



## Nursing Home Weekly: Recap of LeadingAge Updates

July 15, 2022

**Coronavirus Update Calls For Week of July 18. All calls are at 3:30 PM ET.** LeadingAge members who provide care and services in the community have overcome unique challenges to care for the older adults they serve. On Monday, July 18, Dr. Richard Pitts, Chief Medical Officer at CalOptima will join us to talk about how HCBS providers are working to ensure consumer and staff access to vaccinations, treatments, and other essential services in California. On Wednesday, July 20, we will welcome Dr. Michael Wasserman to discuss his latest article on the importance of developing leadership skills in aging services and how we can integrate long term care in local planning to prepare for the future.

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.

**CNA Lockout Action Alert – [Ask Your Senators to Cosponsor the Ensuring Seniors' Access to Quality Care Act](#)** Under current regulations, nursing homes assessed civil monetary penalties (CMPs) above \$10,000 on their annual survey automatically lose their authority to train Certified Nursing Assistants (CNAs) for a full two years. The suspension is required even if the fines are unrelated to the quality of care provided to residents or are caused by situations outside of a nursing home's control. Furthermore, CNAs are an integral part of the long-term care workforce; this two-year training "lockout" exacerbates current staffing challenges created by the country's ongoing workforce shortages in long-term care. Send a message to your senators asking them to cosponsor and help pass the Ensuring Seniors' Access to Quality Care Act, legislation introduced by U.S. Senators Mark Warner (D-VA) and Tim Scott (R-SC) that will allow nursing homes to reinstate their valuable CNA training programs and ensure older adults can access essential 24/7 care.

**CMS Delays Response to Burden Reduction Rule.** In 2019, CMS proposed a burden reduction rule that would impact significant sections of the Requirements of Participation, including phase 3 sections on Infection Preventionist hours and the Compliance and Ethics program. This rule was never finalized, so no changes were implemented. However, CMS is required to respond to this rule in some way and the deadline for response would have been July 2022. CMS has filed an extension in the Federal Register that delays the deadline for response to this rule to July 2023. CMS says that they are reviewing the provisions of the proposed rule and comments received in 2019 to determine how to proceed. LeadingAge will keep members updated as this situation develops, including alerting members to any additional comment periods or final rules.

**CMS Nursing Home Stakeholder Call – A Review.** The CMS National Nursing Home Stakeholder Call on July 13 was principally a review of a few items that have already been released, including the new RoPs

3 Surveyor Guidance, the CDC enhanced barrier precautions update, the Five Star measure methodology for weekend staffing and turnover effective in the July refresh, and plans for the nursing home staffing study that the President committed to when he announced the nursing home quality initiative in March. CMS staff announced on the July 13 webinar that they plan to hold stakeholder listening sessions in August for providers and consumers to comment on the staffing study. The call ended with questions about the 3-day stay waiver, which is still in effect, and the TNA to CNA process. TNAs must be certified October 7 to continue working in the nursing home, but CMS staff said that efforts to comply (if the testing hasn't been completed due to backlogs at the state level) can be documented with copies of emails, letters, or a documented phone call with date, name of person reached, and details on what was discussed.

**CMS Issues QRP Non-compliance Notices Impacting FY2023 Payments.** SNF and Hospice providers should check their CASPER folders in QIES to see if they have received a non-compliance notice from CMS related to their CY2021 reporting for their respective Quality Reporting Programs. Providers who are non-compliant will have their Medicare FFS rates reduced 2% beginning October 1, 2022. For providers who contract with Medicare Advantage and Special Needs Plans, this may also impact those rates if their contract pays them based upon a percentage of Medicare FFS. These notices were placed into those folders on Wed., July 13 and include information on why the provider failed compliance. This information can be used to improve reporting processes within your organization.

If a provider received a non-compliance notice, they have the opportunity to request reconsideration of this determination based upon limited situations – they believe this is an error or extraordinary circumstances prevented timely submission. All reconsideration requests must be in by 11:59 p.m. ET on August 11. SNFs can find more information on requesting reconsideration [here](#).

**CDC Updates Guidance on MDROs in Nursing Homes.** CDC has released [updated guidance for the use of personal protective equipment \(PPE\) in nursing homes](#) to prevent the spread of multidrug-resistant organisms (MDROs). This updated guidance expands the use of enhanced barrier precautions (EBP) to include any residents of a nursing home with an indwelling medical device or wound, as well as residents with known infection or colonization with an MDRO. These updated recommendations are meant to protect nursing home residents and staff from spreading MDROs, which can cause serious and hard to treat infections, while avoiding restrictions on resident activities or a need for private rooms, unlike with contact precautions. Recall that newly released [RoPs guidance](#) on infection control includes a section on MDROs.

**PDPM, OBRA, and Case-Mix: Considerations for Using the MDS.** This LeadingAge webinar on Wednesday, July 27, at 2pm ET offers skilled nursing providers valuable insights and best practices for the RAI/MDS process and workflow. [Register today](#).

**RoPs Compliance Update.** This LeadingAge virtual update on Tuesday, August 2, at 2pm ET will help nursing home providers prepare to meet Requirements of Participation (RoPs) compliance requirements ahead of the October implementation date. Free to LeadingAge members, [join the LeadingAge policy experts for this live update](#) (will not be recorded).

**LeadingAge's Workforce Now Advocacy Campaign Rolls Out.** The [press release](#) announcing the launch of the Workforce Now Advocacy Campaign was released July 13. The release ties our rollout to the White House American Rescue Plan Workforce Development Summit, with LeadingAge president and CEO Katie Smith Sloan calling on the Biden Administration and our country's elected leaders to make

staffing in the aging services sector a top priority. Our campaign lays out the action needed from Congress and the Administration around issues older adults and their families face.

“Too many older adults and their families face challenges in accessing essential care and services to remain independent, safe and healthy because of a lack of qualified workers. Without sufficient staff in nursing homes, hospices, life plan communities, home health agencies, affordable senior housing, and other community-based services, there is no care,” said Katie Smith Sloan, president and CEO, [LeadingAge](#), the association of nonprofit providers of aging services.

“We appreciate the Administration’s commitment to workforce investments, and applaud the efforts to strengthen funding for vital home and community-based services. But our country must learn from past mistakes. Chronic underinvestment in and longstanding disregard for aging services—and primarily the valuable workers who are its core—created an opportunity for COVID to wreak havoc. That must not continue. We’ve got to repair, rebuild and reinvigorate this sector.

The strategic deployment of ARPA funds for states and local governments is a step worth celebrating but Congress and the Administration have their own work to do to ensure older adults are not left behind. Our new advocacy campaign, Aging Services Workforce Now, lays out action needed around the issues older adults and their families face.”

Strong workforce training programs are critical to providing the quality care older adults deserve and building our country’s long-term care employee pipeline. Help us gain the needed support for this legislation and ask your [Senators to co-sponsor this legislation today!](#)

**Action Needed Now to Shore Up Aging Services Workforce: Findings from LeadingAge Snap Poll.** The workforce situation for aging services providers across the continuum is not improving. This was the top finding in a recent snap poll of LeadingAge members. High level takeaways from the snap poll, conducted late June 2022, include: more than 60% of respondents reported that their workforce difficulties remain; the staffing shortage is severe in multiple settings across the continuum; the pipeline for potential workers has not gotten stronger as people leave the field; nursing positions are especially difficult to fill; almost all nursing homes count on agency staff to cover some percentage of shifts but 1 out of 10 respondents rely on temporary staff for nearly half of all shifts; and, if staff leave, the most commonly cited reasons are seeking better pay or burnout. Read more about the snap poll results and policy opportunities to address the aging services workforce shortage [here](#).

**July 19 National Stakeholder Call with CMS Administrator.** On this July 19, 1 – 2pm ET call, CMS Administrator Chiquita Brooks-LaSure, CMS Principal Deputy Administrator and Chief Operating Officer Jon Blum, and other members of the CMS leadership team will provide an update on “CMS’ recent accomplishments and how [its] cross-cutting initiatives are advancing CMS’ Strategic Plan.” This call will provide an opportunity to learn more about how stakeholders can partner with CMS to help implement its Strategic Plan and key initiatives. RSVP [here](#).

**Another Batch of Phase 4 Provider Relief Funds Distributed.** Last week, 151 providers received deposits of their Phase 4 PRF payment. These providers received a total of \$142 million. HRSA indicates it is working to finish processing the remaining 2% of Phase 4 applications as soon as possible and that about \$3B of the Phase 4 pot remains available for that purpose.

**New PRF Reporting Resources:** Provider Relief Fund Reporting Period 3 opened on July 1 and HRSA has updated two key documents that assist providers in completing this reporting. The updated documents include:

- [PRF Reporting Portal User's Guide \(June 30, 2022\).](#)
- [Latest PRF FAQs.](#)

**LTQA Webinar: A Fresh Look at Caregiving: Direct Care Workforce Solutions.** Join the Long-Term Quality Alliance (LTQA) on July 26, 2022, from 2-3 pm ET for an interactive webinar, "A Fresh Look at Caregiving: Direct Care Workforce Solutions." The webinar will address how the long-term care sector is facing a crisis in the supply of direct care workers, worsened by the COVID-19 pandemic. Additionally, how increased need and demand for services in the home is fueling a workforce shortage, which is having a direct effect on the ability of those in need to access services and for organizations to deliver needed care and support. There will be an opportunity to address a need to think differently about the compensation, skills development, mobility, and value placed on this workforce, which provides critical services to a diverse and complex population. Speakers include: Carol Raphael (Manatt), Carrie Amero (AARP), Robyn Stone (LeadingAge), and Joe MacBeth (NADSP). Registration is available [here](#).

**NIC Intra-Quarterly Occupancy and Market Fundamentals Reports: Good News.** The National Investment Center has released its latest Intra-Quarterly [Report](#) and overall occupancy for both IL and AL improved this quarter over last, to 83.9% and 78.8% respectively. Additionally, across all senior housing settings surveyed, all-occupancy improved to 81.4% this quarter, up from 78% in June 2021.

Generally speaking, the improvements in occupancy this quarter, and year over year, were attributed to the fact that overall demand for IL and AL residences has outpaced the release of new available units in the marketplaces surveyed. The slowdown of 'new inventory' of residences was due to both construction delays and limited access to debt financing to fund new construction projects during the pandemic.

Of the selected markets surveyed, Sacramento, CA showed the greatest improvement in total IL occupancy, while Denver, CO showed the greatest quarterly decline. Similarly, Miami, FL showed the greatest improvement in total AL occupancy, while Seattle, WA showed the greatest decline. While the overall recovery trends are very promising, overall IL and AL occupancy rates were 5.7 and 5.9 percentage points below the reported levels in March 2020, the "pre-pandemic" levels.

In a Complimentary Market Fundamentals [Report](#), NIC MAP Vision data also showed a promising improvement in nursing home occupancy over last quarter. Specifically, "the occupancy rate for SNF providers grew to 78.5% in Q2, up from 77.6% in Q1 and an improvement of 90 basis points. Notably, and keeping with trends in our sector, annual inventory of SNF residences declined year over year, by - 0.7% since June 2021. AL had the highest annual percentage rent growth, at 4.6%, followed by IL at 3.0% and SNF by 2.6%.