



August 23, 2021

Susan Rice
Director
Domestic Policy Council of the United States
Eisenhower Executive Office Building
Washington, DC 20502

Xavier Becerra
Secretary
U.S. Department of Health and Human Services
1401 Constitution Avenue N.W.
Washington, DC 20230

Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services (CMS)
7500 Security Boulevard
Baltimore, MD 21244-1850

Dear Ambassador Rice, Secretary Becerra, and Administrator Brooks-LaSure:

Thank you for the ongoing commitment of the Administration to beating the pandemic, your continued rapid response to the evolving situation, and your steadfast focus on the people who use and work in aging and long-term care services.

LeadingAge members—providers of services to older people in their own homes and in settings across the continuum of care—continue to work tirelessly to increase vaccination rates among staff. Many life plan communities, nursing homes, assisted living providers, PACE programs, low-income senior housing providers, and others have made the bold decision to mandate that staff be vaccinated. Others are complying with the increasing number of state requirements that health care staff be immunized.

We commend the Administration for its efforts to promote vaccine acceptance in all communities. Your efforts align with ours; LeadingAge has encouraged all members from across the continuum to make COVID-19 vaccination a condition of employment. But we know aging services providers can't do this alone. In addition to a strong statement to LeadingAge members, we joined with more than 50 other health care provider groups to promote the same message for all health care providers.

However, the Administration's announcement this week that employers in only one health care setting—nursing homes—will face loss of Medicare and Medicaid funding if they do not ensure that all staff are vaccinated is far too limited. To achieve the objective of protecting older adults, any mandate must include *all health care providers* participating in those programs—not just nursing homes.

Further, mandates should extend to visitors and agency staff across all care settings. Many staff, temporary workers, residents, visitors, and patients move between health care settings, so the only way to protect older Americans and their caregivers is to make vaccination mandates universal for all of health care. In addition, state surveyors and quality assurance staff who enter nursing homes and other health care settings should be required to be vaccinated. There are far too many examples of agency staff and surveyors bringing COVID into nursing homes; this can't continue.

Throughout the pandemic, our nursing home leaders and staff have demonstrated dedication, commitment, and bravery in the face of deadly challenges. It's impossible to view them as separate from the rest of the health care system. We note a [recent report from the Census](#) that there are more than 7 million workers in hospitals, close to 2 million in physician offices and a similar number in outpatient care settings, and 1.7 million in nursing homes. Nursing home workers are only a small part of a larger system.

Workforce shortages in nursing homes have been one of the most painful outcomes of the pandemic; and they continue with the Delta surge. It is quite common for our provider members to post positions at all levels and receive no applicants. Recently, as the Delta variant drives case rates higher, we are hearing from members in some states that it is not even possible to hire temporary agency staff. Many are turning away individuals in need of their care because they simply don't have the staff to provide quality care.

Mandates that don't cover the whole health care workforce, are likely to further workforce shortages, driving some nursing home staff to employers not requiring vaccination—which is untenable. Nursing homes that are unable to hire staff or even bring in agency staff face the dire prospect of having to transfer residents and close their doors. This unintended consequence may be even more likely for many nursing homes, particularly small, single site homes, and those in rural areas that are still struggling financially from the mounting costs of the pandemic.

A nursing home staff vaccine mandate in isolation will do more harm than good. We suggest that the Administration take the following steps to ensure a comprehensive vaccine program that protects everyone:

- Level the field to keep ALL of us protected. The vaccine mandate as a condition of employment should apply to all health care providers that participate in Medicare and/or Medicaid. For this mandate to successfully keep nursing home residents safe, and to do everything possible to protect anyone seeking health care in any setting, it is critical that nursing homes are not the only providers subject to this federal regulation.
- Provide desperately needed assistance to address workforce shortages. The workforce challenges in the long-term care sector have been well documented. Please couple vaccine mandates in nursing homes and other aging services with direct assistance to enable providers to have the staff to keep serving and caring for residents. This could include a targeted assistance fund for providers that reach critical shortage levels; additional strike teams, Public Health Service, and national guard resources to fill staffing gaps during the Public Health Emergency; stringent rules against price gouging by staffing agencies during a public health emergency; freeing up CMP funds for nursing

homes to address staffing challenges; amending the State Department's Immigrant Visa Prioritization update to prioritize the entry of foreign trained nurses and health care workers into the US; and resources to cover training of frontline staff.

- Allocate remaining Provider Relief Funds to long-term care providers as quickly as possible. The PRF funds have helped offset some of the tens of billions of dollars in expenses and losses during the pandemic, and more is critically needed to ensure caregivers can continue to serve residents.
- Increase Administration supports to promote vaccine acceptance in aging services settings. With our partner Community Catalyst, LeadingAge will be engaged in efforts that are part of a CDC initiative to promote vaccine confidence among aging services staff.

I would welcome an opportunity to meet with you as soon as possible on these recommendations.

LeadingAge members appreciate the Administration's efforts to make the nation's health care system as safe as possible. We look forward to continuing to work with you.

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
LeadingAge