

LPC Weekly Report

Friday, July 29 2022



Highlights for LPCs:

Ageing Services Workforce Now Campaign. The workforce crisis in our sector requires immediate action. LeadingAge’s ongoing federal government advocacy is culminating in this new coordinated advocacy campaign— [join us to take action](#) for the aging services workforce—now! [Check out this week’s Aging Services Workforce Now Campaign Update.](#)

Ziegler Publishes Mid-Year Market Report. Yesterday, Ziegler published its mid-year [report](#) on market transactions for senior living providers. Inflation, which started to have an impact on borrowing and lending trends in February, has dampened the unprecedented market demand, and thus transactions, that were hallmarks of 2021. Predominantly, fixed-rate bond issues have comprised most of the bond financing volume, whereas variable rate demand bonds have essentially not been issued since 2019. Interestingly, rated borrowers made up a lesser percentage of the fixed-rate issues than in the same period last year. New Money issuance was still the majority of financing transactions in the sector this year, albeit down 9% from the same period last year; these issuances were earmarked for new community development, campus expansions, affiliations / acquisitions, renovations and capital improvements. The adjustment that the Fed is expected to make to short-term interest rates should help stabilize the market, reduce inflation and improve market demand for borrowing later this year.

NIC Intra-Quarterly Occupancy and Market Fundamentals Reports: Good News. The National Investment Center released it’s latest Intra-Quarterly [Report](#) last week, and overall occupancy for both IL and AL improved this quarter over last, to 83.9% and 78.8% respectively. Additionally, across all senior housing settings surveyed, all-occupancy improved to 81.4% this quarter, up from 78% in June 2021. Generally speaking, the improvements in occupancy this quarter, and year over year, were attributed to the fact that overall demand for IL and AL residences has outpaced the release of new available units in the marketplaces surveyed. The slowdown of ‘new inventory’ of residences was due to both construction delays and limited access to debt financing to fund new construction projects during the pandemic. Of the selected markets surveyed, Sacramento, CA showed the greatest improvement in total IL occupancy, while Denver, CO showed the greatest quarterly decline. Similarly, Miami, FL showed the greatest improvement in total AL occupancy, while Seattle, WA showed the greatest decline. While the overall recovery trends are very promising, overall IL and AL occupancy rates were 5.7 and 5.9 percentage points below the reported levels in March 2020, the “pre-pandemic” levels.

In a Complimentary Market Fundamentals [Report](#), NIC MAP Vision data also showed a promising improvement in nursing home occupancy over last quarter. Specifically, “the occupancy rate for SNF providers grew to 78.5% in Q2, up from 77.6% in Q1 and an improvement of 90 basis points. Notably, and keeping with trends in our sector, annual inventory of SNF residences declined year over year, by - 0.7% since June 2021. AL had the highest annual percentage rent growth, at 4.6%, followed by IL at 3.0% and SNF by 2.6%.

Provider Relief - Late Reporting Request Deadline, Friday, July 29 for Certain Providers. HRSA has offered a late reporting opportunity for a small group of providers who failed to report in Reporting Period 1 and who returned the related funds. Eligible providers have until Friday, July 29 to submit a late reporting request to HRSA. If all steps are followed, HRSA will reissue the PRF payments that were

returned for this period. Eligible providers should have been notified by HRSA of their eligibility. Here is a LeadingAge [article](#) with more details.

True Cost of Aging Index. This [KHN article](#) shares that the [Elder Index](#), developed by researchers at the Gerontology Institute at the University of Massachusetts-Boston, shows that more than half of older women living alone, 54%, are either poor according to federal poverty standards or with incomes too low to pay for essential expenses. For single men, the share is lower but still surprising — 45%.

COVID-19 Related Updates:

“The COVID-19 pandemic isn’t over and it’s still dangerous, especially for older people.” Dr. Michael Wasserman, a geriatrician who has appeared on LeadingAge COVID calls published an [editorial](#) today in the San Diego suggesting that the White House “use the president’s COVID-19 infection as an opportunity to honestly evaluate where we stand today, rather than get caught up in politics.” He argues that this is a great opportunity to make the point that older people (like the president) are at higher risk because of their age. Further, he points out that the pandemic is not over, but the risk of severe illness is much lower (at present) for people who are vaccinated and fully boosted.

Advancing Telehealth Beyond COVID-19 Act of 2022 passes the House. Late on July 27, by a voice vote of 416-12, the House passed the Advancing Telehealth Beyond COVID-19 Act of 2022. This legislation would ensure that Medicare beneficiaries continue to have access to telehealth by extending key Medicare telehealth flexibilities, enacted during the public health emergency, until at least December 31, 2024. LeadingAge advocated for this 2-year extension. This legislation is very similar to the 151-day telehealth extension legislation from the Consolidated Appropriations Act (CAA) 2022 that was passed earlier this year – it generally just extends deadlines on existing provisions. However, the bill does not include a provision from the Consolidated Appropriations Act that would extend pre-deductible coverage of telehealth services for individuals with High Deductible Health Plans – Health Savings Accounts (HDHP-HSA) plans. While this bill passed the House, we do not anticipate it moving in the Senate in the near future given its packed legislative calendar.

Enhanced Barrier Precautions. CDC recently released updated guidance on Enhanced Barrier Precautions in Nursing Homes. CDC’s Lt. Cmdr. Dr. Kara Jacobs Slifka joined the Nursing Home Network on July 26 to review the updated guidance and answer member questions. Dr. Jacobs Slifka emphasized that this guidance was first released in 2019 and is intended to allow for a less restrictive experience than the alternative of contact precautions. The guidance is meant for high-contact care activities in which the resident and healthcare personnel are in close contact for an extended period of time. When asked on the associations “small call” with CMS how surveyors will be enforcing this new guidance, CMS reiterated that CDC recommendations are not requirements, though nursing homes may implement the recommendations as nationally accepted standards. While the EBP guidance is referenced in the new CMS guidance on F880, CMS has not instructed state survey agencies to survey on this guidance specifically.

BA.5 Booster: Anthony Fauci said on July 25 that a COVID-19 vaccine booster specific to the BA.5 omicron subvariant is the “best guess” for dealing with the virus this fall amid the ever-evolving coronavirus pandemic. Both Pfizer and Moderna have said they are working on BA.5 specific boosters that should be ready by the fall. Read more [here](#).

Advocacy Updates and Hill News:

Senate Appropriations Committee Releases Spending Bills. On July 28, the Senate Appropriations Committee released their 12 spending bills. These were not done in coordination with the House so

there is a lot more work to be done to fund the government for FY 2023 and we anticipate that there will be a continuing resolution at the end of September in order to facilitate continued work on FY2023 appropriations.

-Transportation/HUD: The FY2023 Senate THUD bill funds the overall Section 202 account at the same level as FY 2022 with a greater emphasis on expanding the number of Service coordinators and increasing contract rents to ensure successful Rental Assistance Demonstration conversions. An article with more details will be coming tomorrow.

-Labor HHS: An article analyzing the package will be available in the coming days. Some highlights include:

- The Committee provides \$47,245,000 for the Geriatric Workforce Enhancement Program, an increase of \$2,000,000. This program supports training to integrate geriatrics into primary care delivery and develops academic primary care community-based partnerships to address gaps in healthcare for older adults. Mental and Behavioral Health Programs.
- Workforce funding: \$2.959 billion for Workforce Innovation and Opportunity Act State Grants, an increase of \$80 million over fiscal year 2022; \$303 million for Registered Apprenticeships, an increase of \$65 million; and \$1.774 billion for Job Corps, an increase of \$25 million.
- The Committee also made a recommendation around supporting the Direct Support Workforce as a career which includes \$10,000,000 for competitive grants, to be awarded in coordination with the Administration for Community Living, for the delivery of innovative strategies to significantly expand, stabilize, and retain direct support workers who provide home and community based services to people with disabilities and older adults. Grants should be awarded to partnerships of non-governmental entities and State or local governments to develop and implement strategies to recruit, educate, train, retain, and promote career advancement of direct support workers. Strategies for improving the direct support workforce must include a goal to significantly reduce turnover and improve retention of such workers, and to reduce barriers to entry for a diverse and high-quality direct support workforce, including strategies for improving wages and benefits, professional development and other worker supportive services, and advancement opportunities.
- Hospice Report Language: LeadingAge also worked to include two provisions in the draft report language on hospice bereavement and grief care. One item asks for the Agency for Healthcare Research and Quality to develop consensus standards on what constitutes high quality bereavement and grief care. The other asks a number of agencies within HHS, led by the Assistant Secretary for Planning and Evaluation, to work to scope the level of grief and bereavement services that are needed for both youth and adults given a variety of pandemic related factors.
- Nursing Home Report Language: Among the key factors to controlling the spread of COVID-19 in the post-acute and long-term care setting is the engagement of facility medical directors. The Committee expressed concern that this position remains underutilized and invisible to most patients, families, and others in health care. It, therefore, suggested a clinician list may improve the ability of public health agencies to address this is and requested that CMS and the HHS Secretary identify better ways for public health agencies to contact nursing facility medical directors.
- The Committee recommended \$40,000,000, \$15,342,000 above the fiscal year 2022 level, for grants to States for the Long-term Care Ombudsman program and the Prevention of Elder Abuse program.
- Long-Term Care Facility Metrics: In 2021, the HHS OIG found that the current CMS measures related to the use of antipsychotics are insufficient. The Committee directed CMS to review and consider retiring or improving the validity of the ten-year-old

measures, and it encouraged CMS to design new measures to reflect inappropriate use of antipsychotics in skilled nursing facilities.

Hearing to Address Workplace Protections for Domestic Workers. Today, the House Education and Labor Workforce Protections Subcommittee held a hearing titled, “Essential but Undervalued: Examining Workplace Protections for Domestic Workers.” The hearing explored the important role domestic workers play in our nation’s households and economy, and how these professionals deserve fair pay and policies that provide access to paid sick and family medical leave. Workforce Protections Subcommittee Chair Alma Adams (D-NC) and several witnesses shared testimony on how Representative Jayapal’s Domestic Workers Bill of Rights Act (S. 2569, H.R. 4826) would take critical steps to support these invaluable workers. The bill requires employers to provide domestic workers with a written agreement covering wages, sick leave, benefits, and other matters. Republican Subcommittee members, and a hearing witness, shared their opposition to the Domestic Workers Bill of Rights Act, and is mostly concerned that it does not adequately address wage and hour policies to support domestic workers and their employers. We will provide additional details on the hearing in an article. You can view the hearing via Zoom on the [Workforce Protections Subcommittee website](#).

Guidance Widens Use of State and Local Funds for Affordable Housing. On July 27, the Treasury Department released updated guidance on the use of American Rescue Plan funds to increase flexibility to use the ARP’s Coronavirus State and Local Fiscal Relief Funds to fully finance long-term affordable housing loans and to expand “presumptively eligible affordable housing uses” to further maximize the availability of SLFRF funds for affordable housing. The ARP’s Coronavirus SLFRF program allocated \$350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 pandemic. The July 27 actions update Treasury’s SLFRF final rule, which was issued in January 2022. The January final rule made affordable housing an eligible use of SLFRF, but its structure made it difficult, and often impossible, to use SLFRF funds for Low Income Housing Tax Credit and other long-term housing development. LeadingAge welcomes the updated guidance from Treasury, which will benefit organizations developing and preserving affordable senior housing, including with new Section 202 awards and in RAD for PRAC conversion transactions that have faced significant and ever-increasing costs for construction materials, labor, and, most recently, financing. Read more about Treasury’s updated guidance [here](#).

ADA Day 2022 Round-up- Organizations across federal government and the disability community shared many resources, blogs, and fact sheets on July 26 to celebrate the 32nd anniversary of the signing of the Americans with Disabilities Act, all compiled on the [2022 ADA anniversary page](#).

News from LeadingAge:

“How To” Tools to Positively Shift Perceptions of Aging Services. Opening Doors to Aging Services is a national-local initiative to introduce the aging services sector to Americans—and to shift perceptions positively. All the resources you need are at [OpeningDoors.org](#): research, communications strategies, tested messages, and other assets to use with your existing communications! [Watch this short video](#) for an overview and check out tips on adopting these strategies in these LeadingAge Learning Hub [QuickCasts](#) and [workshops](#) to help tell an authentic story of aging services and move perceptions positively.

Register Today for the 2022 LeadingAge Annual Meeting + EXPO! Ready to explore new strategies for building momentum in Denver? Join your peers and experts across aging services for conversations that fuel progress at the LeadingAge Annual Meeting + EXPO. Registration and hotel blocks are now open so reserve your seat and [join us in Denver, October 16-19](#).

Don't Miss Your Chance to Apply: 2023 Leadership Academy. The nonprofit aging services sector needs diverse, empowered leaders and the [LeadingAge Larry Minnix Leadership Academy](#) is designed to develop leadership capacities and core competencies. Explore your natural talents and authentic leadership style,— or recommend the opportunity to a skilled colleague. The application **deadline is Monday, August 1, so [apply now!](#)**