

## Workforce Policy Weekly

April 7, 2023



**Upcoming LeadingAge Policy Updates.** All calls are at 3:30 PM ET. Workforce/recruitment/pipelines and business decision making about affiliations – all on upcoming calls. On **Monday, April 10**, Emily Dieppa (she/her) Vice President of Workforce Innovations at PHI will join us to discuss effective recruitment strategies to build the workforce pipeline and to promote careers in aging. On **Wednesday, April 12** Adam Berman, President and CEO of Legacy Lifecare will talk about the Legacy project. Its mission is to help small-to-mid-sized, values-driven senior care organizations navigate the complexities of modern healthcare through the provision of consulting, affiliation, and management services. You can also find previous call recordings of every 3:30 LeadingAge call [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.

**White House Proclamation on Care Workers Recognition Month.** On March 31, President Joe Biden, offered a White House Proclamation which proclaims April 2023 as Care Workers Recognition Month. Home care workers, long-term care workers and childcare workers are acknowledged for their extraordinary contributions as care workers. The President makes a commitment to support them with better pay and better benefits. Additionally, the proclamation highlights President Biden’s proposed FY 2024 Budget, which calls on Congress to invest \$150 billion over the next decade to improve and expand Medicaid home and community-based services, making it easier for seniors and people with disabilities to receive care in their own homes. Also, noting how this funding would improve the quality of jobs for home care workers and support family caregivers. Additionally, the proclamation promotes the use of apprenticeship programs and the importance of partnering with employers, unions, and others to recruit, train, and keep long-term care workers on the job while also helping them advance their careers as registered and licensed nurses. The “*White House Proclamation on Care Workers Recognition Month*” is available [here](#).

**Education and Workforce Committee Hearing: Unleashing America’s Opportunities for Hiring and Employment.** On March 28, the House Education and the Workforce Committee held a hearing titled, “Unleashing America’s Opportunities for Hiring and Employment.” The Committee’s Chairwoman, Virginia Foxx (R-VA), issued a [press release](#) stating the committee would examine how the current economic conditions, and Biden Administration, are impacting employment for workers and job creators. Chairwoman Foxx said in her [opening statement](#), “The economy has not recovered, and workforce participation still lags behind pre-pandemic rates.” Republican members used the hearing as an opportunity to address the burdens of the *Richard L. Trumka Protecting the Right to Organize (PRO) Act of 2023* (H.R. 20). The House bill was introduced by the Committee on Education and the Workforce Ranking Member Robert C. “Bobby” Scott (D-VA) and Rep. Brian Fitzpatrick (R-PA). Rep. Scott’s Fact Sheet states the *PRO Act* “strengthens the federal law that protects workers’ right to join a union and bargain for higher pay, better benefits, and safer workplaces.” Additionally, Chairwoman Foxx highlights “skills-based education is one pathway to prepare students for the job market, and by increasing work-based learning opportunities and extending the Pell Grant to short-term, high-quality programs, we can help workers get the skills they need for lifelong success.” The Committee’s [Hearing Recap](#), provides additional highlights. The hearing can be viewed on the [Committee’s YouTube page](#)“.

**SNF PPS Rule Released – Minimum Staffing Requirements Not Included:** The CMS Fiscal Year (FY) 2024 Skilled Nursing Facility Prospective Payment System Proposed Rule was released on April 4. The rule proposes a 3.7% Medicare payment update for FY 2024, reflective of the second-year phase-in of the PDPM parity adjustment. In the FY 2023 SNF PPS proposed rule, CMS solicited public comments on minimum staffing requirements. Additionally, CMS launched a new mixed-methods study in August 2022 collecting quantitative and qualitative evidence on staffing levels within nursing homes. CMS “appreciates” the comments received in response to the request for information and continues to review the feedback and evidence from both the comment solicitation and mixed-methods study, all of which will be used to inform proposals for minimum direct care staffing requirements in nursing homes in rulemaking this Spring.

Additionally, CMS proposes: three new measures for THE Skilled Nursing (SNF) Quality Reporting Program (QRP) over the next three years with an additional three measures being removed and one measure being modified; and an increase to data completion thresholds for Minimum Data Set (MDS) data. CMS proposes four new measures for SNF Value Based Purchasing (VBP) over the next three years plus changes to SNF VBP payback to include increased payback percentage and health equity adjustments, and a change to enforcement requirements that would eliminate the requirement for nursing homes to actively waive their rights to a hearing related to civil monetary penalties. LeadingAge will have a more detailed analysis of the SNF PPS rule in the coming days. The rule will be published in the [federal register](#) on April 10. Comments on the rule are due June 5. Read the CMS Fact Sheet [here](#).

**Cap Reached for Additional Returning Worker H-2B Visas for the Early Second Half of FY 2023.** On March 31, 2023, the U.S. Citizenship and Immigration Services (USCIS) [announced](#) they have received enough petitions to reach the cap for the additional 16,500 H-2B visas made available for returning workers for the early second half of fiscal year (FY) 2023 with start dates from April 1, 2023 to May 14, 2023, under the [FY 2023 H-2B supplemental visa temporary final rule](#).

Some LeadingAge aging services providers consider H-2B visas a means to employ certain workers for time limited positions. USCIS recently began accepting H-2B petitions under the temporary final rule increasing the cap by up to 64,716 additional H-2B nonimmigrant visas for fiscal year (FY) 2023. Of the 64,716 additional visas, 44,716 were available only for returning workers. The remaining 20,000 visas are set aside for nationals of Haiti, El Salvador, Guatemala, and Honduras who are exempt from the returning worker requirement. Petitioners whose workers were not accepted for the returning-worker allotment are encouraged to file under the Haiti, El Salvador, Guatemala, and Honduras allotment while visas remain available. As of March 30, 2023, USCIS received petitions requesting 9,791 workers under the 20,000 visas set aside for nationals of Haiti, El Salvador, Guatemala, and Honduras.

Starting on April 13, 2023, USCIS will begin accepting petitions for workers for the late second half of FY 2023, requesting employment start dates from May 15, 2023, to Sept. 30, 2023. The 10,000 visas made available under this allocation are limited to returning workers who were issued H-2B visas or held H-2B status in fiscal years 2020, 2021, or 2022, regardless of country of nationality. Additional information on the FY 2023 supplemental visas is available on the [Temporary Increase in H-2B Nonimmigrant Visas for FY 2023](#) page.

**EWA Promotes Doubling the FY24 Funding for HRSA’s Geriatric Workforce Programs.** The Eldercare Workforce Alliance (EWA), of which LeadingAge is an active member, continues to advocate for initiatives to address the health care workforce needs in caring for an aging America. As Congress begins

consideration of funding for programs in fiscal year (FY) 2024, EWA is once again requesting increased funding for programs designed to increase the number of health care professionals prepared to care for America's growing population of older adults and to support family caregivers in the essential role they play in this regard. EWA is urging Congress to support a total \$82 million in funding, which doubles the funding over FY 2023, for geriatrics programs in Title VII of the Public Health Service Act administered by the Health Resources and Services Administration (HRSA), which includes:

- The Geriatric Academic Career Awards (GACAs), which support the career development of junior faculty clinician educators in geriatrics; and
- The Geriatrics Workforce Enhancement Programs (GWEP), which purpose is to improve health outcomes for older adults by developing a healthcare workforce that maximizes patient and family engagement, and by integrating geriatrics and primary care.

The GACAs and GWEPs are the only federal programs dedicated to training the entire workforce in the care of older adults. For FY 2024, LeadingAge requests a sufficient increase in funding to close current geographic and demographic gaps in geriatrics workforce training. The increased funding would support 80 GWEPs and 60 GACAs (at salaries more commensurate with those of NIH academic career grantees). You can access [EWA's GWEPs and GACAs One-Pager](#); and [EWA's Distribution of the GWEPs and GACAs Program Awards Map](#), for additional information.

**LTSS Research: Study Finds Link Between Communication and Retention.** A research brief, "*COVID-19: Stress, Challenges and Job Resignation in Aging Services*," from LeadingAge's LTSS Center @UMass Boston found that "Employees who felt more prepared due to high-quality communication were less likely to resign from their job." The study further explores the importance of transparent communication is key to retaining staff, along with strong systems in place to communicate organizational updates to all staff in a timely manner. You can access the study [here](#).

**Last Week's Workforce Policy Update.** Here is your weekly for March 31, 2023 - [Workforce Policy Update](#).