



Home Health Weekly: Recap of LeadingAge Updates

April 14, 2023

No LeadingAge Policy Updates calls on April 17 and 19, the week of the Leadership Summit. On **Monday, April 24**, Mark SooHoo, Health Lead at Meteorite and Health Action Alliance, will join us to talk about the recent publication, "[Three Years of COVID-19: Lessons Learned and Next Steps for Employers](#)". 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.

National Stakeholder Call with the CMS Administrator. On April 25, 1- 2pm ET, CMS Administrator Chiquita Brooks-LaSure and her leadership team will provide an update on CMS' recent accomplishments and how CMS' cross-cutting initiatives are advancing [CMS' Strategic Plan](#). **RSVP for the call [here](#).**

Federal Court Dismisses Home Health Aide Lawsuit. The Center for Medicare Advocacy (CMA) [filed](#) a lawsuit last year on behalf of beneficiaries with chronic, disabling conditions who cannot access the home health aide services they require. According to Medicare law, the home health benefit covers up to 28-35 hours per week of aides for hands on care. However, CMS dictated policies and practices have unlawfully restricted the availability and coverage of these services. The court held that CMA lack standing to bring the case, claiming it is too speculative that a favorable court decision would "redress" the plaintiffs' injuries from the inability to access aide services. CMA is assessing next steps to support Medicare beneficiaries in accessing these critical services.

Home Health CAHPS Q4 Data Submission Deadline Reminder. The next data [submission deadline](#) for home health CAHPS quarter 4 of 2022 is Thursday, April 20, 2023. To ensure that files can be accepted by the deadline at 11:59 PM ET on April 20, 2023, agencies and their vendors must submit all of your Quarter 4 files on or before Wednesday, April 19, 2023. Since CMS will not accept any files after the data submission deadline, home health agencies should make sure to check data submission reports to verify that all the submitted files were accepted. And, correct and re-submit all files before the data submission deadline.

PRF Late Reporting Request for RP4 – Due by April 28. Provider organizations that missed the March 31 Provider Relief Fund (PRF) Reporting Period 4 (RP4) deadline due to extenuating circumstances have a one-time opportunity to submit a late reporting request between April 17 and April 28 at 11:59pm ET. If upon review the Health Resources and Services Administration grants the request, providers will submit their RP4 reports May 15 to June 2, 2023. Providers who do not submit required reports will be required to return the PRF dollars they received and will be ineligible for any future funds as they are out of compliance with the PRF Terms & Conditions. RP4 covers PRF and ARP Rural funds received between July 1 and December 31, 2021. More information on making a late reporting request due to extenuating circumstances can be found [here](#). Here is a LeadingAge [article](#) with additional details about how to submit a request.

Medicare FFS ABN Form Updated: CMS released an updated Medicare Fee for Service (FFS) Advanced Beneficiary Notice (ABN) (Form CMS-R-131). The ABN is issued by providers, including skilled nursing facilities, home health, and hospice, to FFS beneficiaries in situations where Medicare payment is expected to be denied. The renewed form is available for use immediately and will be required beginning June 30, 2023. The form expires 01/31/2026. Providers can access Form CMS-R-131 [here](#). Note that skilled nursing facilities should use Form CMS-R-131 for Part B services only and should access Form CMS-10055 [here](#) for Part A services.

HHS Establishes Transition Period for Post-PHE Telehealth Compliance. The Department of Health and Human Services, Office of Civil Rights [announced](#) the expiration of COVID-19 Public Health Emergency HIPAA Notifications of Enforcement Discretions. With the announcement of the end of the PHE in January, using HIPAA non-compliant communications platforms for telehealth will expire with the PHE on May 11, 2023. OCR stepped in to clarify their regulatory enforcement discretions will give health care providers utilizing noncompliant telehealth a 90-day transition period to come into compliance with the HIPAA rules around telehealth provision. Instead of the waiver for non-compliant telehealth services ending May 12, 2023 with the end of the PHE, non-compliant telehealth services can be used until August 9, 2023. This is with the expectation that providers are working to come into compliance with HIPAA expectations. During this time, from May to August, OCR will not impose penalties on covered providers for noncompliance in connection with good faith provision of telehealth services. OCR stated they will have additional resources for providers during the transition period. Resources for compliance support:

- [HIPAA and Telehealth](#)
- [HHS Releases Guidance on Audio-Only Telehealth Services](#)

Congressional Nursing Caucus Relunched. On April 10, Representatives David Joyce (R-OH), Suzanne Bonamici (D-OR), Lauren Underwood (D-IL) and Jen Kiggans (D-VA) announced the [relaunch](#) of the Congressional Nursing Caucus for the 118th Congress. Representatives Joyce and Bonamici will serve as the Caucus co-chairs and Representatives Underwood and Kiggans will serve as the Vice Chairs. The Nursing Caucus is an important partner on many of LeadingAge's workforce priorities and we look forward to working with the Caucus to advance solutions for aging services providers.

Lobby Day Office Hour Thursday, April 13. Attending the LeadingAge Lobby Day on April 19 and have some questions? [Join our Lobby Day office hour](#) on Thursday, April 13, 1–2 pm ET, as LeadingAge national staff will be available to answer your Lobby Day questions. We hope you can drop in during this hour if you need us! Please don't hesitate to reach out to Eram at eabbasi@leadingage.org or Linda at lcouch@leadingage.org with your Lobby Day questions.

Recent Survey Illustrates Voter Perceptions Toward Medicaid Programs. More than 1,000 voters were surveyed by Hart Research, in partnership with Caring Across Generations, to better understand how political party affiliation influenced knowledge and attitudes around Medicaid. Findings indicate bipartisan support for Medicaid and limited understanding of the populations receiving services, healthcare, and benefits from Medicaid programs. Visuals from the findings are available [here](#).

House Appropriations Hearing on HUD FY24 Budget. On April 18, 10am ET, the House Appropriations Committee will hold a hearing on HUD's FY24 budget. HUD Secretary Marcia Fudge is the hearing's sole witness. Watch a live webcast of the hearing [here](#).

LeadingAge Advises OSHA – Don’t Duplicate Existing Requirements and Avoid Overly Prescriptive Rules. On April 7 LeadingAge submitted a comment letter to the Occupational Safety and Health Administration, with feedback on a possible future rule related to incidents of workplace violence perpetrated by patients/residents/clients and visitors toward employees in health care and social assistance settings. LeadingAge’s letter specifically said that OSHA should not duplicate existing requirements and must be general rather than overly prescriptive since aging services organizations differ vastly according to size, setting, and the population served. At this stage OSHA has not issued a proposed regulation. Rather, the agency has developed a framework that shows its current thinking about provisions a future rule could include, which it recently brought forward for review and discussion through a [Small Business Advocacy Review \(SBAR\) Panel](#). An article about this OSHA initiative, with a link to our comment letter, [is available here](#).

JAMA Publication Outlines Health Disparities Associated with Loss of Supplemental Medicaid Coverage The paper reviewed whether loss of Medicaid eligibility for individuals with incomes above 100% of the federal poverty level exacerbated health disparities already prevalent across racial identities. The study found that loss of coverage had an outsized effect on black and Hispanic populations when compared with their white counterparts. Utilization and access to prescription drugs and outpatient services were reviewed for the report. There was no meaningful effect on utilization for individuals identifying as white within the research. Read the findings [here](#).

Leadership Summit Policy Session Includes CMS Chief Transformation Officer. On Wednesday, April 19 at 11:00 AM ET Session 29F – Strategies for Shaping Medicaid’s Next Decade will include Dr. Doug Jacobs who is the Chief Transformation Officer for CMS and CMMI. He will be joined by two other panelists: LeadingAge member Larry Gumina from Ohio Living and Fred Bentley, Managing Partner at ATI Advisory. The panel will discuss where Medicare, Medicare Advantage and CMMI models are headed and strategies for how aging services providers can effectively position themselves for this future. This session is an opportunity to hear from leadership at CMS/CMMI but also for them to hear about the challenges with MA plans and how aging service providers can play a key role in accountable care models.

Save the Date: ERC Office Hours. Calling all LeadingAge members who have decided to pursue the Employee Retention Credit; we are hosting a panel of experts from Venable law firm, CliftonLarsonAllen and Forvis to answer your questions about the complexities you’ve encountered in navigating the ERC. ERC Office Hours will be held on Tuesday, April 25th from 3:30 - 4:30 PM ET; please email Dee (DPekruhn@leadingage.org) to register and receive the Zoom link. All members are welcome; this session is specifically tailored to those who have already pursued and/or filed for the ERC.

Did COVID Change LTC Insurance? Many LeadingAge members are interested in trends in LTC insurance sales, purchase, coverage, etc. The **Long-Term Care Discussion Group** will meet on Thursday, April 27, from 2:00 – 3:00 PM ET to hear from Sandy Jones, Partner, Faegre Drinker, about “How COVID has Changed Long-Term Care Insurance.” The discussion will include a holistic review of how the LTC insurance industry has been affected in many ways. For example, it will cover claims and policy administration practices, company hiring and staffing/retention, company-wide consistency issues, country-wide care shortages, accommodations, policy and claims exceptions, and increasing experience with fraud, waste, and abuse. No pre-registration needed. To join the call, simply connect to:

[Join Zoom Meeting](#)

<https://ahip-org.zoom.us/j/83679926540?pwd=K3d3NnhHTGE4aGYvTzNRS0c4WEhoZz09>

Meeting ID: 836 7992 6540

Passcode: 071916

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FY 2024 Appropriations: House Geriatrics Dear Colleague Letter. Congressional leaders are generating letters of support for their FY 2024 funding priorities. Representative Jan Schakowsky (D-IL) has once again initiated a Congressional Dear Colleague letter to the Chair and Ranking Member of the House Subcommittee on Labor, Health and Human Services Education and Related Agencies (Labor-HHS), urging them to provide adequate funding for programs designed to increase the number of health care workers prepared to care for the growing senior population and to support family caregivers in the essential role they play. In total, 26 Members of Congress signed the letter.

The Dear Colleague ask for increased funding for programs administered by ACL, which includes strengthening their demonstration on direct care workforce initiatives, and strategies for recruitment, retention or advancement. Additionally, support for the geriatric's programs in Title VII of the Public Health Act, which includes the Geriatric Academic Career Awards and the Geriatrics Workforce Enhancement Programs. Several other programs are noted in the Dear Colleague, including: ACL's Family Caregiver Support and Lifespan Respite Care for family caregivers; NIH's National Institute on Aging and research specific to Alzheimer's disease and related dementias, and the BOLD Infrastructure for Alzheimer's Act of 2018. You can access the letter here: [House Geriatrics Dear Colleague](#).

Last Week's Home Health Weekly Update. Here is your weekly [Home Health Update](#) for April 7, 2023.