



## Home Health and Hospice Weekly: Recap of LeadingAge Updates

November 12, 2021

**LeadingAge Coronavirus Update Calls next week.** Interested in hearing how LeadingAge members do advocacy on Capitol Hill and with the executive branch? Maybe you're on the line to submit your first report on how you used your Provider Relief funds and could use a little support? What's the very latest science and medical advice on vaccines and boosters? Join the LeadingAge Update calls next week as we cover all these topics as well as the most recent policy updates available. On **Monday, November 15 at 3:30 PM ET**, **Erica Thrash-Sall and Roger Myers** from **Presbyterian Villages Michigan** will discuss how they are working with their local congressional office to help move the aging services agenda. They'll also tell us about their experience hosting US Department of Housing and Urban Development Secretary Marcia Fudge at one of their senior housing communities. On **Wednesday, November 17 at 3:30 PM ET**, we'll hear from **Dr. David Fairchild, Associate Chief Medical Officer of CVS Health** who will talk about the latest updates on COVID-19 boosters and answer your questions related to vaccinations for residents, staff and children. If you haven't registered for LeadingAge Update Calls, [you can do so here](#).

**LeadingAge member briefing on the vaccine mandate rules.** Thursday Policy staff presented an overview for LeadingAge members of the [CMS Interim Final Omnibus COVID-19 Health Care Staff Vaccination rule](#) and the [OSHA Emergency Temporary Standard on Vaccination and Testing](#). [Here](#) is a link to the slides from the briefing. The recording will be available starting a noon on Friday in the [LeadingAge Learning Hub](#).

**COVID-19 Vaccine Policy template:** As we shared, we have partnered with Pathway Health to offer a COVID-19 Vaccine Policy template that addresses several of the processes required by the CMS rule. This template is a members-only resource, which means one must use a LeadingAge login in order to access it. The template can be accessed with login [here](#).

**Ten States Sue Over the CMS Vaccine Interim Final Rule.** Ten states filed a [lawsuit](#) in U.S. District Court in Missouri challenging the CMS Interim Final Rule issued last week. The states that joined the litigation were Missouri, Nebraska, Arkansas, Kansas, Iowa, Wyoming, Alaska, South Dakota, North Dakota, and New Hampshire. The complaint highlighted the healthcare workforce crisis, alleged that the CMS rule is an intrusion on states' police powers, and that CMS failed to follow proper notice and comment requirements. There is no timeframe yet on when the district court expects to rule on the case. We will continue to follow and keep you posted on any developments.

**LeadingAge and LTC Providers Request State Department Prioritize Immigrant Visas for Nurses.** LeadingAge co-signed a letter, along with 11 long-term care and post-acute provider organizations, to request the U.S. Department of State (DOS) take specific actions to prioritize immigrant visas for nurses who have approved petitions. The letter requests the DOS address issues with the U. S. Citizenship and Immigration Services, and stalled visas within the DOS. Additionally, DOS should implement several recommended solutions to expedite the interviews for these qualified international nurses.

The letter is available [here](#), and was co-signed by: LeadingAge, AHCA, Agentum, American Senior Housing Association, Association of Jewish Aging Services, National Center for Assisted Living, National Association of State Veterans Homes, Pediatric Complex Care Association, The Jewish Federations North America, The Society for Post-Acute and Long Term Care Medicine, American Network of Community Options and Resources and the National Association for the Support of Long Term Care.

**Build Back Better Provides More Than \$1.8 Billion to Support Older Americans Act Programs.** The November 3, 2021 version of the Build Back Better Act continues to invest more than \$1.8 billion in services for older Americans that are carried out by the Administration for Community Living (ACL), particularly through Older American Act programs. It would allocate funds to ACL to support a few additional aging network and infrastructure initiatives, which includes \$20 million for the Technical Assistance Center for Supporting Direct Care and Caregiving and \$40 million, for FY 2022, that would be available to support unpaid caregivers behavioral health needs. You can access an article [here](#) that provides an overview of these initiatives.

**Letter to House and Senate leaders.** Wednesday, Katie Sloan sent [a letter](#) to Nancy Pelosi, Speaker of the House, and Charles Schumer, Majority Leader of the Senate, urging that they strengthen the Build Back Better Act so that older adults' needs are addressed to the greatest extent possible. The letter reviews LeadingAge's request that the Section 202 funding from \$500 million to \$1 billion, and asks leadership to preserve the HCBS and workforce related provisions of the current draft. In addition, the letter asks for adequate funding and resources to implement two key nursing home provisions in the current House bill.

- The House bill includes a requirement that HHS conduct a "nurse staffing requirements" study to determine whether there is evidence to support a link between staffing ratios and quality (section 30720). Currently the provision in Build Back Better also directs HHS to implement the findings of the study. In today's letter to leadership, we say clearly that Congress must include provisions to adequately fund any new staff costs. In addition, we ask for assurances that nursing homes that demonstrate they are unable to meet any minimum staffing ratios will not be penalized.
- We ask that similar funding increases and protections be added to the House bill provision requiring registered nurse coverage on site 24/7 (section 132000).

**CMS Pocket Guides for assessment and coding.** The Centers for Medicare & Medicaid Services (CMS) is offering **Pocket Guides** to assist providers in assessing and coding self-care and mobility, falls, and pressure ulcers/injuries. The pocket guides provide a quick reference for important terms and definitions that promote coding accuracy. These training assets are intended for providers in Home Health Agencies (HHAs), and Skilled Nursing Facilities (SNFs). The pocket guides are approximately 2 x 3.5 inches in size and are designed to be worn behind a provider identification badge. The pocket guides cover the following topics:

- Pocket Guide #1: Coding for Self-Care and Mobility Items.
- Pocket Guide #2: Definitions for Coding Section J Fall Items.
- Pocket Guide #3: Pressure Ulcers/Injuries Stages and Definitions.

The pocket guides are available under the **Downloads section** of the Quality Reporting Program (QRP) Training page for each setting:

- [Home Health QRP Training](#)
- [Skilled Nursing Facility QRP Training](#)

If you have questions about accessing the resources or feedback regarding the trainings, please email the PAC Training Mailbox ([PACTraining@EconometricalInc.com](mailto:PACTraining@EconometricalInc.com)). Content-related questions should be submitted to the setting specific help desk:

- [HomeHealthQualityQuestions@cms.hhs.gov](mailto:HomeHealthQualityQuestions@cms.hhs.gov)
- [SNFQualityQuestions@cms.hhs.gov](mailto:SNFQualityQuestions@cms.hhs.gov)

**Provider Relief Updates:** HRSA staff will join the LeadingAge Member Coronavirus call on Monday, November 15 to share information and answer questions about the Provider Relief Fund Reporting Process in advance of the November 30 deadline for providers to submit their first report.

- **Timing of Phase 4/ARP Rural Payments:** HRSA also recently updated the PRF Future Payments website indicating that they will share more information soon about the timing and distribution of the Phase 4/ARP Rural payments. When they announced the Phase 4/ARP Rural application, they indicated they were aiming to distribute the ARP Rural payments in mid to late November 2021, and the Phase 4 payments by the end of 2021 likely mid to late December. In conversations with their staff, they are striving to maintain these timelines even with the more than 110,000 applications they received.
- **If Members Had Issues Applying for Phase 4/ARP Rural:** HRSA also indicated that providers who encountered technical issues when applying for Phase 4 and/or ARP Rural payments can submit their questions and issues to HRSA at [ProviderReliefContact@hrsa.gov](mailto:ProviderReliefContact@hrsa.gov). While HRSA has made no exception to the application deadline for providers in these circumstances so far, we believe this inquiry is helping them size the problem and could result in an opportunity for these providers to submit an application. Members are asked to also CC Nicole ([nfallon@leadingage.org](mailto:nfallon@leadingage.org)) at LeadingAge on these communications to HRSA so we can determine how many members had these issues and advocate on their behalf for a chance to complete/submit an application.
- **Phase 3 Reconsideration Deadline is Friday:** Reminder that providers who wish to request reconsideration of their Phase 3 payments believing they were incorrectly calculated based upon the [Phase 3 methodology](#) published by HRSA have until Nov 12 at 11:59 p.m. ET to submit their reconsideration request. For more information on this Phase 3 reconsideration process, members can access information [here](#).

**Letter to CMS Administrator Seeking Clarification on CMS IFR.** Katie Sloan sent a [letter](#) to CMS Administrator Chiquita Brooks-LaSure seeking answers to members' questions concerning the Interim Final Rule on vaccinations. Among the questions are whether the rule applies to entire entities or just the CMS certified parts; the definition of "additional precautions" for unvaccinated staff; timing of contingency plans; requirements for new hires after January 4; more clarify on medical exemptions; how to handle vaccinating staff under the age of 18 whose parents or guardians won't consent; types of contractors/services that might be eligible for an exception; and clarity on applicability to Medicaid home care services.

**Resources on Vaccine Mandates.** [Here](#) is an update with vaccine resources in one place regarding the CMS Interim Final Rule, the OSHA Emergency Temporary Standard (ETS), Federal Contractor rules, and information from the Health Action Alliance including templates.

**Virtual event on Medicare Supplemental Services.** LTQA and ATI Advisory will release new insights and policy recommendations from two years of research on non-medical Medicare benefits at a virtual event on November 16 from 1:00 – 2:00 PM ET. Panelists from the Administration on Community Living,

Centene, and healthAlign will discuss opportunities to advance non-medical benefits and how providers are engaging with plans. You can register for the event [here](#).

**New manual on serving older adults with serious mental illness.** The HHS Substance Abuse and Mental Health Services Administration (SAMHSA) released a clinical manual, Psychosocial Interventions for Older Adults with Serious Mental Illness. The manual provides considerations and strategies for interdisciplinary teams, peer specialists, clinicians, RNs, behavioral health organizations, and policy makers to understand, select, and implement evidence based interventions that support older adults with serious mental illness. Download the new manual [here](#).

**OSHA Vaccination and Testing ETS Stayed by Court of Appeals.** On Saturday, November 6<sup>th</sup>, the Fifth Circuit Court of Appeals issued an [order](#) blocking the OSHA Vaccination and Testing Emergency Temporary Standard (ETS) from taking effect on a nationwide basis until it could further review the merits of the case. The order requires briefs to be filed on the case by tomorrow so a decision from the 5<sup>th</sup> Circuit should be issued soon. The OSHA ETS is also facing challenges in the Sixth, Seventh, Eighth, and Eleventh Circuit Courts of Appeals and we will keep you posted as these cases make their way through the courts. Providers should review the OSHA ETS and prepare to implement the requirements if the ETS survives the legal challenges.

#### **2022 Annual Meeting Call for Sessions**

Submit your proposals now for next year's Annual Meeting + EXPO, October 16-19, 2022 in Denver, CO. Learn more, get answers to common questions, and complete your submission [here](#).

#### **A Free Tool Providers Can Use to Help Their Organizations Thrive**

Quality Metrics offers web-based, interactive data analytics to help home health and hospice providers perform custom benchmarking to demonstrate organizational value. It's invaluable in providing a data-informed approach to quality improvement activities with easy to understand reports, graphs, and grids. LeadingAge New York is hosting free training sessions for Quality Metrics.

#### **Home Health and Hospice Training**

[Tuesday, Nov. 16, 3 p.m.–4 p.m. ET](#)

Questions? [Email Sue Chenail](#) at LeadingAge New York.

**Transgender Awareness Week: November 13-19, 2021.** Members of the trans community face striking disparities in their access to health care, employment, and housing opportunities. November 13-19 is Transgender Awareness Week, which is a perfect opportunity to connect with content on the LeadingAge Learning Hub that explains how your community can be [inclusive to trans employees](#) and provide [great care to trans older adults](#).

**LeadingAge LTSS Center @UMass Boston Resource Library.** Have you checked out the [LTSS Center's Resource Library](#)? Find an array of resources relating to research in the areas of workforce, housing, nursing homes, financing, aging and health, and consumer engagement.