



Workforce Policy Weekly

July 1, 2022

Coronavirus Update Call Next Week. No call on Monday, July 4; LeadingAge is closed for Independence Day. Have you considered hiring international interns? Join us on Wednesday, July 6 at 3:30pm ET to hear from a LeadingAge member who has done it. We will talk with **Kris Hansen**, CEO, Western Home Communities, who will discuss how he tackles the workforce shortage head on. The organization is taking steps to train and keep international interns for future positions in the organization. Learn about what it takes to make the program work, barriers, challenges, and benefits. 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.

TNA Workforce Action Alert for members. *Ask Congress to Keep Temporary Nursing Assistant (TNA) Flexibilities!* Representatives Brett Guthrie (R-KY), Madeleine Dean (D-PA), and David McKinley (R-WV) introduced H.R. 7744, the *Building America's Health Care Workforce Act*, in response to CMS's announcement earlier this year that it would roll back certain waiver modifications implemented at the beginning of the pandemic, and require all training and certification requirements for certified nursing assistant (CNA) trainees to be completed by early October. If enacted, the *Building America's Health Care Workforce Act* would extend the TNA flexibility for 24 months, enable TNAs to continue working in their current roles, and put their on-the-job experience and training toward the 75-hour federal CNA training requirement. Please take a few minutes to add your voice to the many providers asking Congress to support these critical flexibilities that allow adequate direct care workers to provide services for older adults in need. [Take Action via this link](#).

CNA Training Lockout Bill Introduced in U.S. Senate. On June 13, U.S. Senators Mark R. Warner (D-VA) and Tim Scott (R-SC) introduced S.4381, the *Ensuring Seniors' Access to Quality Care Act*, which would address the "CNA lockout" that's contributing to the long-term care staffing crisis across the country. This bill would allow nursing homes to reinstate their training programs provided any relevant deficiencies cited in the survey are corrected; the deficiencies did not result in immediate risk to resident safety or arise due to resident harm from abuse or neglect; and the nursing home has not received a repeat deficiency related to resident harm in the past two years. It would also provide nursing home operators with access to the National Practitioner Data Bank (NPDB) – a national criminal background check system – to give employers a greater ability to screen potential candidates. Read an article about the bill's introduction [here](#).

Workforce Wins for LeadingAge in House Appropriations bill for HHS. On July 29, 2022, the House Appropriations Committee released its report accompanying the fiscal year (FY) 2023 Labor, Health and Human Services, Education and Related Agencies (Labor-HHS) appropriations bill, and its revised fiscal year 2023 subcommittee allocations. The House Appropriations Committee approved the FY 2023 Labor-HHS Appropriations bill on June 30, 2022. The full House is expected to vote on bill after the July 4

Congressional Recess. You can access the bill report is [here](#), and the bill text [here](#).

Here are a few notable HHS healthcare workforce allocations that appear in the Committee's report:

- \$3 million to fund a **Direct Care Workforce Demonstration Project**, to reduce barriers to entry for a diverse and high-quality direct care workforce, including providing wages, benefits, and advancement opportunities needed to attract or retain direct care workers.
- An additional \$3 million above the FY 2022 level for the **Geriatrics Workforce Enhancement Program** (GWEP). The program supports training to integrate geriatrics into primary care delivery and develops academic primary care-community based partnerships to address gaps in health care for older adults.
- \$15 million to support **Crisis Workforce Development Service Models**, and more effective use of the behavioral health workforce by stabilizing individuals experiencing behavioral health crises in less intensive settings.
- \$44 million increase above the FY 2022 funding level for **Title VII Nursing Workforce** development programs.
- \$25 million to develop activities for the **Preventing Burnout in the Health Workforce Program**, to provide comprehensive and evidence-based support to prevent suicide, burnout, and mental and behavioral health conditions among health care providers.

LeadingAge Participates in Meeting with Dept of Education on K-12 Workforce Engagement.

LeadingAge LTSS Center and Policy Team staff, and LeadingAge Member, Jeff Farber, president and CEO, New Jewish Home, participated in a virtual meeting on June 29, 2022, with Jessica Cardichon, Deputy Assistant Secretary, Department of Education (DOE), Office of Planning, Evaluation, and Policy Development and Emily Lamont, Special Assistant, DOE, Office of Career Technical and Adult Education. The meeting was an opportunity to discuss how LeadingAge could partner at the federal level on the need to train workers, and how to entice students into aging services careers at the primary, elementary and high school levels. The meeting also allowed LeadingAge to share an overview of a few successful programs that work with Community Colleges to provide allied health training, and successful LPN programs in high schools.

The meeting with DOE was catalyzed by the President's comments in the State of the Union and in March where he called for a nursing home quality initiative. LeadingAge wrote a letter to the White House and copied Secretaries of many departments, including the Department of Education, saying we need a whole government focus. We also pointed out, the President's initiative had to ensure there were enough workers, and he had to make sure workers are adequately trained and paid fairly. Jeff Farber highlighted the New Jewish Home's Geriatric Career Development (GCD) program. GCD partners with 10 public high schools in Harlem and the Bronx, helping to train sophomore, junior and senior high school students to receive allied health certifications. Jeff also requested the DOE consider replicating the GED program, that has graduated over 1,000 students, over 16 years, and many of whom are first generation immigrants. DOE officials agreed that the aging services workforce is an excellent place to focus on training programs. They are working with the Departments of Labor and Commerce on an initiative called Career Connect and agreed to set up a time for LeadingAge to meet with staff from the

other two departments, noting especially that DOL is very interested in new types of apprenticeship programs.

LeadingAge Asks USCIS to Fix Long Delays in Immigrant Petition Processing. On June 27, 2022, LeadingAge joined eight long-term and post-acute providers in a letter to the U.S. Citizenship and Immigration Services (USCIS), raising concerns about problems health care employers are experiencing when utilizing the I-140 Immigrant Petitions for Registered Nurses. The letter highlights four- to six-month delays in transferring I-140 Immigrant Petitions from the Texas Service Center to the National Visa Center. Only after a processed file reaches the National Visa Center can nurses proceed toward employment. Healthcare employers who pay \$2,500 for “premium” expediting of each I-140 Immigrant Petition are doing so because of “the severe nursing shortage they are experiencing; each month a foreign nurse is delayed in arriving in the U.S. impacts staffing,” the letter says. “This delay is frustrating and is defeating the benefit of premium processing,” the letter says. Similar delays have not been experienced for I-140 Immigrant Petitions transferred from the Nebraska Service Center to the National Visa Center, the letter says. The letter was co-signed by: AHCA/NCALA, Advancing Excellence, ANCOR, Argentum, Association of Jewish Aging Services, Lutheran Services of America, National Association of State Veterans Homes, and the Pediatric Complex Care Association. You can access a copy of the letter [here](#), along with the referenced enclosure, [here](#).

LeadingAge Participates in SHRM’s “Generation Cares” Workforce Solution Coalition Planning Session. The Society for Human Resource Management (SHRM) invited LeadingAge and other stakeholder organizations to join a soon-to-be-announced coalition – Generation Cares – to build solutions to our country’s child and dependent care crisis. An initial planning meeting was held on June 30, 2022. The coalition will bring together advocates, providers and the employer community in order to advance policies to strengthen the availability and quality of child and dependent care across the United States. The coalition will engage with the public, federal agencies, Congress, and the White House on targeted measures to generate support for workforce solutions, and kick-off in late summer.

LeadingAge Letter & Statement: Workforce Negatively Impacted by Proposed Home Health and Other Payment Cuts. On June 28, LeadingAge sent a letter to Secretary Becerra highlighting the devastating nature of the proposed home health payment cuts. The letter also highlights that the Administration’s proposals across this year’s PPS rules (SNF, HH, and hospice) do not match their rhetoric on promoting health equity, care in the home and community, or supporting older adults wherever they call home. “From our vantage point, the combined impact of the proposed payment cuts and current workforce and inflationary pressures would lead to waves of closures and the inability of providers that remain to take on new patients and residents. The fragile long-term care ecosystem could simply cease to exist, especially our mission-driven, high-quality members,” the letter says. The letter can be found [here](#). Read LeadingAge’s statement [here](#).

Workforce Impacts Highlighted in LeadingAge Letter to HHS on Nursing Home Recommendations. On June 28, LeadingAge sent a letter to HHS advocating for revision of nursing home recommendations including quarantine, work restriction, and routine screening testing of staff. Read the letter [here](#). The letter raises several workforce-related issues, including the impact of the updated definition of “up to date.” “Nursing homes must scramble to cover shifts when staffing is already hard to come by and the

staff who remain are further stretched to pick up where restricted staff were forced to leave off. Residents are denied their normal caregivers. Without adequate staff, nursing homes are forced to close units and deny admissions,” the letter says.

LeadingAge California Awarded \$25 Million CNA and HHA Pipeline Project. LeadingAge California recently [announced](#) it has been awarded more than \$25 million to administer grants to expand on certified nursing assistant (CNA) and home health care aide (HHA) pipeline, development, training and retention programs. The grant awarded by the California Health and Human Services (CalHHS) Department of Health Care Access and Information (HCAI), for “The Gateway-In Project,” will be administered over the next three years. The Gateway-In Project is expected to add 2,700 new CNAs and HHAs, by providing training and certification at no cost to the students, and additional incentives for retention at various intervals. Recipients will also be provided with stipends for transportation, food support, childcare, and career development. Some grantees will become dually certified CNAs and HHAs, and others will advance to LPN and RN training programs. For more information, visit the LeadingAge California [webpage](#).

LeadingAge Wisconsin Partner’s on a \$4.8 Million State-Funded Workforce Innovation Grant Program. LeadingAge Wisconsin is partnering with ten other agencies in the state to [implement a \\$4.8 million program](#) as part of the Workforce Innovation Grant Program through the Wisconsin Economic Development Corporation. The partners who received the grant will provide opportunities for low to moderate income individuals in 47 counties to upskill or reskill into high demand nursing careers, include CNA, LPN, Medical Assistant, Associate Degree Nurse, and RN. LeadingAge Wisconsin will provide on-site training opportunities and placements for up to 50 participants seeking to become a certified nursing assistant. [LeadingAge Wisconsin](#) is also partnering with the Wisconsin Health Care Association (WHCA), on a newly awarded \$6 million workforce development program, “[WisCaregiver Careers.](#)” The program is designed to address the certified nursing assistant shortage in Wisconsin nursing homes, and help to support the state’s health needs today and in the future by providing free training and free certification testing. The expanded program is expected to fill as many as 3,000 new nurse aide training slots in Wisconsin. [Here](#) is an article about the program.

CNA testing of temporary nurse aides. We have heard from members about CNA training and testing backlogs and multiple states. CMS has not yet provided information on how they will address TNAs who are unable to transition to CNA by the October deadline due to state training and testing backlogs. CMS notes that providers should document attempts by the TNA to enroll in training / scheduling examination and the outcomes of these attempts. We have urged CMS to issue timely information on how these backlogs will be addressed and how TNAs will be accommodated.

CMS Releases Surveyor RoPs 3 Guidance with October 24, 2022, Implementation Date. On June 29, CMS released the long-awaited guidance for the Requirements of Participation (RoP) Phase 3 and specific revisions, changes, and updates to Phase 2. Read [more here](#). LeadingAge is actively working on additional tools and resources to assist with compliance and will be providing more detailed information on each section of guidance in coming days. Katie Sloan issued a statement immediately, pointing out that while LeadingAge shares the Administration’s reform goals, “...at this time when the sector is finding its footing after years of COVID-induced financial stress and workforce challenges [and] continuing the additional pile-on of regulations will strain already-stretched providers.” Further, she

said: “We all know that staffing goes hand-in-hand with quality care, and our mission-driven members are working valiantly to stay compliant. But we continue to urge the administration to back its words of commitment to ensuring older adults’ access to care with meaningful action and funding.”

Congressional Report: OAA Funding Can Help Address Workforce Shortage. The Congressional Research Services [released](#) a report on the current structure and funding of the Older American’s Act (OAA). LeadingAge supports and advocates for the funding of OAA and many LeadingAge members provide services to vulnerable older adults through this funding. In FY2022, there were twelve OAA-related congressionally directed spending items funded including projects “to expand services for seniors,” “to address the shortage of home health aides,” and “to support repairs and modification to senior facilities.”

Lack of Direct Care Workers Thwart State Approaches to Increase Home and Community-Based Service (HCBS) Provider Capacity. Despite the growing reliance on HCBS, there is a shortage of available direct care workers (DCWs) to provide HCBS. As a result, state Medicaid agencies may struggle to connect beneficiaries in the community to adequate services. A recent MACPAC report identified “leveraging Medicaid managed LTSS programs” as a primary opportunity for addressing these challenges through contract requirements. This [tool](#) is intended to provide State Medicaid agencies with examples of how to encourage or require managed care entities (MCEs) and Dual-eligible Special Needs Plans (D-SNPs) to support state HCBS capacity building efforts.