



Nursing Home Weekly: Recap of LeadingAge Updates

March 11, 2022

LeadingAge Coronavirus Call. 2022 looks promising for providers of services for older adults but some significant obstacles remain. LeadingAge members are anxious to hear about the latest trends on workforce and occupancy and how knowing about these trends can support planning for the “new normal” with COVID-19 in 2022. On Monday March 14 at 3:30 PM ET we will talk with Lana Peck, Senior Principal at the National Investment Center for Seniors Housing and Care. She will discuss the latest data from the NIC WAVE study of trends in senior living. She will offer insights on workforce and occupancy challenges and guidance on how LeadingAge members can prepare for growth this year. If you haven’t registered for LeadingAge Update Calls, [you can do so here](#).

CMS National Nursing Homes Stakeholder Call: CMS held a national nursing homes stakeholder call on Thursday. The White House initiative to improve nursing homes was reviewed. Read the Fact Sheet [here](#). CMS did not divulge any additional information, other than to clarify that the 21 initiatives contained in the plan include short-term, mid-range, and long-term goals. CMS states that currently, the focus is on identifying the initiatives on which CMS can take swift action. The only actual timeline identified was restating the expectation to undertake a study to determine that staffing required for safer care with minimum staffing standards to be identified within one year. CMS emphasized their intentions to move forward in a deliberate manner that provides meaningful opportunities for stakeholder engagement and feedback in order to “get it right.” A recording of this stakeholder call will be posted [here](#).

CMS Updates Testing Guidance for Nursing Homes: CMS released updated guidance on nursing home testing requirements. Access the updated guidance [here](#). Updates largely focus on the adoption of CDC vaccination status language “up to date / not up to date.” Of course, this change in language has implications for operations in that nursing homes must now include all staff who are not up to date with COVID-19 vaccination in routine staff screening testing according to community transmission rates. The new guidance also clarifies that nursing homes should be testing all staff or residents, regardless of vaccination status, who have been identified as a close contact of someone who tested positive for COVID-19. The guidance further recommends the use of an antigen test as opposed to a nucleic-acid amplification test when opting to test individuals who have tested positive for COVID in the past 90 days. These updates are all consistent with existing CDC recommendations for [healthcare settings](#) and [nursing homes](#).

CMS Updates Visitation Guidance for Nursing Homes: CMS released updated guidance and associated FAQs on nursing home visitation. Access the updated guidance [here](#). Updates largely focus on the adoption of CDC vaccination status language “up to date / not up to date.” The language change impacts operational considerations such as quarantine for residents following close contact and testing / quarantine following readmission to the nursing home. The guidance also explicitly states that visitors to nursing homes must meet resident criteria for discontinuation of transmission based precautions

(isolation and quarantine). While this message has previously been shared many times, this is the first time CMS has put it in writing. These updates are all consistent with existing CDC recommendations for [healthcare settings](#) and [nursing homes](#).

CMMI Accepting Applications for ACO REACH model: CMMI announced recently that it is replacing the Global & Professional Direct Contracting model on January 1, 2023 with a new ACO REACH model. This new model looks similar to direct contracting but has a new focus on health equity, provider-led organization participants and ensure beneficiary freedom of choice and other protections. This redesign of the model is in response to stakeholder feedback including input from LeadingAge. Here is an [article](#) that goes into more detail on some of the changes and provides details on how providers could apply to participate.

Will the \$1.5 T spending bill become law? And, ongoing discussion about COVID funding being cut from Omnibus package. The Senate is rushing to pass the \$1.5 Trillion package before Friday, when the government runs out of funding at midnight. The bill will require 60 votes to pass and overcome a filibuster. If the bill is not passed by Friday night, another continuing resolution is likely, to give the Senate more time to finish its work.

The Senate is not discussing COVID response money because it was cut from the House bill. In response to the White House's \$22.5 billion request to cover immediate needs to avoid severe disruptions to the nation's COVID response, the House initially included some funds (\$15.6 billion) in the Omnibus bill, but not the full amount. It appeared there was bipartisan agreement on the \$15.6 billion, offset in part by rescinding some unspent state funds. The deal fell apart when some Democrats objected to losing some of their relief funds. COVID response funds were stripped from the bill. It is unclear how the funds will make it into law without the state relief offsets. House Democrats are working on a bill that is separate from the Omnibus measure, but it is unlikely to survive in the Senate. Among the immediate needs that are at risk of not being covered are testing capacity, set to decline this month; the supply of mAB treatments, which will run out in May; and the supply of antiviral pills like Paxlovid, which will be exhausted in September.

Links to the most recent Omni full text can be found on the [House Rules Committee Website](#). The appropriations bills and accompanying summaries and reports can be found on the [House Appropriations Committee Website](#)

LeadingAge Statement on the FY2022 Omnibus Appropriations Bill: Our press statement on the bill can be found [here](#).

Medicare Telehealth Flexibility Extensions Included in FY 22 Omnibus. The House is set to vote on a sweeping fiscal year (FY) 2022 Omnibus spending package that funds the government through the end of the fiscal year. One of the key extensions in the Omnibus spending package is the continuation of several key Medicare telehealth flexibilities. Most notably, the legislation would allow these flexibilities to be extended for 151 days (or five months), starting the day after the end of the public health emergency (PHE). Given that we expect the public health emergency to end in July, this would allow the telehealth extensions to be in place through mid- December. You can read an article [here](#), which also outlines the key Medicare telehealth flexibilities included in the omnibus.

State Legislation Addressing Price Gouging in Staffing Agencies: 12 states have introduced legislation addressing the increasingly high prices of staffing agencies. [Click here](#) to see more details on the states. Please reach out to Eram (eabbasi@leadingage.org) if you have any questions.

CMS Advance Care Planning Webinar. CMS is hosting a webinar on advance care planning with the Southcentral Foundation (SCF) of Alaska, where providers support patients in coming up with advance directives and taking steps to see they are carried out. Topics covered will include the creation of advance directives, durable power of attorney for health care, living wills, DNR/DNI orders, patient rights, and more. Register [here](#).

National Academies Webinar on the Release of the National Nursing Home Quality Study: The Committee on the Quality of Care in Nursing Homes will discuss the findings and recommendations in its new report, which we have been eagerly awaiting, on **Wednesday April 6th at 11am ET**. We will provide more information on the timing of the release of the report when we have it. The registration for the webinar can be found at <https://www.nationalacademies.org/event/04-06-2022/report-release-webinar-the-national-imperative-to-improve-nursing-home-quality>

OSHA Announces Focused Inspections of Nursing Homes and Hospitals: OSHA has announced that they will initiate [focused inspections and investigations](#) of nursing homes and hospitals that treat COVID-19 patients. The intent of the OSHA initiative is to magnify their presence in high-hazard healthcare facilities over a three-month period (March 9, 2022 to June 9, 2022), to encourage employers to take the necessary steps to protect their workers against the hazards of COVID-19. Inspections opened under this initiative shall comprise 15% of all inspections *per Region* for the designated three-month period.

An [OSHA memorandum](#) outlines instructions and guidance for the short-term inspection initiative. This initiative supplements OSHA's targeted enforcement under the COVID-19 National Emphasis Program (NEP) by focusing on follow-up and monitoring inspections of hospitals and skilled nursing care facilities that ***OSHA had previously inspected or investigated***.

OSHA noted in the announcement that although OSHA withdrew the non-recordkeeping portions of the Healthcare Emergency Temporary Standard (ETS) on December 27, 2021, the agency will accept continued compliance with the Healthcare ETS as satisfying an employers' related obligations under the General Duty Clause, Personal Protective Equipment, and Respiratory Protection standards.

Interview with Dr. Nimalie Stone: On Wednesday's coronavirus call, we welcomed back Dr. Nimalie Stone from the CDC to talk about the CDC's guidance change on community levels. A summary of the interview can be found [here](#).

Interview with Dr. Ziyad Al-Aly – March 7. Dr. Ziyad Al-Aly, Director of the Clinical Epidemiology Center at Veterans Affairs St. Louis Health Care, joined the March 7, LeadingAge Coronavirus Update call. He responded to questions from Joe Franco and from callers. A summary of the interview is [here](#).

LeadingAge Submits Comments on Proposed MA Rules. LeadingAge submitted [comments](#) to CMS today on its proposed CY2023 rules for MA, SNP and Part D plans. Here is an [article](#) that discusses some highlights from the rule and our comments.

New Ad Council Tools: COVID Vaccine Hesitancy Among Direct Care Professionals. Even as this most recent wave of COVID-19 wanes, providers know how important it is to ensure that caregiving

professionals are fully vaccinated and boosted. LeadingAge leveraged the Ad Council’s “It’s Up to You” campaign to develop materials especially for Black and Hispanic direct care professionals. These toolkits include messaging guidelines and communications tips sheets, as well as social media graphics, handouts, and posters, and are FREE to LeadingAge members:

- [Hispanic Care Professionals Toolkit](#)
- [Black Care Professionals Toolkit](#)

In addition to providing these materials to members, this project boosted the visibility of caring professionals (and LeadingAge) by including them in a high-profile national Ad Council campaign for [Black](#) and [Hispanic](#) communities.

Creating a Trauma-Informed Culture to Support Well-being. Join us Monday, April 11 at 2:00 p.m. ET for a webinar delving into the details of how a trauma-informed care framework can help you assess, guide, and create safety and support in your organization. Discounted for LeadingAge members! [Register today.](#)