

119TH CONGRESS
1ST SESSION

S. 1920

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

MAY 22, 2025

Mr. TILLIS (for himself, Ms. HASSAN, Mr. SULLIVAN, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Finance

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 2025”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

14 (2) MEDICAID BENEFICIARY.—The term “Medicaid beneficiary” means an individual who is eligible
 15 for, and enrolled in, a State Medicaid program.

16 (3) MEDICAID PROGRAM.—The term “Medicaid
 17 program” means, with respect to a State, the State
 18 program under title XIX of the Social Security Act
 19 (42 U.S.C. 1396 et seq.) (including any waiver or
 20 demonstration under such title or under section
 21 1115 of such Act (42 U.S.C. 1315) relating to such
 22 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 such services under the Med-
 8 icaid program provided to complex-care patients who
 9 require multiple hours of continuous nursing services
 10 per day, as determined by the State, are provided by
 11 a licensed nurse, including a registered nurse or a
 12 licensed practical nurse.

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

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

1 holders, to develop and establish national quality stand-
 2 ards for the purposes of improving the standard of care
 3 for private duty nursing services provided by States under
 4 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, after providing a period of public notice and
 16 opportunity for comment, shall publish the national qual-
 17 ity standards developed by the working group for use by
 18 State Medicaid programs, managed care entities that
 19 enter into contracts with such programs, and providers of
 20 items and services under such programs.

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

23 (a) UPDATING HOME AND COMMUNITY-BASED
 24 WAIVER SERVICES.—Not later than 18 months after the
 25 date of enactment of this Act, the Secretary, through no-

1 tice and comment rulemaking, shall revise the list of serv-
 2 ices that are included as “home and community-based
 3 waiver services” under section 440.180(b) of title 42, Code
 4 of Federal Regulations, to include continuous skilled nurs-
 5 ing care services, as defined for purposes of section
 6 1905(a)(8) of the Social Security Act (as amended by sec-
 7 tion 3(a)) under section 440.80 of title 42, Code of Fed-
 8 eral Regulations (as revised after the application of section
 9 3(b)).

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

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

22 (2) REGULAR REVIEWS AND UPDATES.—The
 23 Secretary shall review and update the core set and
 24 supplemental set of continuous skilled nursing serv-
 25 ices quality measures published under paragraph (1)

1 not less frequently than every 8 years. Any such up-
2 date shall include a period of public notice and op-
3 portunity for comment.

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