



## Nursing Home Weekly: Recap of LeadingAge Updates

August 5, 2022

**COVID Calls Next Week:** Workforce, workforce, workforce! On **Monday, August 8 at 3:30 PM ET**, Joshua Smith, Director of Diversity, Equity, and Inclusion at LeadingAge California will join us to talk about DEI, workforce and LeadingAge California's efforts in these areas including the Gateway-In Project. On **Wednesday August 10**, Ron Hetrick from EMSI will talk about workforce changes and how demographics are shaping these new trends. If you haven't registered for LeadingAge Update Calls, [you can do so here](#). You can also find previous call recordings [here](#). Note that to access recordings of the calls you need a LeadingAge password. Any staff member of any LeadingAge member organization can set up a password to access previous calls and other "members only" content.

**New Nursing Home RoPs Guidance 2022 Resources:** The revised nursing home RoPs long-term care surveyor guidance, released at the end of June, updates many of the federal survey tags (F-tags). We have created a list of the revised F-tags to better assist members in examining the revised guidance and updating policies and operations. Access this resource [here](#). Also check out the [Nursing Home RoPs Tools and Resources](#) page where you'll find several implementation checklists, including new checklists for F-tags under Physical Environment and Resident Rights.

**Study on the association of State COVID-19 Vaccine Mandates and staffing in nursing homes:** A [study](#) in JAMA Health Forum looked at the association between state COVID-19 vaccine mandates for US nursing homes employees and staff vaccination coverage and staff shortages. The study which looked at nursing homes in 38 states a vaccine mandate experienced an increase in staff vaccination coverage compared with facilities in states with no mandate and no worsening of reported staffing shortages following the mandates.

**CMS Final SNF PPS Rule.** Late Friday, CMS issued the final [FY 2023 Skilled Nursing Facility Prospective Payment System rule](#). The 4.6% parity adjustment in the proposed rule (published in April) is now spread over two years in the final rule—2.3% in FY 2023 and 2.3% in FY 2024—minimizing the impact of the total cut. Still LeadingAge's President and CEO [issued an immediate statement](#) expressing our disappointment in the adjustment. Other rule details include:

- Updating physical environment requirements to avoid unnecessary renovation expense and prevent access issues
- Allowing long-term care providers that were participating in Medicare before July 5, 2016 and that previously used FSES to determine equivalent fire protection levels and continue to use 2001 FSES mandatory values.
- Requiring nursing homes to report on flu vaccinations through the NHSN.

The [CMS fact sheet](#) is available now. Watch for a full analysis from LeadingAge policy experts next week.

**Article on FSES for Nursing Homes:** CMS snuck a provision into the FY 2023 SNF PPS rule to address the Fire Safety Evaluation System (FSES) issue that now allows any nursing homes operating prior to July 2016 to continue using the 2001 mandatory safety values for Life Safety Code compliance. Read the background on this issue, what CMS did to address it, and how it impacts members [here](#).

**NIC Releases Wave 43 Survey Results.** On Monday, NIC released its latest Executive Survey of senior housing and skilled nursing providers, which this time was comprised of 58% for- and 38% not-for-profit providers, and 10% who own/ operate both NFP and FP properties. The pace of move-ins and move-outs continue to track closely with COVID prevalence nationally; the pace of moves decelerated commensurate with the rise in the BA.4 and BA.5 variants between May 31 - July 24 surveys. In terms of new applicant activity, the deceleration in move-ins was attributed to a slow-down of leads conversations/sales (76%), followed by an organizationally imposed ban on moves (18%) and resident/family member concerns (6%). Independent living providers saw the greatest deceleration in moves in this past survey, followed by SNF and AL. Only memory care providers saw an acceleration in move ins over this last survey period. Independent Living also reported the slowest acceleration of move outs, followed by AL and memory care; SNF providers reported the greatest acceleration in move outs, albeit most SNF providers (58%) reported no change.

This Wave Survey also tracked increases in property and professional liability insurance premiums; about half of all providers indicated a significant increase in property liability insurance premiums since before the pandemic, with AL seeing the largest increase, followed by SNF, memory care, and then IL. In terms of professional liability insurance, SNF providers reported the greatest significant increase in costs followed by AL, memory care, and then IL. Acuity of care need upon move-in, as compared to before the pandemic, was also tracked again in this survey; most levels of care reported a slight decrease in rising acuity levels as compared to Wave 42, and only SNF providers reported a slight increase. You can read more of the survey results [here](#).

**FY 2023 SNF VBP Program August 2022 Performance Score Reports are Now Available.** The August 2022 Performance Score Reports (PSRs) for the Skilled Nursing Facility Value-Based Purchasing (SNF VBP) Program are now available to download via the Quality Improvement and Evaluation System (QIES)/Certification and Survey Provider Enhanced Reports (CASPER) reporting system.

**Opportunity to be Heard on Medicare Advantage:** As we noted last week, CMS has published its [Request for Information](#) regarding the Medicare Advantage program. We have heard from members about the challenges MA poses and this is a rare opportunity for us and members to share our experiences and recommend changes for improvements to the program. LeadingAge has developed numerous suggestions to date based upon members' experiences and state staff input. We have been sharing these ideas with Congress and are currently scheduling a meeting on this exact topic with Dr. Seshamani. We have posted an [article](#) on the website about the RFI and includes a link to [questions for members to consider](#) and provide feedback on to assist us in our comments. Comments are due to CMS on August 31.

**Manatt Summary of telehealth provisions in the proposed Medicare Physician Fee Schedule:** A summary of the telehealth provisions in the proposed Medicare Physician Fee Schedule Final Rule can be found [here](#).

**In response to President Biden's April 5, 2022, [Memorandum on Addressing the Long-Term Effects of COVID-19](#), HSS delivered these two reports:**

- [The Services and Supports for Longer-Term Impacts of COVID-19 Report \(Services Report\)](#) outlines federally funded support and services that can help individuals experiencing the longer-term effects of COVID-19, including Long COVID and its associated conditions, mental health, substance use, and bereavement.
- [The National Research Action Plan on Long COVID \(the Research Plan\)](#) proposes a comprehensive and equitable research strategy to inform our national response to Long COVID.

**What are the Implications of Long COVID for Employment and Health Coverage?** It is too early to have comprehensive data or a clear picture of employment outcomes, but there are reports that claims associated with long COVID are rising for disability insurance, workers compensation, and group health insurance. This KFF [policy watch](#) reviews what we know and outlines key questions regarding employment and coverage outcomes.

**Statement of Support for the Inflation Reduction Act.** As a member of the Leadership Council on Aging Organizations (LCAO), LeadingAge joined the coalition of 68 national organizations in expressing its support for the Senate budget reconciliation proposals contained in the Inflation Reduction Act to reduce Medicare prescription drug costs and continue expiring Affordable Care Act (ACA) premium subsidies. LCAO also urged the Senate to include an investment in Medicaid home and community-based services, which has not been included in the current proposal. The full statement can be found [here](#).

**Updates on Congressional telehealth policy:** An article explaining the *Advancing Telehealth Beyond COVID-19 Act of 2021* (H.R. 4040) which passed the House last week can be found [here](#).

**CMS Long-Term Services and Supports Open Door Forum:** On Tuesday, August 9, 2022, from 1:00 PM – 2:00 PM Eastern Time, Jodie Sumeracki, CMCS and Jill Darling, CMS Office of Communications will be providing an overview of the First-Ever Home- and Community-Based Services Quality Measure Set. This forum will be conference call only. To join, dial: 1-888-455-1397 & Reference Passcode: 5109694. No RSVP is needed.

**Integrating Care In Dual Eligible Special Needs Plans: A Bigger Toolbox For States:** As detailed in [this](#) Health Affairs article, CMS has provided states with critical new tools to improve their programs for dually eligible individuals. The [final rule for Contract Year 2023 Medicare Advantage and Part D programs](#) strengthened regulatory provisions to enhance dually eligible individuals’ experiences with D-SNPs, as well as states’ ability to see and monitor quality ratings at the D-SNP level. This marks the most important step forward to improve programs for dually eligible individuals since the launch of the [Financial Alignment Initiative](#).

**Aging Services Workforce Now Campaign.** The workforce crisis in our sector requires immediate action. LeadingAge’s ongoing federal government advocacy is culminating in this new coordinated advocacy campaign—[join us to take action for the aging services workforce—now!](#)

#### **A Successful National Workforce Day of Action**

LeadingAge members from around the country participated in a National Workforce Day of Action on July 27, demanding Congress and the Administration take responsibility and immediate action to address the workforce crisis in aging services—NOW. Hundreds of messages were sent to Senators,

Representatives, and CMS on a range of issues affecting our workforce. It's not too late to [add your voice](#)—you can still take action on our Workforce Action Alerts:

- [Tell CMS to Support Aging Service Providers](#)
- [Ask Your Senators to Cosponsor CNA Lockout Legislation](#)
- [Keep Temporary Assistant \(TNA\) Flexibilities](#)