



## **Nursing Home Weekly: Recap of LeadingAge Updates**

September 10, 2021

**What's going on with breakthrough infections? Is the number of infections going up? is it higher in congregate living settings for older people?** Join us for the LeadingAge Coronavirus Update call at **3:30 on Monday, September 13** as we talk with **Dr. Robert Wachter of the University of California, San Francisco** about these questions. Dr. Wachter told the New York Times a few weeks ago "remember when the early vaccine studies came out, it was like nobody was hospitalized, nobody died? That clearly is not true....The case for boosters goes up pretty quickly."

**Has your community noticed a change in resident attitudes toward and treatment of staff, as the pandemic wears on and with staffing shortages so common?** Peter Sullivan of member organization **Birch Bay Village** will join the Update Call at **3:30 on Wednesday, September 15** to talk about strategies for creating and maintaining a culture of respect and caring between residents and staff, even in these tough times. If you haven't registered for LeadingAge Update Calls, [you can do so here](#).

**New White House Plan: Expanded Vaccine Mandates, Boosters, Testing, Provider Help.** Thursday, the White House released a six-pronged new plan, "Path Out of the Pandemic." The plan includes a much broader vaccine mandate for CMS-regulated entities, which LeadingAge has urged. CMS will expand its mandate beyond CMS-regulated nursing home staff to include workers in most health care settings that receive Medicare or Medicaid reimbursement, including but not limited to hospitals, dialysis facilities, ambulatory surgical settings, and home health agencies. In addition, OSHA is developing a rule that will require all employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work. Other pieces of the plan include greater testing access, readying a booster roll-out, and improvements to the Paycheck Protection Program and Economic Injury Disaster Loan programs. See this [article](#) with more information.

**House Committees Start the Budget Reconciliation Process.** House committees have started to draft their parts of the \$3.5 trillion budget reconciliation package. Markups began on Thursday and continue through early next week. All committee activity must be wrapped up by September 15, then they will send the committee-approved recommendations to the House Budget Committee to compile into one proposal.

**House Ways and Means Mark Up.** House Ways and Means Committee Chairman Richard E. Neal (D-MA) released legislative text that will be considered under the budget reconciliation instructions. On Thursday and Friday, the Committee will mark up the proposal that closely aligns with President Biden's *American Families Plan*, which proposed nearly \$2 trillion in social spending.

The Ways and Means reconciliation package includes a recommendation for 12-weeks of paid family and medical leave that would start in 2023, and improvements for the childcare system. It also includes a LeadingAge priority to expand Medicare coverage to include dental, vision, and hearing benefits, to beneficiaries and eliminate cost and coverage barriers to this care. The Committee is expected to

release the “revenue” portion of its plan, including tax increases, possibly on Friday, and a committee markup on the provisions are expected next week.

**W&Ms Committee’s Long-term Care Staffing Provisions.** The Ways and Means Committee package includes a few provisions highlighted in the LeadingAge Action Alert ensuring that the \$3.5 trillion budget reconciliation package implements strategies to recruit and retain long-term care staff. It includes provisions from the Elder Justice Reauthorization and Modernization Act and the provisions from the Nursing Home Workforce and Expansion Act of 2021, which allocates \$392 million for fiscal years 2022 through 2025 for Nursing Home Worker Training Grants. The formula grants must be used to provide wage subsidies, provide student loan repayment or tuition or guarantee affordable childcare for eligible individuals.

The package also reauthorizes a LeadingAge endorsed proposal, the Health Professions Opportunity Grant Program, making it available nationwide. The HPOG program was also revised to allow SNFs and nonprofit organizations to administer the job training programs, which address workforce shortages and fill in-demand jobs. It also includes a provision from the Nursing Home Improvement and Accountability Act of 2021 (S. 2694) -- a staffing study to determine the appropriate levels of RNs, LPNs, LVNs and CNAs, needed in nursing homes to provide quality care.

**Energy and Commerce Committee Unveils HCBS Reconciliation Proposal.** Democrats on the House Energy and Commerce (E&C) Committee unveiled its portion of the *Build Back Better Act* and highlighted what should be included in the \$3.5 trillion budget reconciliation package that’s being negotiated in Congress. The E&C Committee’s Fact Sheet on Key Provisions of the *Build Back Better Act* reflects historic investments in middle class families, workers, and opportunities for making health care more affordable. Legislative text has not been unveiled, and it’s likely to be available prior to Monday’s full committee mark-up. The Fact Sheet indicates the bill will allocate \$190 billion to expand access to home and community-based services (HCBS) for older adults and people with disabilities, as specified in the *Better Care Better Jobs Act (S. 2210/H.R. 4131)*. This is less than half of the \$400 billion investment President Biden, Senate Democrats and LeadingAge have called for that should be designated to a “HCBS care infrastructure” investment. However, it is more than many observers expected.

The *Better Care Better Jobs Act* requires states to develop “HCBS infrastructure improvement plans” by providing a permanent 10 percentage-point increase in the federal matching rates. It would also strengthen the direct care workforce recruitment and retention by improving provider payment rates and giving states the resources to ensure the rate increases are passed through to workers’ wages.

The E&C’s Committee’s Fact Sheet indicates the bill also makes permanent the Money Follows the Person and the spousal impoverishment program. Additionally, the bill would:

- Permanently lower prescription drug prices, and require HHS to annually negotiate with drug manufacturers;
- Add a new comprehensive dental, vision and hearing benefits to Medicare;
- Invest \$35 billion to rebuild public health departments, and the modernization of health care facilities; and expand capacity for training primary health care providers; and
- Close the Medicaid coverage gap, to allow up to 4 million uninsured Americans to gain access to coverage.

**House Education and Labor Committee’s Reconciliation Bill Makes Historic Direct Care Workforce Investments.** The House Committee on Education and Labor will mark up its portion of the *Build Back*

*Better Act*, on Thursday, September 9, 2021. Overall, the bill invests \$761 billion to lower the cost of childcare and education, help Americans secure good-paying jobs. The Committee's portion of the *Build Back Better Act* also makes historic investments in supporting training, retention and career advancement for the direct care workforce. It includes the provisions of the *Direct CARE Opportunities Act* (H.R. 2999) and the *Supporting Our Direct Care Workforce and Family Caregivers Act* (S. 2344) – which are highlighted in the September 6 LeadingAge [Action Alert](#).

The bill allocates \$1,480,000,000 for FY 2022 – 2031, for competitive grants to recruit, train and retain direct care workers. The grants could also be used for raising wages and creating training opportunities to help address the direct care workforce shortage. Eligible entities include nonprofit organizations with experience in aging, disability, supporting the rights and interest of direct care workers or training or educating a direct care worker. The Secretary of HHS, acting through the Administrator of the Administration for Community Living (ACL), would administer the grants. The bill also allocates \$5 million to ACL to establish a “Technical Assistance Center for Supporting Direct Care and Caregiving.” The Center would be responsible for carrying-out technical assistance for supporting direct care workforce recruitment, education and training, retention, career advancement and reducing barriers to accessing direct care services.

For a fact sheet on the Committee's portion of the *Build Back Better Act*, [click here](#). For text of the Committee's print of the *Build Back Better Act*, [click here](#). The markup will be livestreamed at [www.youtube.com/EdLaborDemocrats](http://www.youtube.com/EdLaborDemocrats)

**Workforce Action Alert.** An action alert was sent to all members asking them to contact Congress seeking support for our key legislative issues in the infrastructure bills that will bolster our direct care workforce. The main message is: **Historic Investment Needed in the Care Economy Workforce.** The COVID-19 pandemic has worsened the strain on America's long-term care workers. LeadingAge members report astounding scenarios in which they are unable to hire enough front line workers to deliver older adults and families the care they need. Ask your members of Congress to cosponsor the legislative proposals that will make historic investments and provide much-needed funding to help care professionals receive a living wage and benefits. They also address the home and community-based services (HCBS) and long-term care staffing shortages, and implement strategies to recruit and retain these jobs. The alert asks LeadingAge advocates to tell members of Congress they must prioritize and pass:

- **Better Care Better Jobs Act** to designate more than \$100 million to states to develop “HCBS infrastructure improvement plans.”
- **Elder Justice Act Reauthorization and Modernization Act** to support adult protective services and reauthorize programs addressing elder abuse, neglect, exploitation and social isolation.
- **Nursing Home Workforce Support and Expansion Act of 2021** to improve nursing home care by strengthening wages and benefits for long-term care workers.
- **Supporting Our Direct Care Workforce and Family Caregivers Act** and the **Direct Creation, Advancement and Retention of Employment (CARE) Opportunity Act** to invest more than \$1 billion in workforce interventions funds.

Please send a message to your U.S. Representative and Senators today using this link: <https://mobilize4change.org/nkvus8f>

**From HHS:**

1. **Vaccine FAQs:** CDC [updated the frequently asked questions](#) on COVID-19 vaccines . This update includes how to get a new COVID-19 vaccination card.
2. **Caring for Post-COVID Conditions:** CDC [released a page on caring for post-COVID conditions](#). Having a post-COVID condition or supporting someone with a [post-COVID condition](#) can be challenging. It can be difficult to care for yourself or loved ones, especially when there are few or no immediate answers or solutions. However, there are ways to help relieve some of the additional burdens of experiencing or caring for someone with a new and unknown condition.
3. **COVID-19 Infected Many More Americans in 2020 than Official Tallies Show:** NIH Director Dr. Francis Collins [commented on a recent article published in Nature](#), which offers a more-comprehensive estimate that puts the true number of COVID-19 infections by the end of 2020 at more than 100 million. That's equal to just under a third of the U.S. population of 328 million. This revised number shows just how rapidly this novel coronavirus spread through the country last year. It also brings home just how timely the vaccines have been—and continue to be in 2021—to protect our nation's health in this time of pandemic. From these data, the researchers calculated that only about 11 percent of all COVID-19 cases were confirmed by a positive test result in March 2020. By the end of the year, with testing improvements and heightened public awareness of COVID-19, the ascertainment rate (the number of infections that were known versus unknown) rose to about 25 percent on average. This measure also varied a lot across the country.

**Experience implementing vaccine mandates.** With Thursday's White House announcements, more and more LeadingAge members will be faced with implementing vaccine mandates. This [short article](#) summarizing today's webinar shares the experience of three members who are implementing staff vaccine requirements in regions with high levels of resistance. It covers how the speakers made the decision to require vaccinations, communication, resistance, exemptions, and thoughts about testing as an alternative. Here is [a link to the recording](#) of the webinar.

**"It's not just the buildings; it's the people served."** Richard Cho, Senior Advisor, Housing and Services, and Ethan Handelman, Deputy Assistant Secretary for Multifamily Housing, US Department of Housing and Urban Development joined us for the LeadingAge Update Call today. [Here](#) is an article detailing their comments on HUD's role throughout the pandemic, the President's Build Back Better agenda, housing plus services, service coordinators and internet access. In all of their answers, the message they brought from Secretary Fudge is that the administration is taking an all-department approach to addressing government programs and government solutions to challenges people face. Regarding booster clinics in housing sites, Richard suggested that housing providers could contact their HUD field office for assistance with vaccination connections.

**LeadingAge Policy Vision.** Last week, LeadingAge released our [Policy Vision: An Aging Services System for the 21st Century that is Bold, Equitable, Sustainable, and Transformative](#). The paper includes six interdependent elements to meet the needs of the aging population. For each, we outline action steps that Congress, the Executive Branch, or the private sector could take to achieve the reform vision—with a focus on policy actions that will be required at the federal/ national level. Additional state and local policy actions may complement these proposals. [Read the vision now](#).