

CONCLUSION

More than 35 years have passed since the enactment of OBRA 87, the landmark nursing home reform law. Despite the ensuing years of studies, hearings, and the sporadic media attention and robust public outcry that often follows a particularly horrendous case of nursing home abuse, nursing home residents still do not receive the quality of care or quality of life that the law requires, that they deserve, and for which millions of taxpayers' dollars are spent.

In recent years, the collapse and bankruptcy of nursing home chains highlighted the failure of nursing home regulators to protect residents. The COVID-19 pandemic has further underscored the inability of our regulatory agencies at both the federal and state levels to protect residents from harm and to ensure nursing homes are using public funds as they are intended. Increased private equity investment and the ever-growing complexity of nursing home ownership and financing structures have made it exceedingly challenging for regulators to determine a nursing home's ownership, its quality track record, and its use of public dollars.

Greater transparency of ownership, management, and financial data, combined with sufficient oversight and enforcement authority and the necessary funding to effectively carry out these activities are critically needed.

While progress continues to be made (primarily at the state level) and promising transparency reforms have been recently proposed at the federal level, the sad reality is that regulators still lack the timely, complete, accurate, and actionable information they need to hold bad actors accountable and, more importantly, prevent resident harm. Greater transparency of ownership, management, and financial data, combined with sufficient oversight and enforcement authority and the necessary funding to effectively carry out these activities are critically needed.