

Friday, December 2 2022

**Highlights for LPCs:**

**LPC December Member Network Meeting.** Join us for the next LPC meeting on Thursday, December 15 at 2:00 PM ET. The panel discussion will focus on the intersection of mission, workforce and DEI, and will feature Mary Klein, Chief Human Resources Officer of Westminster Communities of Florida, and Paul Spence, VP of Business Development for United Methodist Healthcare Recruitment. We will learn about their very successful [Afghan refugee resettlement](#) and [Philippian workforce recruitment programs](#), respectively. If you have not received the meeting invitation, or wish to register, please contact Dee at [dpekruhn@leadingage.org](mailto:dpekruhn@leadingage.org). All members are welcome!

**NIC Wave 47 Results Released.** The National Investment Center has released its latest executive survey results, known as [WAVE 47](#). *The findings will be the topic of our guest discussion on the LeadingAge Coronavirus Update Call on Monday, December 5 (see item #1 for details).* The survey featured new questions on portfolio diversification and acuity of services across the continuum. Smaller organizations (those with fewer than 9 properties) were more likely to be considering portfolio diversification into low acuity services, and 25% of respondents indicated they were planning to downsize or shutter their SNFs and/or short-term rehab facilities over the next 12 months. Larger organizations, defined as those with 26 or more properties, were overwhelmingly not considering diversification at all (78%), with only 22% considering expanding into low acuity services and none considering adding higher acuity/ SNF settings. In terms of care segment changes in the next 12 months, the majority were considering expanding into active adult (53%) or IL (49%) settings, with 24% planning to downsize SNF and 12% planning to downsize short term rehab. Independent Living providers continued to report a steady deceleration (26%) of move-ins, as seen in the last four WAVE Surveys. Reasons for this continued deceleration included a slow down in leads and sales, family member considers, routine seasonality and natural disasters. SNF providers, on the other hand, reported a slight acceleration of move-ins, at 33%. Survey participants this time represented 46 senior living providers across the country - both for and not for profit, and roughly 30% of those were Life Plan Communities.

**Nursing Home Administrator Turnover.** CMS began posting staffing data on Care Compare in January 2022. This data was incorporated into the Five Star Quality Rating System beginning in July 2022 and we have recently heard concern from several members about how administrator turnover is calculated and displayed. Specifically, when an administrator goes on leave for more than 60 days, they are counted as administrator turnover. In most cases, a temporary administrator is filling in and leaves or returns to their previous position when the original administrator returns from leave. This, too, counts as administrator turnover. We have pointed out to CMS that data showing a correlation between administrator turnover and quality of care does not distinguish between true administrator turnover and turnover reflective of administrators on leave and suggested that CMS create a process to adjust Care Compare in these circumstances. CMS has agreed to examine the data and continue this conversation.

**Medical / COVID-19 Related Updates:**

### **CDC Updates Guidance on Management of COVID-19 in Specific Congregate Community**

**Settings.** Today, CDC updated COVID-19 guidance for certain congregate community settings, including homeless shelters and assisted living communities (the guidance DOES NOT apply to healthcare settings; elements of the updated CDC recommendations might be helpful for independent senior living communities, like HUD Section 202). During a call with agency leaders, CDC told LeadingAge and other stakeholders that the updates focus mainly on streamlining guidance for homeless shelters and correctional facilities; the guidance now incorporates "enhanced" prevention strategies for times of higher risk, as well as other updates that align with guidance for the general population. For example, a risk framework has been added based on community COVID levels and substantial structural or operational characteristics of the setting that could increase the spread of COVID. During the call, CDC noted that Assisted Living communities that are licensed by their state as health care facilities should reach out to their state and also review the health care setting guidance to see if they fall within the definition of health care setting provided by CDC. The updated guidance is available [here](#).

**Meeting on Medicare Coverage of Vaccines.** On November 29, LeadingAge staff attended an invitation only coalition event to discuss policy options for improving vaccination rates (for influenza, COVID-18, pneumococcal, and Hepatitis B) among Medicare beneficiaries and coverage for these vaccines. The group is focusing on: closing the Medicare vaccination coverage gap (9% of Medicare beneficiaries do not have prescription drug coverage); restoring and improving vaccination rates across all recommended vaccinations; improving vaccination readiness and pandemic preparedness; and equity. We were the only aging services provider organization included in the group. Others included organizations representing pharmacies, health plans, and physicians. The conveners of the November 29 meeting will use the discussion to develop an options paper, with a target date of December 31 for a draft paper.

**CDC Clarifies Infection Control Practices.** On December 1, the Centers for Disease Control and Prevention clarified and posted revisions to its [Core Infection Prevention and Control Practices for Safe Healthcare Delivery in All Settings](#). CDC states these fundamental standards should be implemented in all settings where healthcare is delivered. Two new practices were added, one on injection and medication safety and the other on minimizing potential exposure. Further, CDC added consideration for broader use of source control during periods of higher levels of community respiratory virus transmission to the section on Minimizing Potential Exposures.

### ***Advocacy Updates and Hill News:***

**DOL Announces \$90 Million Funding Opportunity to Support Pre-Apprenticeship Program for Young People.** To help remove academic and training barriers faced by young people, on November 30, the U.S. Department of Labor (DOL) announced [a \\$90 million funding opportunity](#) in [YouthBuild Program](#) grants to support pre-apprenticeships in high-demand industries including healthcare (and the care economy), construction, information technology and hospitality. Administered by the DOL's Employment and Training Administration, the grants will fund approximately 75 projects nationwide with individual grants ranging from \$700,000 to \$1.5 million and require a 25 percent match from applicants, using sources other than federal funding.

Eligible applicants for these grants are public or private non-profit agencies or organizations, including a consortia of such agencies or organizations. These organizations include rural, urban, or Native American/Tribal entities that have previously served opportunity youth in a YouthBuild or other similar

program. The grants will be required to support occupational skills training, employment services and educational guidance to disadvantaged young people, from ages 16 to 24, in communities where barriers to basic academic and career skills development exist. Grantees must also develop program models that align with pre-apprenticeship under the Registered Apprenticeship Program. DOL expects applicants funded through this solicitation to have well established partnerships in place prior to the grant award. More information on the grants are available, at [Search Grants | GRANTS.GOV](#)

**Aging and Families Task Force Chair to be Next Minority Leader.** On November 30, House Democrats officially elected New York Representative Hakeem Jeffries as House minority leader for the next congressional session, making him the most powerful Democrat in the House. LeadingAge has worked closely with incoming Minority Leader Jeffries in his current role as the chair of the House Democratic Caucus Task Force on Aging and Families.

**LeadingAge Letter: Lame Duck Immigration Priorities.** LeadingAge sent a [letter](#) to Senate and House Leadership, strongly urging support in a year-end legislative package that includes immigration reform to help stabilize the aging services workforce. Specifically, we are asking for support for legislation that would:

- Create a pathway to citizenship and permanent residency status for aging service workers deemed essential, during the pandemic;
- Recapture unused employment-based immigrant visas and make them available to 40K foreign nurses and doctors;
- Proposals that would implement a new visa process for “non-agricultural essential workers” that could be available for aging services and other industries, that currently have no visa program that allows them to legally hire year-round temporary workers.

**Your Home, Your Internet ACP Pilot Announced.** On November 21, the FCC announced that applications are now open for a \$5 million “Your Home, Your Internet” pilot program to increase awareness of, and encourage participation in, the Affordable Connectivity Program by households receiving all kinds of federal housing assistance. While nonprofits cannot apply on their own for this pilot, affordable senior housing nonprofit providers are perfect partners for state and local agencies, including your local public housing agency, who might be applying as the lead applicant. We encourage affordable senior housing providers to reach out to their local public housing agency and/or their state broadband effort and show yourself off as a key ingredient to any successful application for this pilot. Among the long list of activities these grants can be used for are ACP application assistance, digital campaigns, outreach materials, direct mail, ACP service provider locator, and personnel / benefits. For the YHYI pilot program, the FCC will prioritize applications that target a broad geographic area and/or large number of people in the target audiences for ACP outreach and encourage participation by those in the applicant’s target community(ies) that have a low participation in the ACP, including participation by those in federal housing programs, among other factors. The grants will cover activities undertaken from March 2023 to March 2024. Applications are due January 9, 2023. The pilot application is [here](#).

**HHS Proposed Changes to Rules Governing Substance Use Treatment Records.** On Nov. 28 the U.S. Health and Human Services Department, through the Office for Civil Rights (OCR) and the Substance Abuse and Mental Health Services Administration (SAMHSA), [announced proposed rules](#) designed to increase provider coordination in treatment for substance use disorder (SUD) and to increase protections for patients concerning records disclosure to avoid discrimination. Among other issues the announcement notes that regulations specific to SUD treatment records impose different requirements

than the HIPAA Privacy rule, creating barriers to information sharing by patients and among health care providers, and that Congress has directed HHS to create greater alignment. LeadingAge will review the [proposed rule](#), which is set to be formally published on Dec. 2, and a [fact sheet is available here](#). HHS will accept comments through Jan. 31, 2023, then proceed to issue a final rule. The proposed effective date of a final rule would be 60 days after its publication and the compliance date would be 22 months after the effective date.

#### **Long-Term Care Imperative Admissions Survey Reiterates Minnesota's Senior Care Staffing Crisis.**

Minnesota's Long-Term Care Imperative, a collaboration of LeadingAge Minnesota and Care Providers of Minnesota, recently conducted a survey on admission policies of its members designed to gauge access to long-term care around the state. LeadingAge Minnesota [summarizes](#) the key findings of the survey, conducted October 27 – November 22, stating "Minnesota's staffing shortage in senior care is a crisis, affecting seniors and families in every corner of the state. Seniors and their families are waiting for the care they need because there aren't enough caregivers." A few key takeaways that illustrate the significant challenges facing providers statewide:

- More than 60% of assisted living facilities in Minnesota report turning down 1 to 5 admission referrals during October 2022;
- 35% of Minnesota nursing facilities denied more than 21 or more admission referrals in October;
- Nearly 70% of Minnesota assisted living facilities have placed a hold on admissions, and report turning away more hospital admissions than before the pandemic;
- 69% of Minnesota nursing homes and 29% of assisted living locations have placed limits on new resident admissions because of an inability to fill staff positions; and
- 54% of Minnesota nursing homes and 38.5% of assisted living found admissions over the weekends were very difficult to process, due to insufficient staffing.

The Long-Term Care Imperative's goal is to utilize the data to bolster their argument with lawmakers to increase nursing home and waiver rates, so they can pay their skilled, dedicated caregivers the wages they deserve in the upcoming months and throughout the 2023 session. You can access the survey data at [LeadingAgeMN.org/resources](https://LeadingAgeMN.org/resources), and also review the "[Summary - Nov. 2022 Admissions Survey](#)."

#### ***News from LeadingAge:***

**New Education on the LeadingAge Learning Hub.** Several new and recently recorded learning opportunities are available on the LeadingAge Learning Hub.

- December 14 Webinar: Join us on December 14 at 2:00 p.m. ET for the follow-up webinar to the June 2022 [Active Shooter Preparedness webinar](#). The new webinar, [Active Shooter Events: Creating and Maintaining a Secure Environment](#) will detail the appropriate controls residential communities should have in place to recognize, assess, and manage security threats and active shooter situations.
- New DEI QuickCast: [Cultivating Cultures of Belonging is a 20-minute QuickCast](#) about the role of privilege and cultural humility in creating organizations where everyone feels a sense of belonging.

- November Webinar Recording: Already one of the most viewed webinars of the year, [the New MDS V1.18.11: Are You Prepared? webinar](#) offers a detailed look at the new MDS draft and helps skilled nursing providers plan for the changes coming in 2023.
- Medicare Open Enrollment: [In this 18-minute QuickCast](#), Nicole Fallon, LeadingAge Vice President of Health Policy and Integrated Services Policy, reviews what providers can (and cannot) do to educate older adults and their families about Medicare and Medicare Advantage plans.