



November 10, 2021

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Majority Leader
U.S. Senate
Washington, DC 20510

Dear Speaker Pelosi and Majority Leader Schumer,

I write to you today, responding to the most recent draft of the Build Back Better Act. I urge action on strengthening the Act as it moves forward so that older adults' needs are addressed to the absolute greatest extent possible in this historic package.

We urge you to protect the bill's existing investments for older adults for Medicaid Home and Community Based Services (HCBS) and workforce investment and also to expand the bill's funding for HUD's Section 202 Supportive Housing for the Elderly program. How well the bill funds these three critical, and connected, investments will directly impact how well the nation is able to meet the needs of today's and tomorrow's older Americans. We also ask that you include additional support for the nursing home workforce to enable congregate communities to provide the highest quality of care possible.

On behalf of older adults and the aging services providers who serve them, Congress must:

- **Increase to at least \$1 billion, the bill's current \$500 million for HUD's Section 202 Supportive Housing for the Elderly funding program.**

Given the severe current shortage of services-connected affordable senior housing, it is difficult to think the goals of increased HCBS and Money Follows the Person investments will be realized. For the lowest income older adults, there simply is no where affordable to live in communities. Without a greater investment in HUD's Section 202 program, low income older adults will continue to languish on the growing waiting lists for service-connected, affordable housing.

The Section 202 program is targeted to 62+ households with very low incomes, defined as incomes below 50% of the area median. In practice, Section 202 households have average annual incomes of \$14,109. As in most other HUD programs, residents pay 30% of their adjusted incomes for rent. This keeps the housing affordable for each individual household, even if incomes fluctuate. Today, 17% of Section 202 residents are 80+ and, 49% of Section 202 households are non-white, two characteristics that make Section 202 residents at greater risk from COVID-19.

About half of all Section 202 communities, and all new Section 202 communities, have a Service Coordinator on-site. Research has found Service Coordinators lower hospital use, increase higher value health care use (e.g. primary care), have success reaching high-risk populations, and result in fewer nursing home transfers.

- **Preserve or increase the bill's \$150 billion for Medicaid Home and Community Based Services (HCBS).**

Older adults must be able to get the help they need to age in place wherever they call home. This minimum investment will help ensure access to services as well as bolster wages of the direct care professionals (primarily of low income women of color), who deliver that care.

- **Preserve or increase the bill's key workforce investments:**

- \$1.6 billion for Nursing Home Workforce Training Grants.
- \$1 billion for grants to support the Direct Care Workforce.
- \$425 million to expand the Health Profession Opportunity Grants.
- \$20 million for Technical Assistance Center for Supporting Direct Care and Caregiving.
- \$40 million in Funding to Support Unpaid Caregivers Behavioral Health Needs.
- \$30 million in funding for Palliative Care and Hospice Education and Training.
- \$20 million for Hospice and Palliative Nursing.
- \$350 million for individuals to carry out nontraditional apprenticeship programs.

- **Ensure adequate funding and resources are available to implement the bill's nursing home staffing provisions:**

- To Sec. 30720, "Nurse Staffing Requirements", add a funding mechanism such as a Medicaid FMAP increase to finance any added staffing requirements or other source of funding. Adequate funding is essential to implementing any staffing ratios, recruiting and retaining all professional and paraprofessional employees and providing quality care to residents. It is well known that Medicaid underfunds nursing homes just as it underfunds HCBS, and it is critical that we have parity in funding increases for both community and congregate settings. If adequate funding is not included, we can only support the staffing study, because it is important to have current accurate data, but not a requirement to implement, as that would not be financially possible. In addition, expand the availability of a waiver from rural facilities to any nursing home – regardless of geography - that shows it is unable to meet the minimum staffing requirements, and direct that the waiver not adversely impact the nursing home's 5 Star staffing rating.
- To Sec. 132000, "Registered Professional Nurses", add a funding mechanism, such as a Medicaid FMAP increase, and ensure adequate funding for registered nurse recruitment, education, and retention programs. It is well known that there has been a registered nurse shortage in general for a variety of reasons unrelated to nursing homes, and while we support in principle having registered nurses on site 24/7, this is neither reasonable nor feasible without including an FMAP increase to provide adequate Medicaid funding and significant federal efforts to address the lack of nurses to fill these positions. Finally, improve the current waiver provision by directing that the waiver not adversely impact the nursing home's 5 Star staffing rating.

LeadingAge represents more than 5,000 nonprofit aging services providers, including affordable senior housing providers, faith-based nursing homes, and other mission-minded organizations that touch millions of lives every day. Alongside our members and 38 state partners, we use applied research, advocacy, education, and community-building to make America a better place to grow old. Our membership encompasses the continuum of services for people as they age.

We are grateful for the bill's funding for affordable housing, Home and Community Based Services, and for workforce supports. These are critically needed resources that will immediately help alleviate current shortages and scarcity of supports. We simply hope that the final bill goes as far as it possibly can to ensure as many older adults receive the services and supports we need as we age, with funding essential to ensure high quality.

Thank you for your leadership to make historic, structural investments for older adults and aging services providers in the Build Back Better legislation.

Sincerely,

A handwritten signature in black ink that reads "Katie Smith Sloan". The signature is written in a cursive, flowing style.

Katie Smith Sloan
President and CEO