

# Quality Care in Nursing Homes

## Congress Must Pass Legislation to End the Mandatory Certified Nursing Assistant (CNA) Training Lock-Out.

**U**nder current law, nursing homes assessed civil monetary penalties above a certain level, annually adjusted for inflation (\$10,697 as of 2018), on their survey automatically lose their authority to train new nursing assistants to be state-certified. CNAs are critical members of a nursing home's workforce, providing extensive direct care to residents. The mandatory certification training lock-out is a byproduct of the fines a nursing home pays and lasts for two years. This certification lock-out is imposed even if the deficiencies cited on the survey are unrelated to the nursing home's CNA training program.

The loss of CNA training authority runs directly counter to a nursing home's ability to provide the highest quality of care, and it exacerbates the steep workforce challenges the long-term services and supports field faces. The two-year duration of the lock-out is an arbitrary period that does nothing to improve the quality of care a nursing home provides.

LeadingAge, the association of nonprofit providers of aging services, including skilled nursing, believes it would be more appropriate to eliminate the automatic, inflexible terms of the statute to enable regulators to exercise discretion in imposing a certification training lockout. In addition the law should provide nursing homes a pathway to reinstate their program so they are able to continue providing in-house certification for nursing assistants.

We support H.R. 1265, the Nursing Home Workforce Quality Act, which would:

- Eliminate the mandatory two-year disapproval of nurse aide training programs, and replace it with discretionary remedy for the U.S. Department of Health and Human Services under Medicare or for states under Medicaid to disapprove a nurse aide training and competency evaluation program.
- This authority would be dependent on a minimum civil monetary penalty amount (currently \$10,697, annually adjusted for inflation) that is related to failure to comply with quality of care standards furnished to residents of the nursing home.
- Rescind the lockout once the nursing home has corrected each deficient practice leading to the disapproval.
- We urge members of the House to co-sponsor H.R. 1265, and our senators to introduce companion legislation.



## Who We Are

- LeadingAge is the largest association of nonprofit aging services organizations in the country.
- We are a 501(c)(3) tax-exempt, charitable organization focused on education, advocacy, and applied research.
- We create innovative solutions for our members' challenges and are committed to developing new ways to improve operations and quality of service.
- As leaders in aging services, we work together toward a shared purpose—to enable the next generation of older adults to live their fullest life and pursue meaning every single day. And as the trusted voice for aging, we commit to empowering our members to transform the aging experience for all.

## Our Members

Our mission-driven members provide services and supports for older adults, with a focus on high quality, person-centered care.

LeadingAge's membership includes:

- **5,300 nonprofits**

that represent the full continuum of care, from housing and skilled nursing to home health, hospice and more

- **38 state partners**

Hundreds of businesses, consumer groups, foundations, and research partners



## Impact

Our members touch millions of lives every day. With a passion and dedication for helping older people live and thrive wherever they call home, LeadingAge is the catalyst for innovation, providing creative approaches for new and needed services and supports for older adults. LeadingAge advocates for critical issues impacting aging services today. Our goal is to create a more diverse and robust network of mission-driven providers to shape and influence the future of aging services.

For more information, please visit [LeadingAge.org](https://LeadingAge.org)  
The Trusted Voice for Aging

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