



Nursing Home Weekly: Recap of LeadingAge Updates

August 6, 2021

Upcoming Update Calls. More analyses of what's going on with Delta and what it means for aging services providers and a provider who dealt with a small breakthrough cluster. All calls are at 3:30 PM Eastern. On Monday, August 9, Dr. David Dowdy of Johns Hopkins University will join the call. He's frequently quoted in the national media and will discuss breakthrough infections and how to prevent them, as well as share modeling on the surge and talk about who is getting sick and how sick they are getting. On Wednesday, August 11, we will talk with Courtney Wood from Masonicare in Connecticut. The organization had a small cluster of breakthrough infections in vaccinated residents. Courtney will talk with us about the experience and describe how the organization dealt with it. We hope her experience will help other members think about the steps they need to take to be ready for the possibility of breakthrough infections in terms of communication with residents, staff, and family members, as well as clinical steps and regulatory and reporting considerations. If you haven't registered for the calls, [you can do so here](#).

Details about Project ECHO payments to nursing homes that participated. Project ECHO invoices are being processed now. Nursing home providers who participated in Project ECHO cohorts, qualify for payments, and have questions should reach out to their training center to make sure they have documentation of the provider's participation. Each training center has a list of its participating nursing homes, including what stage of the compensation process they are in and what, if anything is still needed from the provider. The reports are updated every Monday and Wednesday. Alternatively, providers can write to the ECHO nursing home box (ECHONursingHome@salud.unm.edu) to check on their status. Project ECHO staff are actively reaching out to those who have not yet signed contracts and those who have a contract but need to send in final documentation and invoicing.

HRSA Responds to LeadingAge Plea for PRF Funds to be Released: Katie received a reply to her letter to HRSA Acting Administrator Diana Espinosa requesting the remaining PRF funds be released immediately. The unsatisfactory response provides a history of PRF that have been distributed to date and indicates, "HHS is committed to distributing the remaining provider relief payments as quickly and equitably as possible while utilizing effective safeguards to protect taxpayer dollars." Espinosa offers no date certain in which providers can feel confident that further relief will be on its way. The full text of the letter can be read [here](#).

HHS Webinar on monoclonal antibodies. Please join an important webinar NEXT TUESDAY focusing on how monoclonal antibodies and other therapeutics can help prevent serious illness from COVID-19. This webinar will feature Michael R. Anderson, MD, a Senior Advisor to HHS' Assistant Secretary for Preparedness and Response (ASPR). Dr. Anderson will share updates on available COVID-19 therapeutics including medication efficacy, new administration routes and novel treatments in the pipeline, fee reimbursement resources, and provider and patient tools and fact sheets. Dr. Anderson and HRSA representatives will also be available for a Q&A to answer providers' questions about these important COVID-19 therapies.

The Critical Role of Monoclonal Antibodies as the COVID-19 Pandemic Continues

Tuesday, August 10

4:00-5:00 p.m. ET

[Join the day of the session](#)

If you prefer to join by phone: 833-568-8864

When prompted, enter meeting/webinar ID: 160 055 0780 and passcode: 828587

ACL/HHS Webinar on Dealing with Major Disasters. ACL announced that it is partnering with FEMA to offer the “Ready Seniors Webinar Series,” beginning with a webinar on Wednesday August 25 from 1:00 – 4:00 PM ET. Recommended for emergency planners for nursing homes, assisted living, senior centers, senior housing, adult day programs, and others who serve older people, the workshop aims to prepare organizations that provide critical support to older people during a major disaster (fires, hurricanes, etc.) in their community. Information and registration details are [here](#).

Changes to CMP Structure for Skilled Nursing Facilities. CMS issued [QSO 21-20 NH](#), a one paragraph memo, that removes the July 7, 2017 Memo (S&C 17-37-NH) from the CMS guidance repository. In that now defunct memo, CMS instructed CMS Locations (formerly “Regional Offices”) to impose civil monetary penalties for prior noncompliance solely on a per-instance basis. Upon further consideration, as spelled out in this new brief memo, CMS has determined that the agency should retain the discretion at this time to impose a per-day penalty where appropriate to address specific circumstances of prior noncompliance.

Nursing Home Advisory Group CHANGE FOR AUGUST ONLY: The Nursing Home Advisory Group call *for August only* has been moved from the last Tuesday to a week early due to a scheduling conflict. The Nursing Home Advisory Group will meet on August 24 at 2pm ET. The call-in details are the same and we will share a reminder closer to the call. If you want to join the group but are not yet a member, please email Jodi (JEyigor@leadingage.org) or Janine (JFinck-Boyle@leadingage.org).

Update on Employee Leave Provisions During COVID. As COVID case numbers surge dramatically, LeadingAge members have asked for an update on employee leave provisions, in case staff test positive, have a family member who tests positive or is ill, or have to miss work for other reasons related to COVID. Here’s a quick review of the state of the play with employee leave provisions, including those expired, soon to expire, and still in effect.

Families First Coronavirus Response Act (FFCRA)

The FFCRA was enacted in March 2020. The FFCRA required mandatory paid leave (Emergency Paid Sick Leave Act and Emergency Family Medical Leave Extension Act) for employees related to COVID-19. The provisions applied to employers with 500 or fewer employees

The FFRCA leave provisions were structured as a refundable tax credits for employers to cover 2 weeks of sick leave and up to 10 weeks of Emergency Family Medical Leave. There were six qualifying conditions for this leave.

The FFRCA leave provisions **expired** on December 31, 2020

American Rescue Plan Act (ARPA)

Effective April 1, 2021, the ARPA extended the tax credits available under FFCRA on a **voluntary** basis for qualifying events. This extension also added three additional qualifying conditions for the leave provisions. See the [IRS guidance and overview](#) of the ARPA for more details.

These leave benefits and tax credits were **extended through September 20, 2021.**

Occupational Safety and Health Administration Emergency Temporary Standard (OSHA ETS) - Medical Removal Protection Benefits

Under the [OSHA ETS for healthcare settings](#) providers must pay regular pay and benefits, up to \$1,400 per week, for employees that miss work due to a COVID-19 diagnosis or known exposure to those with COVID-19.

This ETS applies to healthcare settings with more than 10 employees. The medical removal benefit applies unless the employee meets return to work criteria or refuses to be tested for COVID-19. For employers with less than 500 employees, that amount is reduced beginning in the third week of removal to two-thirds of the regular pay and benefits, up to \$200 per day

Providers may require use of paid sick leave, PTO, or other applicable leave under your policies and procedures.

Employers must provide “reasonable time and paid leave” to any employee who receives a COVID-19 vaccine and/or experiences side effects following vaccination. The ETS does not define or give examples of “reasonable time or paid leave”

SBA Direct Forgiveness Portal Open. For those who took Paycheck Protection Loans of less than 150k, you can apply to work with the SBA directly on forgiveness rather than going through your lender at <https://directforgiveness.sba.gov/requests/borrower/login/?next=/>

Summary of FY2022 SNF PPS Final Rule: Here is an [article](#) summarizing the major elements of the final SNF PPS rule outlining its impact on rates as well as changes to the SNF VBP and QRP programs. Highlights include: SNF PPS rates are to increase 1.2% but reduced by 0.8% due to SNF VBP adjustments. There are also two new SNF QRP measures requiring SNFs to begin reporting on Healthcare Acquired Infections and Vaccination Coverage by Healthcare Personnel for FY2023.

LeadingAge Sends Letter of Support for Health Professions Career Legislation. LeadingAge sent a letter of support to the House Ways and Means Worker and Family Support Subcommittee Chairman Danny K. Davis (D-IL), for reintroducing the bipartisan Pathways to Health Careers Act (H.R. 4449). The bill incorporates several individual bills designed to improve the Health Profession Opportunity Grant (HPOG) Program. It also reauthorizes the HPOG Program and expands it to provide a guarantee that all states and DC, and the U.S. Territories and tribal communities, would be eligible for this funding opportunity. The HPOG Program awards grants to low-income recipients, and trains them for in-demand health care jobs. Participants have access to supportive services like child care, transportation and career coaching, which helps to ensure high completion rates and potential for job placement and retention. Expanding HPOG could help support a pipeline for direct care professionals. You can access a copy of the letter [here](#).

CMS on source control, etc. in nursing homes. Encouraging news out of CMS. During our bi-weekly provider association call, we asked how the new information on the Delta variant and the updated public health recommendations from CDC might impact nursing homes and other health care settings. CMS reiterated what we had heard previously from CDC: at this time, there are no plans to change source control and social distancing recommendations in healthcare settings. (Review current recommendations [here](#)).

CMS stated that while there continues to be a correlation between community spread and nursing home spread, the relationship is not as strong now as it was during the “pre-vaccination era”. While case rates are climbing in nursing homes, the increases are not as steep and the illnesses are not as severe as we’ve seen in the past. Specifically, there are fewer hospitalizations and deaths in nursing home

residents. This is encouraging news, but it only works if nursing homes continue their hard work on core infection control principles including appropriate source control and social distancing, adherence to testing protocols, and continuing to drive up vaccination rates. CMS will continue working with CDC to evaluate the data and determine the need for future changes to source control or testing recommendations.

Follow up from Previous Update Call; One Member's Vaccine Mandate Communication Tools. In response to member inquiry and following his appearance on our daily call, Mark Beggs, CEO of [Edenwald Senior Living](#) (Townson, MD) has made available the six communication tools he created to institute a staff vaccine mandate in his community. These include a [first](#) and [second](#) email announcement; an email announcement for a [staff discussion](#); a [mandate policy](#); and [religious exemption](#) and [request for medical accommodation](#) forms. He has given permission to share these resources and they are intended as helpful member to member templates only. Note, these are not created by LeadingAge; they are one member's materials.

FROM HHS:

Outbreak of SARS-CoV-2 Infections, Including COVID-19 Vaccine Breakthrough Infections, Associated with Large Public Gatherings: CDC released an MMWR on [the outbreak of SARS-CoV-2 infections, including COVID-19 vaccine breakthrough infections, associated with large public gatherings](#) in Barnstable County, Massachusetts in July, 2021. Variants of SARS-CoV-2 continue to emerge. The B.1.617.2 (Delta) variant is highly transmissible. In July 2021, following multiple large public events in a Barnstable County, Massachusetts, town, 469 COVID-19 cases were identified among Massachusetts residents who had traveled to the town during July 3–17; 346 (74%) occurred in fully vaccinated persons. Testing identified the Delta variant in 90% of specimens from 133 patients. Cycle threshold values were similar among specimens from patients who were fully vaccinated and those who were not. Jurisdictions might consider expanded prevention strategies, including universal masking in indoor public settings, particularly for large public gatherings that include travelers from many areas with differing levels of SARS-CoV-2 transmission. CDC Director Rachele Walensky, MD, MPH, released an accompanying statement on the MMWR.

FDA Updates FAQ on COVID-19 Vaccines and the Approval Process: FDA [announced](#) that this week it added three new frequently asked questions (FAQs) on COVID-19 vaccines and the approval process. The FAQs can be found [here](#) and the questions include: Is an approval (or biologics license approval) different from an emergency use authorization? Does it change the availability of COVID-19 vaccines? How long will it take to approve COVID-19 vaccines? How important is it to make sure approved vaccines are available versus other public health measures? Do you have the resources to do this quickly?

U.S. Department of the Treasury Policy Statement on State and Local Fiscal Recovery Funds and Individual Vaccine Incentives: The Department of Treasury [released a policy statement on state and local fiscal recovery funds and individual vaccine incentives](#). The American Rescue Plan dedicated a historic \$350 billion to helping state, territorial, and local governments respond to the pandemic and its negative economic impacts, in the form of the State and Local Fiscal Recovery Funds program (SLFRF). Under the [Interim Final Rule](#), recipients may [use Coronavirus State and Local Fiscal Recovery Funds](#) to respond to the COVID-19 public health emergency, including expenses related to COVID-19 vaccination programs. Programs that provide incentives reasonably expected to increase the number of people who choose to get vaccinated, or that motivate people to get vaccinated

sooner than they otherwise would have, are an allowable use of funds so long as such costs are reasonably proportional to the expected public health benefit.

To Enable More Vaccinations, Treasury Expands Paid Leave Tax Credit: The Department of Treasury [released information on an expansion of the Paid Leave Tax Credit](#). Eligible employers can claim tax credits equal to the wages paid for providing paid time-off to employees to take a family or household member or certain other individuals to get vaccinated, or to care for a family or household member or certain other individuals recovering from the vaccination. Comparable tax credits are also available for self-employed individuals.

Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace: OSHA updated [guidance on mitigating and preventing the spread of COVID-19 in the workplace](#). This guidance is intended to help employers and workers not covered by the Occupational Safety and Health Administration's (OSHA's) COVID-19 Emergency Temporary Standard (ETS) to identify COVID-19 exposure risks to workers who are unvaccinated or otherwise at-risk, and to help them take appropriate steps to prevent exposure and infection.

Word from Washington. Infrastructure legislation filed. Sunday evening, after an extraordinary Senate weekend session, the bipartisan group of senators negotiating the “roads and bridges” infrastructure legislation filed their [2700 page bill](#), and on Monday the Senate began debate on the substance. This bill is part of the two-track infrastructure process winding its way through both houses of Congress (starting in the Senate). While this bill does not directly impact the aging services community, it contains important broadband provisions that will benefit our members in rural and other underserved areas, as well as low income users. The bill creates a \$65 billion grant program for states with underserved areas; and extends the Emergency Broadband Beneficiaries program and renames it Affordable Connectivity Program, providing financially eligible households a \$30 per month internet subsidy.

The bill also is supposed to be fully offset, and we were concerned that Medicare sequestration and unused COVID relief funds would be used to the detriment of LeadingAge members. Last week LeadingAge sent a strongly worded letter to Congress urging against these offsets. The bill does include both but does not include unexpended provider relief funds, which is a critical success. It does rescind unused funds from the Economic Injury Disaster Loan (EIDL) program and terminates early the employee retention credit administered by Labor.

Leader Schumer has indicated that he wants a vote on this bill before the Senate recesses for August-September, along with a vote on the budget resolution needed for the “care infrastructure” legislation. Assuming the Senate passes this bill and the budget resolution, the House would need to return from recess to complete the process. We will continue advocating for robust funding for the Medicare and Medicaid programs and workforce in the care infrastructure legislation.

NH Advisory Group: Thanks to all who participated in last week’s Nursing Home Advisory Group call. The call featured a presentation on the OSHA ETS and member discussion on essential caregivers. A summary of the call is available [here](#). Our next call will be Tuesday, August 31 at 2:00 PM ET. To be added to the mailing list for this call, please email Jodi (jevigor@leadingage.org).

Survey Readiness Webinar. Come join Janine Finck-Boyle and Bill Vaughan at the August 31 Webinar: 2:00 – 3:00 PM, ET. Here’s the link to register for [Survey Readiness: Navigating Nursing Home Regulations and Oversight](#). This Webinar will provide an insider’s perspective on nursing home

regulations and answer key questions about the survey process in the wake of COVID-19. It is available to both members and nonmembers and includes 1.0 NAB CE.

Creating Opportunities, Together. The 2021 LeadingAge Annual Meeting & EXPO is designed to provide customized experiences that meet the needs of all our members. No matter what you and your organization need to move forward, you'll find it this fall in Atlanta:

- **A robust education program** includes new topics and in-depth analysis around the issues we know are important to you and your organization. 120+ sessions across 10 program tracks.
- **Unmatched networking opportunities** where you can share successes, crowdsource solutions to common struggles, gather ideas, and brainstorm with people who share your passion for providing the very best care.
- **Opportunities to find new partners** that can boost your organization's efficiency, level of service, and bottom line. Whether you're looking for help with technology, staffing, marketing, or something else entirely, this is your chance to forge new connections with trusted companies that understand our field.

[Learn more and register for the 2021 LeadingAge Annual Meeting + EXPO today!](#)

LeadingAge Story Collector: Virtual Reality Builds Engagement Among AL and SNF Residents

The new [LeadingAge Story Collector](#), powered by Gold Partner Greystone, makes it easy to tell your story by making a brief audio recording or writing in your story. [One recent story explains](#) how a pilot of virtual reality programming was so popular at one of its communities, [Parker](#) has made the headsets available at all five of its communities offering skilled nursing, assisted living, and post-acute care. The activities spark conversation and build connections, and show very positive results in some residents living with dementia. Use the [Story Collector](#) to tell us yours! Submissions don't have to be perfect; LeadingAge staff will contact you to gather more details and information.

Shared Learning: Inclusion—Creating Cultures of Belonging . Join us September 22 for a highly interactive virtual event, facilitated by Kelly Burrello, that will explore ways provider organizations are creating inclusive cultures where everyone is welcomed, valued, and respected. We'll review examples that represent a range of approaches members are pursuing to foster inclusion within their communities. [Register now](#).