

Nursing Home Weekly: Recap of LeadingAge Updates

February 17, 2023

LeadingAge Policy Update Call. No call on Monday, February 20, President's Day. On Wednesday, February 22, at 3:30pm ET, Dr. Ana Weil, infectious disease specialist and Principal Investigator, Center for Emerging and Re-emerging Infectious Diseases (CERID) at the university of Washington, will join us to talk about mask-wearing and preventing transmission in general as the PHE is ending. If you haven't registered for LeadingAge Update Calls, [you can do so here](#). You can also find previous call recordings [here](#). Note that to access recordings of the calls you need a LeadingAge password. Any staff member of any LeadingAge member organization can set up a password to access previous calls and other "members only" content.

LeadingAge to Senate: Long-Term Care Workforce Challenges are Truly a Crisis. LeadingAge was one of 19 organizations that submitted a [Statement for the Record](#) for the February 16 HELP Committee hearing, titled, "Examining the Health Care Workforce Shortages: Where Do We Go from Here?" LeadingAge's statement applauded a hearing on the shortage of physicians and primary medical health care providers and emphasized how the shortage of aging services professionals at all levels in long-term care is truly a crisis. Additionally, LeadingAge offered policy solutions to the aging services workforce crisis. You can access the statement [here](#). Committee Chairman Bernie Sanders's (I-VT) [prepared remarks](#) agreed, saying, "We don't have enough home healthcare workers. We don't have enough nursing home staff, etc., etc." Additionally, "how we address these crises is the subject of today's hearing and of a lot more future discussions. But talk and hearings are not good enough. The American people want this Committee to produce some serious legislation that address these crises, and that is exactly what we must do." At the conclusion of the hearing Chairman Sanders indicated the HELP Committee would also introduce legislation to address the health care workforce crisis. Hearing witnesses primarily addressed the major shortages of physicians and nurses and the situations that contribute to a workforce shortage in these areas. Throughout the hearing it was noted that nursing schools are rejecting applicants because they don't have the adequate number of nurse educators and facilities they need to practice. Also, during the Q&A segment, a few Senators made a point to speak to how important it is to also address immigration policies as a potential solution to the health care workforce crisis. Senator Mitt Romney (R-UT) also expressed concerns about the State Department's backlog of processing foreign-born nurse's visas, and how this scenario has contributed to the number of unfilled positions. Senator Tim Kaine (D-VA) also said the direct care workforce, which is oftentimes left out of the discussion, should be a part of the issues that are being addressed as the Committee works on this issue. The hearing can be viewed [here](#).

LeadingAge Calls for an End to the Outdated 3-Day Stay. "During the pandemic it became clear that requiring a mandatory, three-day hospital stay for everyone who is ready to enter a nursing home is wasteful and ineffective," said Katie Sloan in a LeadingAge [press release](#) on February 16. The release accompanied a [letter](#) LeadingAge sent to key Congressional leaders on February 16 and a similar [letter](#) sent to HHS Secretary Xavier Becerra on February 14, seeking administrative extension of the three day stay waiver. In both letters, LeadingAge provides evidence and anecdotes demonstrating the requirement is outdated, not meaningful, and unreasonable, as well as increasing costs to the Medicare program.

Updated Resources and Toolkit for Emergency Preparedness. The Emergency Preparedness requirements for nursing homes has been updated through Phase 2 and Phase 3. The members-only [toolkit](#) is published on the LeadingAge website with checklists, resources for testing and training, crosswalks, PowerPoint slides and sample plans and polices. Please use your LeadingAge member login credentials and download the toolkit today.

Updated Vaccines Grant Funding Available Now. [LeadingAge has further expanded our partnership with the Department of Health and Human Services \(HHS\)](#) and the [We Can Do This](#) campaign to provide LeadingAge members a new grant opportunity for executing vaccine clinics in an effort to boost updated vaccine uptake for staff, residents, family members, and others in the community. Funds are available and HHS is anxious to see vaccine clinics start immediately. [Learn more and apply by February 24.](#)

Rural Provider Relief Fund Deadline February 21. Providers who believe their Phase 4 or American Rescue Plan (ARP) Rural Provider Relief Fund payments were calculated incorrectly have until 11:59pm ET on February 21 to submit a request for reconsideration. For further details on the reconsideration process, go to HRSA's [website](#).

PRF Reporting Period 4 Reports Due March 31; Webinar Recording Available. Providers who received Provider Relief Funds (PRF) and/or ARP Rural funds between July 1 – December 31, 2021, are required to report on how they used those funds in Reporting Period 4. This is the first reporting period where providers must use the updated [reporting requirements](#) from October 2022. Reports are submitted via the [PRF Reporting Portal](#). Members who need a refresher on the portal and reporting process can access a [recording](#) of a recent LeadingAge webinar with CLA, which provides a refresher on how to report on PRF, identifies new reporting requirements and portal updates, and highlights common audit findings related to PRF.

REMINDER: The Skilled Nursing Facility (SNF) Provider Preview Reports have been updated and are now available. These reports contain provider performance scores for quality measures, which will be published on [Care Compare](#) and [Provider Data Catalog \(PDC\)](#) during the April 2023 refresh. The data contained within the Preview Reports are based on quality assessment data submitted by SNFs from **Quarter 3, 2021 through Quarter 2, 2022**. Additionally, the Centers for Disease Control and Prevention (CDC) COVID-19 Vaccination Coverage among Healthcare Personnel (HCP) measure reflects data from **Quarter 2, 2022**. The data for the claims-based measures will display data from **Quarter 3, 2019 through Quarter 4, 2019 and Quarter 3, 2020 through Quarter 2, 2021** for this refresh, and for the SNF Healthcare-Associated Infections (HAI) measure, from **Quarter 4, 2020 through Quarter 3, 2021**.

Providers have until **February 16, 2023** to review their performance data. Corrections to the underlying data will not be permitted during this time. However, providers can request that CMS review their data during the preview period if they believe the quality measure scores that are displayed within their Preview Reports are inaccurate.

LeadingAge article on Our Comments on Medicare Advantage. An article highlighting the LeadingAge Comments on the CY2024 Proposed Rules for Medicare Advantage, Special Needs Plans, Part D and PACE programs can be found [here](#).

HHS Announces New Models for Testing to Lower Prescription Drug Costs. On February 14, the Centers for Medicare & Medicaid Services (CMS) announced that the Secretary of the Department of Health and Human Services (HHS) has selected three new models for testing by the CMS Innovation Center to help lower the high cost of drugs, promote accessibility to life-changing drug therapies, and improve quality of care. The Secretary released a report describing these three models to respond to President Biden's Executive Order 14087, "Lowering Prescription Drug Costs for Americans," which complements the historic provisions in the Inflation Reduction Act of 2022 (IRA) that will lower prescription drug costs. [A fact sheet is available here.](#) [FAQs are here.](#) [View the full report here.](#)

Half of Adults Hospitalized for COVID Have Lingering Symptoms, Financial Difficulties, or Physical Limitations Months Later. A National Institutes of Health-supported [study](#) published February 14 in JAMA Network Open reported that after 6 months, more than 7 in 10 adults surveyed had cardiopulmonary problems, half had fatigue or physical limitations, and more than half said they faced financial challenges. The findings from this study can inform and guide the care of patients in the year following hospitalization for COVID.

CMS Proposes Nursing Home Ownership Disclosure Requirements. On February 13 CMS released a proposed rule that would implement an Affordable Care Act provision requiring all nursing homes to disclose to CMS and state agencies additional ownership and management information. Medicare SNFs and Medicaid nursing facilities would need to disclose the owners, operators, and management information including administrative services and consulting groups. This proposed requirement provides definitions of private equity and real estate investment trust outlining an approach where all direct and indirect owning or managing equity would become public. CMS intends to make the reported information public when the rule is finalized and will use the CMS 855A Medicare enrollment application form for initial enrollment, revalidation or a change in ownership. The proposed rule is posted in the [Federal Register](#).

HHS Updates Stakeholders on End of PHE. The Department of Health and Human Services hosted a stakeholder call to share information about the end of the public health emergency. On February 11th, the Secretary sent a letter to all governors stating that there will be a renewal of the PHE but this is intended to be the final renewal - which means the PHE will expire May 11, 2023. CMS also sent a [roadmap](#) to governors publicly available listing out what's changed and what has not changed. CMS recognized that covid is not over for many people and remains committed to working with stakeholders.

Key Points:

- Access to free vaccination, testing and treatment will not be affected by the end of the PHE
- CMS process to move these into the commercial market will happen in late summer early fall
- Access to COVID vaccines, test, and treatments will continue to be covered for both Medicare and Medicaid beneficiaries through September 2024. However, to clarify on the testing, Medicare and Medicaid will cover medically necessary PCR and antigen test for Medicare and Medicaid beneficiaries, ordered by physician or approved clinician. The current free over the counter test will end with PHE.
- FDA's emergency use authorization is not going to be affected by end of PHE. Authorization over various products will remain and FDA will have the authority for new EUAs when criteria for issuance are met

- At CDC, there will be changes to reporting of lab results and immunization data. HHS had authority to require lab reporting of negative tests will end with the PHE. Additionally, at the state level, vaccine administration data will no longer be required. CDC is working on voluntary data use agreements for both.
- CDC's Community Transmission Level data will remain in place after May 11th as it's determined on data streams not expected to change including hospital admissions and positive tests
- The Consolidated Appropriations Act extend many telehealth health waivers until December 31 2024 and CMS also shared that the Medicaid telehealth flexibilities were available prior to and can continue after the PHE ends - CMS is encouraging states to use telehealth moving forward
- Training flexibility for nursing aides in nursing homes will end with PHE with 4 months after to complete required certification training. CMS is aware of the training backlog and are pushing state to consider how to accommodate all the necessary training.
- Long-term care facility testing of residents and staff will expire with PHE but reporting of resident and staff infections will not expire as it was finalized in the Home Health rule in for CY2022.
- CMS is looking to community-based organizations to spread the word and make sure beneficiaries confirm updated contact information and respond quickly to maintain coverage.

SAVE THE DATE: National Nursing Home Stakeholder Call on Wednesday February 22, 2023 at 3pm ET

Please join the Centers for Medicare and Medicaid Services on Weds. February 22, 2023 at 3:00 pm ET for a National Nursing Home Stakeholder Call. Long-term care providers, facility staff and resident advocates are encouraged to attend. This event is open to the public; registration is required.

To register: https://cms.zoomgov.com/webinar/register/WN_vWpq57zdSQGnNgpbX_TVdQ