

Preliminary Exposure Draft

For Comment and Review

Proposed Federal Aging Services Trusted Providers Act

(To be revised to reflect legislative technicalities)

A BILL

To amend titles XVIII and XIX of the Social Security Act to improve conditions for the aging and to encourage advance provision for the exigencies of aging and the end of life.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Trusted Providers Act' of 201x.

SEC. 2. SUBSTITUTION OF SELF-REGULATION FOR PROVIDERS WHO MEET QUALIFICATION STANDARDS.

Any provider of services to the aging who demonstrates continuous responsible conduct over a period of not less than five years shall be exempt from the provisions of this Title that govern how services are to be provided and that direct the periodic examination of such provider organization.

It is recognized that any provider who seeks to assist older Americans in maintaining an active and fulfilling life is apt to encounter mishaps from time to time because of the age-related frailty of the population served. Hence, a minimum number of "deficiencies" according to current standards are likely to be incurred in a facility that enhances the quality of life as well as the inherent safety of those served.

In order to qualify for such exemption the State or Commonwealth of the United States in which such provider is located must have adopted a comparable Self-Certification program for compliance with State and local regulations and any related inspections or examinations and the provider must have qualified for such Self-Certification.

A Trusted Provider shall be deemed to be any organization that over a five year period is ascribed no more than five deficiencies per hundred persons served and for which all deficiencies, where possible, have been corrected within four weeks of their being cited, or if correction is not possible, adequate steps have been taken to minimize the possibility of a recurrence

consistent with that normal freedom of action which is the essence of human existence in a free society.

It shall be the responsibility of the Chief Medicare/Medicaid Surveyor for the region in which the facility is operated, upon application, to certify the provider as a Trusted Provider if the provider otherwise qualifies for such certification.

To maintain Trusted Provider standing a provider organization must retain an outside independent quality assurance organization to certify annually that operations continue to be conducted with the highest regard for safety consistent with the freedom which is essential to the dignity of the human condition. Trusted Provider organizations shall also be accountable for complaints which complaints shall be adjudicated for a fee by the local Ombudsman organization pursuant to regulations to be promulgated by the Federal Administration for Community Living or any federally designated successor agency. Trusted Provider standing shall be lost if the number of complaints upheld after adjudication exceeds the standard of no more than five such confirmed complaints over the course of a twelve month period.

The provisions of this Act shall preempt all other laws that may conflict with any provision in this Act whether such laws are state or Federal.

Reimbursement rates for services provided under Title XVIII or Title XIX of the Social Security Act shall be unaffected by this act.

This Act shall take effect immediately upon enactment.

Preliminary