



**LeadingAge Staff Announcement:** Brendan Flinn departed LeadingAge on June 17. PACE organization members should reach out to Mollie Gurian ([MGurian@leadingage.org](mailto:MGurian@leadingage.org)) and Ruth Katz ([RKatz@leadingage.org](mailto:RKatz@leadingage.org)) in the national office with questions, need for support, etc. Jill Schumann will circulate the weekly PACE updates starting with the June 25 update.

**LeadingAge Update Calls:** Our triweekly member update calls are moving to a biweekly schedule starting June 21. You can register here, <https://register.gotowebinar.com/register/2218416852977539339>. Calls will take place on Mondays and Wednesdays at 3:30 PM EST. You can also listen to recordings of calls on [www.leadingage.org/COVID19](http://www.leadingage.org/COVID19).

**Senate Aging Hearing:** On June 17, the Senate Aging Committee held a hearing on the caregiving workforce for older people and people with disabilities. The committee chair, Sen. Casey (D-PA), is a long-time supporter of the PACE model and spoke to the need to invest more in home and community-based services, including the \$400 billion proposal from the White House. The ranking member, Sen. Scott (R-SC), spoke about possible alternative ways to improve HCBS, including expanding self-direction and investing in OAA programs. You can watch the hearing here: <https://www.aging.senate.gov/hearings/-21st-century-caregiving-supporting-workers-family-caregivers-seniors-and-people-with-disabilities>. A report from Sen. Scott is here: <https://www.aging.senate.gov/imo/media/doc/HCBS%20Report%20FINAL.pdf>

**Supreme Court News:** On the judiciary side, the Supreme Court on June 17 upheld the Affordable Care Act in response to a challenge brought by a group of state attorneys general following the 2017 tax law. As a practical matter, this does not change anything as the law will remain on the books as-is.

**Reminder on OSHA Rules:** From last week, but is worth repeating in case you missed it: last week, the Department of Labor's Occupational Safety and Health posted an emergency temporary standard for health care settings. You can see our article on the standard here: <https://leadingage.org/regulation/osha-issues-temporary-emergency-standard-healthcare-settings>. By the end of June, covered providers (including PACE organizations) will need to comply with the standard. The full document is here: <https://www.osha.gov/sites/default/files/publications/OSHA4125.pdf>

**Vaccine Mandate Litigation Update:** A federal court judge in Texas dismissed a complaint in a case (*Bridges v. Houston Methodist Hospital*) alleging that Houston Methodist Hospital's vaccine mandate violated Texas employment law. 100+ other suspended employees alleged that the hospital's vaccine mandate was unlawful. The [order](#) dismissing the case highlighted that Texas employment law only protects employees from being terminated for refusing to commit an act carrying criminal penalties to the worker. The employees did not show their cause of action met that standard and the court noted that the vaccine mandate is not against public policy. The potential impact of this case is difficult to assess because it applies only to Texas law, but there are other states with similar at-will employment schemes in place. The plaintiffs plan to file an appeal so we will continue to monitor this case and

others as they unfold. As more employers, particular health care settings, issue vaccine mandates, similar litigation could pop up elsewhere.

**State by State Face Mask Mandates – 14 states still have them in place.** The latest guidance from the Centers for Disease Control and Prevention (CDC) allows people who are fully vaccinated against COVID-19 to forgo masks in most public settings, indoors and out. Several states have modified their mask mandates to align with the federal guidelines while others have relaxed rules in most settings. 14 state governments require people to wear face coverings in most indoor public settings to curb the spread of COVID-19. The District of Columbia and Puerto Rico also have mask orders in place. To date, 25 states that had mask orders covering the general public have mostly lifted them. *Eleven* states did not impose mask mandates at any point during the pandemic. [Here is where each state stands](#) on the use of face masks, as of June 14, 2021.

**ACL/CMS Webinar: Addressing Vaccine Hesitancy among Direct Service Workers.** On Thursday, July 1, 3:00 – 4:30 PM ET, ACL and CMS will host a webinar, “Addressing Vaccine Hesitancy Among Direct Service Workers.” In this webinar, experts in the field will discuss demographics of the DSW workforce, barriers to vaccination, strategies to increase vaccine confidence and uptake, and promising practices. Webinar Registration is available [here](#).

**Survey of the Unvaccinated:** The Kaiser Family Foundation has updated its COVID-19 Vaccine Monitor and gives a current [profile of the unvaccinated](#). These data may be useful for PACE organizations seeking to encourage unvaccinated staff and/or participants to receive the vaccine. The update includes demographic information by age, race, income, insurance status, political party, education, and community type (urban, rural, and suburban). It also parses out those who definitely won’t get the vaccine from those who are more likely to “wait and see”. As a whole, according to the report, the unvaccinated group are younger, more likely to identify as Republican-leaning, and more likely to have lower levels of education and lower incomes than the vaccinated population. People’s intentions to get a COVID-19 vaccine are also largely connected with their previous experience with vaccines and their overall views of the pandemic. The vast majority of unvaccinated adults who say they will “definitely not” get the COVID-19 vaccine say they don’t regularly get their flu vaccine (91%), compared to about seven in ten (71%) of those in the “wait and see” group. As for possible incentives, for the wait and see group, between 40-46% said they were more likely to get vaccinated if: one of the vaccines currently authorized for emergency use received full approval from the FDA; the COVID-19 vaccine was offered to them at a place they normally go for health care; airlines required passengers to be vaccinated before they could fly, or being vaccinated was required to attend large gatherings such as sporting events and concerts.

**Elder Justice Update:** LeadingAge has issued a press statement supporting *the Senior Financial Empowerment Act* reintroduced by Senators Kirsten Gillibrand (D-NY) and Susan Collins (R-ME). This bill helps ensure that seniors and their caregivers have access to critical information regarding financial abuse by centralizing services for consumer education and data on scams and fraud targeting seniors; improving reporting of financial scams; directing NIH to conduct scientific research on older adults’ increased vulnerability to scams; and designating a National Senior Fraud Awareness Week. As Katie said in our release, “Many of LeadingAge’s more than 5,000 mission-driven members have [taken a leadership role in addressing these issues](#) by building on their strong ties to families and communities of the older adults they serve. As a result of those efforts, we know that older adults will benefit tremendously from the activities and resources that would result from the Senior Financial

Empowerment Act”. Supporting this legislation will be folded into our ongoing advocacy with the Elder Justice Coalition to reauthorize the Elder Justice Act first passed in 2010.

#### **Update Archive**

- June 11: <https://leadingage.org/sites/default/files/PACEupdate61121.pdf>
- June 4: <https://leadingage.org/sites/default/files/PACEupdate6421.pdf>
- May 21: <https://leadingage.org/sites/default/files/PACEupdate52121.pdf>
- May 14: <https://leadingage.org/sites/default/files/PACEupdate51421.pdf>
- May 7: <https://leadingage.org/sites/default/files/PACEupdate5721.pdf>
- April 30: <https://leadingage.org/sites/default/files/PACEupdate43021.pdf>
- April 23: <https://leadingage.org/sites/default/files/PACEupdate42321.pdf>
- April 16: <https://leadingage.org/sites/default/files/PACEupdate41621.pdf>