVICES.—Not later than 18 months after the date of

1 enactment of this Act, the Secretary, through notice and
2 comment rulemaking, shall—

3 (1) revise the definition of “private duty nurs-
4 ing services” in section 440.80 of title 42, Code of
5 Federal Regulations, to be “continuous skilled nurs-
6 ing services”; and

7 (2) require that, a condition for Federal finan-
8 cial participation for a State’s furnishing medical as-
9 sistance for such services under the Medicaid pro-
10 gram to a complex-care patient who requires more
11 than 2 continuous hours of nursing services per day,
12 is that such services are provided by a licensed nurse
13 (including a registered nurse or a licensed practical
14 nurse).

15 **SEC. 4. DEVELOPMENT OF NATIONAL QUALITY STANDARDS**
16 **FOR CONTINUOUS SKILLED NURSING SERV-**
17 **ICES PROVIDED THROUGH MEDICAID.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of enactment of this Act, the Secretary shall convene
20 a working group that includes representatives of inde-
21 pendent and national providers of private duty nursing
22 services under the Medicaid program, other private duty
23 nursing agencies, full-benefit dual eligible individuals,
24 Medicaid beneficiaries, patient advocacy groups, officials
25 of State Medicaid programs, private duty nursing accred-

1 iting bodies, and other relevant stakeholders, to develop
2 and establish national quality standards for the purposes
3 of improving the standard of care for private duty nursing
4 services provided by States under the Medicaid program.

5 (b) ENSURING CLINICALLY APPROPRIATE STAND-
6 ARDS.—The Secretary shall issue a letter to State Med-
7 icaid Directors stating that providers of private duty nurs-
8 ing services under the Medicaid program are not required
9 to adhere to conditions of participation for home health
10 agencies under title XVIII of the Social Security Act (42
11 U.S.C. 1395 et seq.).

12 (c) PUBLICATION OF NATIONAL STANDARDS.—Not
13 later than 1 year after the date on which the working
14 group described in subsection (a) is first convened, the
15 Secretary shall publish the national quality standards de-
16 veloped by the working group for use by State Medicaid
17 programs, managed care entities that enter into contracts
18 with such programs, and providers of items and services
19 under such programs.

20 **SEC. 5. MAINTAINING UP-TO-DATE CONTINUOUS SKILLED**
21 **NURSING STANDARDS.**

22 (a) UPDATING HOME AND COMMUNITY-BASED WAIV-
23 ER SERVICES.—Not later than 18 months after the date
24 of enactment of this Act, the Secretary, through notice
25 and comment rulemaking, shall revise the list of services

1 that are included as “home and community-based waiver
2 services” under section 440.180(b) of title 42, Code of
3 Federal Regulations, to include continuous skilled nursing
4 care services, as defined for purposes of section
5 1905(a)(8) of the Social Security Act (as amended by sec-
6 tion 3(a)) under section 440.80 of title 42, Code of Fed-
7 eral Regulations (as revised after the application of section
8 3(b)).

9 (b) UPDATING THE HOME AND COMMUNITY-BASED
10 SERVICES QUALITY MEASURE SET.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary
13 shall update and publish the HCBS Quality Measure
14 Set, described in the State Medicaid Director Letter
15 #22-003 issued on July 21, 2022, to include core
16 and supplemental quality measures for continuous
17 skilled nursing services for use by State Medicaid
18 programs, managed care entities that enter into con-
19 tracts with such programs, and providers of items
20 and services under such programs.

21 (2) REGULAR REVIEWS AND UPDATES.—The
22 Secretary shall review and update the core set and
23 supplemental set of continuous skilled nursing serv-
24 ices quality measures published under paragraph (1)
25 not less frequently than every 8 years.