



CALIFORNIA ADVOCATES FOR NURSING HOME REFORM

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CMS Restores Tougher Penalties for Nursing Home Violations

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Berkeley, CA – After a lawsuit filed in January 18, 2021 by California Advocates for Nursing Home Reform (CANHR) and the National Consumer Voice for Quality Long-Term Care (Consumer Voice) challenging CMS’s 2017 policy limiting the types of civil money penalties (CMPs) that can be imposed against nursing facilities, CMS has reversed course and announced plans to impose much stiffer penalties for nursing facility violations.

Represented by attorneys from the AARP Foundation and the law firm of Constantine Cannon LLP, the lawsuit alleges that reduced fines put nursing facility residents’ lives at risk by weakening enforcement of the federal Nursing Home Reform Act (NHRA). The suit, in the U.S. District Court for the District of Columbia, focuses on a 2017 CMS directive that restricts monetary penalties for nursing facilities to a one-time-only maximum fine for certain violations, rather than allowing fines of up to that amount for each day of noncompliance.

Patricia McGinnis, Executive Director of CANHR, noted that: “Thousands of nursing home residents have died from COVID-19 in nursing homes over the past year in facilities that have had years of uncorrected infection control deficiencies—because CMS failed to ensure adequate safety and meaningful accountability. CMS’s reversal of their policy of restricting monetary penalties for facilities that violate federal health and safety laws will reduce the risk of harm to vulnerable residents everywhere.”

About CANHR: California Advocates for Nursing Home Reform (CANHR), is a statewide nonprofit advocacy organization dedicated to improving the choices, care and quality of life for California’s long term care consumers. Through direct advocacy, community education, legislation and litigation it has been CANHR’s goal to educate and support long term care consumers and advocates regarding the rights and remedies under the law, and to create a united voice for long term care reform and humane alternatives to institutionalization.