

LPC Weekly Report

Friday, December 3 2021



**Highlights for LPCs:**

**Dining Services Staffing Challenges and Solutions Survey.** Recently, Senior Housing News and Sodexo teamed up to [survey](#) 110 senior serving organizations regarding the changes they've made in response to the post-COVID staffing crisis in dining services. The survey results were released this week; you can read our summary and review [here](#).

**Survey Review: How Persons of High Net Worth View Retirement.** In a survey of a demographic that is quite relevant to the LPC, Savant Wealth Management and Absolute Engagement offer 'key insights' into when and how persons of high-net-worth plan to retire. Especially interesting are the findings around the barriers people face in choosing to retire early: fears about having too much free time, not having a purposeful next chapter, or losing one's identity. In this [article](#), we review and summarize the [report](#).

**Continuing Care at Home Webinar.** If you missed the CC@H Webinar Thursday, you can review the recording and see the slides [here](#).

**Your Questions, Answered: LPC November Advisory Group Call.** Our panelists from November's 'Transitions in the Continuum of Care' have answered the many questions we received during the meeting; their answers are available [here](#). Did you miss the Monday, November 15 meeting and/ or want to go back and listen? You can access the [slides](#), [recording](#), and [notes](#) here. Our December call will be on Thursday, December 16 at 2 PM EST; email [Dee](#) to register.

**Provider Relief Fund Payment Updates:** HRSA shared on a stakeholder's call that 43,759 providers qualified for American Rescue Plan (ARP) rural payments through the Provider Relief Fund and 90% of payments went to providers located in rural areas. 68% of the ARP rural payments went to acute care hospitals based upon the methodology for these payments compared to 11% to nursing homes. Payments were determined based upon analyzing Medicare and Medicaid claims data from January 1, 2019 through September 30, 2020 to determine the volume and type of services a provider delivered to rural beneficiaries. For more information, here is an [article](#) on the ARP Rural payments so members know what those payments in their bank account is for. HRSA also noted that they plan to start sending out Phase 4 PRF Payments in mid to late December.

**COVID-19 Related Updates:**

**CDC Update on First Omicron case in USA.** This week CDC issued this [fact sheet](#) on the first confirmed case of the Omicron variant in the US. They included the following information along with the fact sheet: The recent emergence of the Omicron variant (B.1.1.529) further emphasizes the importance of vaccination, boosters, and [general prevention strategies](#) needed to protect against COVID-19. Everyone 5 and older should get vaccinated and boosters are recommended for everyone 18 years and older.

CDC issued a [media statement](#) regarding this first confirmed case of Omicron variant detected in the United States earlier today. CDC will provide updates as more information becomes available. For more information on the Omicron variant visit <https://www.cdc.gov/coronavirus/2019-ncov/variants/variant.html>.

**CMS Vaccine Mandate IFR on hold for now.** CMS is currently **enjoined** from implementing and enforcing the Interim Final Rule (IFR) on vaccination mandates on a **nationwide basis** based upon two separate federal district courts issuing preliminary injunctions.

- A federal court judge in the Western District of Louisiana issued an [order](#) yesterday enjoining and restraining CMS from implementing the IFR for Medicare and Medicaid providers. The scope of this injunction is nationwide except for the 10 states already covered under the [decision](#) issued Monday by a court in Missouri.
- The Biden Administration has already filed an appeal of the Missouri decision with the 8<sup>th</sup> Circuit Court of Appeals.
- We anticipate the Administration will also appeal the Louisiana ruling to the 5<sup>th</sup> Circuit Court of Appeals.
- There is no timeline on when the appeals will be heard.

**CMS Issues Memo Related to Vaccine Mandate:** CMS issued a memo Thursday afternoon acknowledging the court rulings from Missouri and Louisiana that prohibit CMS from implementing and enforcing the interim final rule in all 50 states and the District of Columbia and US Territories. CMS has appealed both court decisions and filed motions for stays of the orders but states, “while these preliminary injunctions are in effect, surveyors must not survey providers for compliance with the requirements of the Interim Final Rule.” Read the full CMS memo [here](#).

**OSHA Extends Comments Period for the Vaccination and Testing ETS.** The Occupational Safety and Health Administration on Wednesday issued a 45-day [extension](#) to the comment period for the COVID-19 vaccination and testing emergency temporary standard (ETS) for employers with 100 or more employees. OSHA says the deadline was pushed to Jan. 19, 2022, to allow stakeholders time to review the ETS and collect information and data necessary for comment. OSHA is currently prohibited from implementing and enforcing the ETS because a preliminary injunction is in place until we get a further decision from the 6<sup>th</sup> Circuit Court of Appeals.

**What are we learning about the Omicron variant? What are the new COVID treatments and do they work? And, how are large multistate providers implementing their corporate vaccine mandate for staff. Join LeadingAge Coronavirus Update Calls next week to learn more about these and other COVID issues.** On **Monday, December 6**, we will welcome back “Your Local Epidemiologist, **Dr. Katlyn Jetelina**. She will provide up to the minute updates and analysis on the new treatments for COVID-19 and how Omicron may impact vaccines and boosters. She will also take your questions on what is happening across the country with COVID-19. We continue to also get questions on how LeadingAge members are working to implement vaccine policies for staff and on **Wednesday, December 8**, we will be joined by **Nate Schema**, President and CEO of The Evangelical Lutheran Good Samaritan Society, the nation’s largest non-profit provider of senior care and services. Nate will share his organizations success on building trust and

confidence with employees and continue to strengthen staff morale during this tough times. If you haven't registered for LeadingAge Update Calls, [you can do so here](#).

**Vaccine Mandate Tools & Resources.** LeadingAge is gathering resources on the Centers for Medicare and Medicaid Services' (CMS) and the Occupational Safety and Health Administration's (OSHA) Interim Final Rules mandating COVID-19 vaccination. Visit our [Vaccine Mandates: Information, Tools & Resources page](#) for resources to help your organization navigate these mandates.

### ***Advocacy Alerts and Hill News:***

**Capitol Hill Update.** December will be a busy and consequential month – three big issues are pending and all are likely to be decided before the end of the year! First up is appropriations. The Continuing Resolution (CR) that keeps the federal government open, and funds HUD, Older Americans Act, broadband and other non-Medicare/Medicaid programs expires Friday night. Since none of the agency appropriations bills have passed, expect another CR either through the end of this year or beginning of next to allow both sides to come to agreement on an “omnibus” appropriations bill to fund the rest of the fiscal year. Worst case scenario would be a CR through FY 2022, which would be based on funding from 2020. Second is raising the debt ceiling – this is the arcane and artificial limit that the government can spend on already-appropriated funds. As with appropriations, there is bipartisan desire to address this but negotiations seem stalled and a December 15 deadline looming, so stay tuned.

Finally, the Build Back Better Act is now in the Senate, where it will likely undergo some changes, depending on negotiations within the Democratic caucus. Majority Leader Schumer has indicated a desire to vote by Christmas at which point the bill would go back to the House because of changes made to the House bill, and while it is possible that the House would vote before the end of the year, this is very ambitious and we will have to see. For our purposes, we are using this time to advocate for increased funding for the HUD 202 program and changes to the nursing home staffing mandates (e.g., eliminating the mandates, providing funding, etc.). We have a new [one-pager](#) to share. Watch for our next advocacy alert directed at the Senate.

**New Action Alert! Senate Must Pass the Build Back Better Infrastructure Package and Take Out Harmful Nursing Home Provisions.** As the Senate debates the historic expansions in housing, services, and workforce in the House-passed Build Back Better Act (H.R. 5376), we want to urge Senators to preserve these ground-breaking provisions and increase the funding for new construction of HUD Section 202 homes for low-income older people. However, to preserve maximum choice for older people and their families, there are two provisions in the bill related to nursing home staffing that LeadingAge cannot support without key changes. Retaining the nursing home staffing study and the 24 hour registered nurse coverage requirements as currently written will make it impossible for many nursing homes to survive. We need your help now! Without these changes and further investments in our aging services infrastructure, too many older adults will not have their basic needs met. Send a message to your U.S. Senators today: LINK: <https://mobilize4change.org/dzZTVvC>.

**LeadingAge Submits Comments on Preventing & Ending Homelessness.** In comments submitted today via an online form to the U.S. Interagency Council on Homelessness,

LeadingAge called on the nation's next federal strategic plan to prevent and end homelessness to include a specific goal to prevent and end homelessness among older adults. HUD's worst case needs report point to a large population of 62+ renter households with very low incomes on the precipice of homelessness. Highlighting this population could help end homelessness among older adults but also prevent it for many more. LeadingAge also urged the USICH to support the collection of national data on older adults experiencing unsheltered homelessness (none exist today) and to work across its participating agencies to identify and support older adult experiencing homelessness. Read more about the USICH [here](#).

***News from LeadingAge:***

**Governance Resources for Aging Services.** Strong governance structures drive the success and sustainability of providers. And those of us who work in the aging services sector know there's never been a more important time to bolster our organizations' strength. That's why LeadingAge is now offering a package of Governance Resources for Aging Services. [Visit our Governance Resources for Aging Services page](#) today to learn more.

**2022 Annual Meeting Call for Sessions Deadline December 6.** Submit your proposals now for next year's Annual Meeting + EXPO, October 16-19, 2022 in Denver, CO. Learn more, get answers to common questions, and complete your submission [here](#) by December 6.