

Upcoming Home Health and Hospice Member Meetings – please contact Mollie with any questions at mgurian@leadingage.org

- JULY 29th town hall will be **rescheduled** for September.
- *Rule Comment Feedback Sessions*
August 3rd at 3pm -- discussion of home health portions of the home health rule.
Home health members, please join us to provide your feedback on proposed PDGM changes, the expansion of the home health value based purchasing model, and other home health issues at 3pm on August 3rd
at <https://us02web.zoom.us/j/82961786366?pwd=OHdYQ3NqVkluclyZlJ0cWQ5TkxSdz09>
- **August 5th at 1pm– discussion of hospice portions of home health rule (NEW DATE AND TIME).**
Hospice members, please join us to discuss proposed changes to the survey process at 1pm on August 5th at
<https://us02web.zoom.us/j/88178609630?pwd=WVM4RjFhd0hYSmZFeDVWOW9VeDRXZz09>

What does the change in CDC guidance say – and why was it changed? What does it mean for LeadingAge members? LeadingAge Coronavirus Calls next week. On the call on Monday, August 2 at 3:30 PM ET, hear returning guest **Dr. Nimalie Stone** of CDC, as she discusses how CDC is thinking about the Delta variant, the new masking guidance, the differences between the three approved vaccines in terms of breakthrough infections, CDC views on mandates, and other critical issues. As always, Nimalie will talk about how these issues apply specifically to aging services and long-term care providers. **Dr. Monica Gandhi will be back on Wednesday, August 4 at 3:30 PM ET.** Every time Monica has joined us, even in the darkest days of COVID, she’s spoken directly and, as many callers said last time she appeared – “she made me feel so much better.” Her informed views of what’s coming next have mostly turned out spot on. Join us Wednesday to talk Delta variant, testing, PPE, and all the burning COVID questions on everyone’s mind right now. If you haven’t registered for the calls, [you can do so here.](#)

Choose Home Care Act of 2021 Introduced. “Choose Home” was introduced in the Senate by Senators Stabenow, Young, Cardin, Casey, Collins, Hassan, Lankford, and Lummis. The bill would create the opportunity for patients to choose an extended home health benefit that would allow them to go home post-hospital discharge with a broader array of services than traditional home health. Our press statement can be found [here.](#)

Bipartisan Comprehensive Care Caucus Introduces Two Bills. U.S. Senators Jacky Rosen (D-NV) John Barrasso (R-WY), Tammy Baldwin (D-WI), and Deb Fischer (R-NE) – co-chairs and co-founders of the Senate Comprehensive Care Caucus – announced the introduction of the bipartisan *Expanding Access to Palliative Care Act*. Senators Rosen, Barrasso, and Baldwin also announced the introduction of their bipartisan *Improving Access to Transfusion Care for Hospice Patients Act of 2021*. The press release for both bills, including a quote from Katie on the *Expanding Access to Palliative Care Act* can be found at <https://www.rosen.senate.gov/rosen-leads-comprehensive-care-caucus-introduction-bipartisan-bills>

Hospice Rule Finalized: Thursday, CMS published the final [FY2022 Hospice Payment Rate Update](#). We are reviewing the rule in more detail, but it looks like a majority of the proposals were finalized as proposed including the proposal to add the claims-based Hospice Composite Measure and Hospice Visits in the Last Days of Life to public reporting and replace the seven item Hospice Item Set (HIS) measures with the HIS comprehensive assessment measure.

GAO releases report on Medicare Advantage disenrollment during the last year of life and Senators release draft bill in response. The report found that MA beneficiaries in the last year of life disenrolled to join Medicare fee-for-service (FFS) at more than twice the rate of all other MA beneficiaries, GAO's analysis found. MA plans are prohibited from limiting coverage based on beneficiary health status, and disproportionate disenrollment by MA beneficiaries in the last of year life may indicate potential issues with their care. Stakeholders told GAO that, among other reasons, beneficiaries in the last of year life may disenroll because of potential limitations accessing specialized care under MA. The report can be found at <https://www.gao.gov/assets/gao-21-482.pdf>.

Senators Cassidy and Stabenow released a discussion draft in response to the report. Their statements and a link to the draft can be found at <https://www.cassidy.senate.gov/newsroom/press-releases/cassidy-stabenow-release-draft-legislation-addressing-medicare-advantage-care-in-last-year-of-life>

LeadingAge statement supporting COVID-19 Vaccine mandates. LeadingAge issued a [statement](#) strongly urging all clients, residents, and staff in aging services care to get vaccinated. LeadingAge specifically supports requiring vaccines for current and new staff. Here's a [press release](#) with Katie Sloan's statement. In addition, LeadingAge is part of a group of more than 50 health and aging services organizations that issued a [joint statement](#) in support of vaccine mandates for all health and LTC workers. There was significant coverage in the media including this piece in the [Washington Post](#).

DOL Published Rule Increasing the Minimum Wage for Federal Contractors. The Department of Labor recently published a [proposed rule on increasing the minimum wage for federal contractors](#). Comments are due on August 23, 2021. This follows up on the [Executive Order](#) President Biden signed in April 2021 to increase the federal minimum wage for federal contractors. The rule is similar to what the Obama administration did back in 2014, when a DOL final rule increased the minimum wage for federal contractors to \$10.10/hr. It is now \$10.95/hr based on indexed increases. This would apply to new federal contracts or contract renewals starting or after January 30, 2022. It would apply to those nursing homes and other provider types that specifically contract with the VA for the care of residents who are veterans and get reimbursed through the VA system. This does **not** apply to providers who just take Medicare and Medicaid – they are not federal contractors under this order, but rather just get reimbursement under these programs. We will continue to review and analyze the proposed rule and provide updates as we get more information.

Biden federal employee vaccine announcement. Thursday afternoon President Biden directed all federal workers and **onsite** contractors to be vaccinated or otherwise submit to regular COVID testing. Onsite contractors are contractors who work in federal buildings and workplaces. Nongovernmental organizations that receive federal funds are **NOT** included in this directive.

Senate votes to move forward on infrastructure. Congressional update. The Senate negotiators and the White House reached an agreement on a bipartisan infrastructure bill. A White House Fact sheet on the deal can be found [here](#). The Senate took a procedural vote and passed a motion 67-32 agreeing to proceed with debate on the bipartisan infrastructure deal that was announced earlier.. Minority Leader McConnell voted in favor of proceeding in addition to a number of other Republicans. This does not guarantee that the bill will ultimately pass but it is a critical juncture.

So far, the Senate has been operating on the assumption that if they get this bipartisan infrastructure proposal passed, it will help assuage concerns of more moderate Democrats about the size of the reconciliation package and concerns about partisanship. However, there are also more progressive Senators who do not want to see the bipartisan bill go forward without guarantees that a reconciliation package will follow. These concerns must be balanced. Another factor is the House- Nancy Pelosi has said she isn't going to move the bipartisan bill without the more expansive package and a number of House progressives have said on social media today they won't vote for the bipartisan bill without action on a more expansive package. We encourage you to [take action here](#) to ensure our priorities are heard as these dynamics play out.

Paycheck Protection Program Update. The [SBA](#) announced that they plan to launch a [Paycheck Protection Program \(PPP\)](#) portal on August 4 that should speed up decisions on whether the still outstanding loans of 150,000 or less will be forgiven or if businesses will need to repay them. Rather than working with your lender, there's a good chance you'd be able to work directly with the SBA if you took a loan of 150k or less. Lenders would still have a say in whether the debt is converted to a grant but the idea is to reduce the workload burden on the financial institutions and also speed up the process for businesses. We will send any more information from SBA on the portal when we have it.

Trust for America's Health Survey on Vaccination of Homebound Adults. Trust for America's Health (TFAH) is working to learn and disseminate information about the programs and strategies that state and local public health departments, as well as aging services and home care providers, have adopted and implemented to provide COVID-19 vaccinations to older adults who are homebound. If you are providing at home vaccinations, please take the survey for aging services and home care providers at <https://tfah.wufoo.com/forms/m1js84ok0m3ufxz/>

Study on impact of loneliness on life expectancy. A [recent study](#) in the Journal of the American Geriatrics Society quantified the impact of loneliness on total life expectancy (TLE) and health expectancy (the duration of remaining life lived in different health states) among older adults, aged ≥60 years.

Update on Vaccine Mandates as a Condition of Employment for Providers. Here is a quick overview of the latest news on COVID-19 vaccine mandates in the employment setting, as reported on the Coronavirus Update Call today by Cory. The best resource on addressing vaccine mandates is the [EEOC Guidance](#) on what you need to know about COVID-19 Vaccines, the ADA, and other considerations relative to federal employment and discrimination laws.

- The federal government probably does not have the authority to institute a national vaccine mandate for all citizens and there is no indication this administration or Congress would attempt to do so. The federal government and their respective agencies do, however, have

the authority over the federal workforce. The Veteran's Affairs (VA) department announced today that it plans to mandate the vaccine for its healthcare workforce.

- A state's power to mandate vaccines to protect public health is well-established and states (and localities like New York City) are currently addressing mandates or prohibiting mandates in a variety of settings including healthcare, schools, and private businesses. These stories are all over the news and discussions at the state legislatures identify a range of options under consideration.
- That leaves the third arena - private employers. Providers, as private employers, have no prohibition on vaccine mandates under federal law so they really need to stay attuned to what is happening on the state level as mentioned above.
- Two recent court decisions have addressed whether a hospital or public university can mandate a COVID-19 vaccine for employees and students. Both of these cases upheld the vaccine mandate, even while the current vaccines are only under Emergency Use Authorization. Based on these decisions we will likely see more public and private employers implement mandates before we see full FDA approval of the Pfizer and Moderna vaccines.
- Finally, if providers implement a policy requiring a COVID-19 vaccine (or other vaccine) as a condition of employment, federal and state law allows employees to request an exemption based on a disability/medical condition or religious objections. Providers should carefully review the EEOC guidance as well as any corollary state law guidance on how to implement such a program within their organization. There is a process in how to address any exemptions to a vaccine mandate and those with flu vaccine mandates should be familiar with this accommodations process already. See this [SHRM article](#) for more information.