



## Nursing Home Weekly: Recap of LeadingAge Updates

April 22, 2022

**DOJ, OIG Bring Charges on COVID Fraud.** The multi-agency, 2022 National COVID-19 Health Care Fraud Enforcement Action [announced](#) criminal charges this week against owners and executives of medical businesses, physicians, marketers, and manufacturers of fake COVID-19 vaccination record cards. DOJ is charging 21 defendants for their alleged participation in various fraud schemes involving health care services that exploited the pandemic and resulted in COVID-19-related false billings to federal programs as well as theft from pandemic assistance programs to the tune of \$149 million. In connection with the enforcement action, DOJ seized over \$8 million in cash and other fraud proceeds.

**OSHA Proposes Rule to Modify Tracking of Workplace Injuries and Illnesses.** OSHA recently published a [proposed rule](#) titled "Improve Tracking of Workplace Injuries and Illnesses." [Here](#) is an article that provides a good summary and history of the proposal and several concerns that have been identified. Comments are due by May 31. OSHA is seeking to amend the occupational injury and illness recordkeeping regulation to require certain employers to electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation. OSHA proposes to amend its regulation to require establishments with 100 or more employees in certain designated industries to electronically submit information from their OSHA Forms 300, 301, and 300A to OSHA once a year.

OSHA intends to post the data from the proposed annual electronic submission requirement on a public website after identifying and removing information that reasonably identifies individuals directly, such as individuals' names and contact information. The full data submitted would also be available to the general public under a Freedom of Information Act request. Finally, OSHA is proposing to require establishments to include their company name when making electronic submissions to OSHA.

**2022 General and Professional Liability Benchmark Report for Senior Living and Long-Term Care Providers.** Marsh's Senior Living & LTC Industry Practice and Oliver Wyman Actuarial have partnered to conduct a 2022 update and expansion to the General and Professional Liability Benchmark Report for Senior Living and Long-Term Care Providers. For Senior Living and Long-Term Care Providers to participate in the study or learn more, please contact [LTCBenchmark@oliverwyman.com](mailto:LTCBenchmark@oliverwyman.com). There is no cost to participate, and all participants will receive a copy of the report and an invitation to the presentation of the results.

The information presented in this study is useful information for industry stakeholders interested in understanding important trends, loss drivers and other factors impacting resident care and quality. Included in the review will be an estimation of countrywide and state-specific trends. Especially relevant for 2022 will be the effect that the pandemic has had on losses. Marsh is partnering with LeadingAge, American Seniors Housing Association, Argentum, and AHCA/NCAL to distribute the survey to senior living providers.

**FROM HHS: Mask Order:** CDC [released a statement](#) on masks in public transportation settings. To protect CDC's public health authority beyond the ongoing assessment announced last week, CDC has asked DOJ to proceed with an appeal in Health Freedom Defense Fund, Inc., et al., v. Biden, et al. It is CDC's continuing assessment that at this time an order requiring masking in the indoor transportation corridor remains necessary for the public health. CDC will continue to monitor public health conditions to determine whether such an order remains necessary. CDC believes this is a lawful order, well within CDC's legal authority to protect public health.

**Welcome to Meredith!** Meredith Chillemi joined our policy team as the Director of Medicaid and HCBS Policy. Meredith is based in California and has great experience across our continuum and with Medicaid. We are so thrilled to have her on board.

**NHSN Changes Coming Soon.** Great news out of CDC regarding NHSN. The COVID-19 Long-Term Care Facility (LTCF) and COVID-19 Vaccination modules will undergo changes in May. These two modules will be streamlined with several data elements being eliminated or pared down to reduce reporting burden while continuing to collect essential data. Examples include eliminating requests for vaccine manufacturer information in multiple data elements, eliminating breakdowns of test type on testing data elements, and removing data elements related to co-infections and re-infections. Data elements to be modified include those related to boosters and staffing shortages. CDC will update forms and instructions and host training webinars at the time of update.

**Nursing Home Owner/Operator Data Now Public.** HHS announced today that they have released a report and publicly posted on the CMS data site and Care Compare data on nursing home ownership and operations. This move comes after calls for transparency in both the White House nursing home reform initiative announced in March and the National Academies (NASEM) report released in early April. Read the HHS Press Release [here](#).

**LeadingAge Article on Tips for Members on how to Prepare for the Next PRF Reporting.** Here is an [article](#) that summarizes the tips Nicole shared on Thursday's Member Coronavirus call on ways to prepare for the next PRF reporting to avoid compliance issues and the need to return funds.

**CMS releases strategies on health equity:** CMS released more details on the [health equity pillar](#) of their strategic plan. It covers activities and goals cross the agency.

**KFF releases comprehensive guide to PHE unwinding:** KFF released a one stop shop with regards to what PHE flexibility ends when. This does not just focus on Medicaid but flexibilities across various authorities. The resource can be found [here](#).

**White House releases Bipartisan Infrastructure Law Rural Playbook.** Today the White House updated its "Roadmap for Delivering Opportunity and Investments in Rural America" with a [Bipartisan Infrastructure Law Rural Playbook](#). The new legislation promises billions of dollars for high-speed internet, transportation, improvements to roads and bridges, clean drinking water, and modernized wastewater systems. The playbook is intended to help communities understand the available funding set aside for rural areas and how to apply for these federal dollars.

**HHS policy briefs on strategic approaches to social determinants of health (SDOH).** The HHS Office of the Assistant Secretary for Planning and Evaluation posted [three policy papers](#) that:

explain why HHS has identified addressing SDOH as a major priority; describe HHS's strategic approach and specific actions the Department is taking to address SDOH; and link how these actions build on evidence in the field on what works. Social determinants of health (SDOH) include factors such as housing, food and nutrition, transportation, social mobility, and environmental conditions as having significant impact on health outcomes. The policy briefs also present successful examples of current federal programs.

**Nursing Home Network:** The next Nursing Home Network call is scheduled for next Tuesday, April 26 at 2pm ET. The call will cover significant nursing home policy updates over the past month, with time for member discussion. A special Nursing Home Network call has been scheduled for Thursday, May 5 at 1pm ET for in-depth discussion and member feedback on the recently released SNF PPS proposed rule. If you are not currently signed up for the Nursing Home Network (formerly Nursing Home Advisory Group) and wish to attend either of these calls, email Jodi Eyigor [jeygior@leadingage.org](mailto:jeygior@leadingage.org).

**Washington State Revamps LTC Insurance.** In 2019, Washington State passed a first-in-the-nation, publicly funded long term care insurance programs. According to a [report](#) by Kaiser Health News, Washington is looking to revamp this system before it even gets started. The payroll tax deduction used to fund the program will start in July 2023 instead of the planned January 2022 and benefits will become available in July 2026. California, Illinois, and Michigan are considering similar implementing programs.

**HRSA Adds a 5<sup>th</sup> Reporting Period for Phase 4 dollars and Other Key Dates:** A question members have often asked is when will they report on the Phase 4 funds they are receiving now. HRSA recently answered this by adding a 5<sup>th</sup> reporting period which will run from July 1 – September 30, 2023. Here is an [article](#) that discusses this new reporting period and other key PRF dates of which providers should be aware.

**CMS National Stakeholder Call.** CMS Administrator Chiquita Brooks-LaSure, along with Deputy Jon Blum and others from the CMS leadership team invite all CMS stakeholders to a quarterly National Stakeholder Call on April 26 from 3:30 – 4:30 PM ET. Here's the [link to RSVP](#); after you register you will receive a confirmation email with details on how to join the call. The Administrator uses these calls to update on the CMS strategic vision and accomplishments during the past quarter. This call may include long-term care related points as part of a more global CMS conversation.

**FROM HHS: First COVID-19 Diagnostic Test Using Breath Samples:** The U.S. Food and Drug Administration (FDA) [issued](#) an emergency use authorization (EUA) for the first COVID-19 diagnostic test that detects chemical compounds in breath samples associated with a SARS-CoV-2 infection. The test can be performed in environments where the patient specimen is both collected and analyzed, such as doctor's offices, hospitals, and mobile testing sites, using an instrument about the size of a piece of carry-on luggage. The test is performed by a qualified, trained operator under the supervision of a health care provider licensed or authorized by state law to prescribe tests and can provide results in less than three minutes.

**A Message from Katie on Nursing Home Advocacy.** LeadingAge President and CEO Katie Smith Sloan wrote a new message to members on much-needed nursing home reform.  
*A comprehensive, all-government approach could provide nursing homes with the help they need to continue providing life-sustaining services and supports to the most vulnerable older Americans... That's why LeadingAge remains fully committed to our continuing advocacy work on behalf of nursing homes.*

[Read Katie's entire message](#) on how a comprehensive, all-government approach could address the needs of nursing homes.

**Careers in Aging Week.** Careers in Aging Week continues! Join LeadingAge, Argentum, ACHA/NCAL, and the Gerontological Society of America to promote professions in the field of long-term care. Check out the [Careers in Aging Week webpage](#) for turnkey tools such as flyers, posters, social media posts, Zoom backgrounds, PowerPoint templates, logos, videos, webinars, and more. We encourage you to participate (and be sure to include #CareersInAging in social media posts).