



LPC Weekly Report

Friday, August 4 2023

Highlights for LPCs:

LPC July Call Materials Available. The [recording](#) and [handouts](#) are now available from the recent LPC Member Network meeting on launching a satellite campus. Save the date! At our August meeting, we will have a virtual, “End of Summer Social” with no planned agenda other than getting to know each other, and eating (BYO) ice cream (or other favorite summer treat.) Join us on Thursday, August 31, 2pm PM ET. All LeadingAge provider members are welcome.

IRS Updates ERC FAQs. The IRS has very recently updated their [FAQs](#) on claiming the Employee Retention Credit. While many of the updates clarify points of the ERC that have already been covered by experts on the LeadingAge ERC [webinars](#), a few key new items are worth mentioning. 1) The IRS [clarifies](#) that in order for an organization to claim ERC funds due to a supply chain disruption, three criteria must be met: the organization’s supplier must have suspended services due to a government order, the organization must not have been able to find alternate supplies to full the need for supplies, and these two factors must be proven to have fully or partially suspended the organization’s operations during that same period of time. 2) There is emphasis that if an organization has discovered that it inappropriately claimed and received ERC funds, it may face penalties and interest fees on top of the repayment amount. 3) That if ERC funds are received, the organization should be sure to adjust its wage deduction on its income tax return filing as well, to avoid future tax filing issues. 4) The IRS offers extensive ‘warning signs’ to help organizations know when they are being taken advantage of by an “ERC Mill” and how to alert the IRS to such ‘bad actor’ firms. 5) A detailed listing of documentation and recordkeeping that organizations who receive the ERC funds is given towards the bottom of the FAQs. For further detail, visit the official IRS ERC [website](#), and stay tuned for an upcoming QuickCast that will summarize news and updates on the ERC.

IRS Issues ERC Memorandum on Supply Chain Disruption. Recently, in response to queries and confusion over eligibility for the Employee Retention Credit related to supply chain disruptions, the IRS issued a [Generic Legal Advice Memorandum](#) (GLAM) to clarify the interpretation of this section of the CARES Act along with subsequent IRS GLAMs and guidance notices. In essence, the IRS clarified that an employer could claim the ERC for either a full or partial shutdown and/or gross revenue losses because of supply chain disruptions ONLY IF: 1) a government order applies to the employer’s own operations, OR 2) a government order applies to the employer’s supplier, who is unable to fulfill the employer’s critical supply needs, and this adversely impacts the employer’s ability to run its operation or receive revenues, AND 3) the employer is not able to compensate for the supply chain disruption by utilizing an alternate supplier who can fulfill the employer’s supply needs. Further, there must be a documented causal chain between the supplier’s suspension of order fulfillment due to a government order and the employer’s need to fully or partially suspend operations as a direct result of this supply suspension. The GLAM offers five helpful, illustrative scenarios to further explicate this clarification on ERC eligibility.

CFPB Guides on Housing Decisions for Older Consumers Available for Download: The Consumer Financial Protection Bureau's Office for Older Americans recently released educational guides designed to assist older consumers as they address housing decisions at certain times or in connection with certain events. Members may find these materials useful when working with certain clients or customers. The Guides include: [Making Housing Decisions After Losing a Spouse or Partner](#); [Making Housing Decisions When Your Health Changes](#); and [Using Home Equity to Meet Financial Needs](#).

New Emergency Preparedness Resources from ASPR TRACIE. In the latest issue of The Exchange from the Administration for Strategic Preparedness and Response (ASPR), the agency explores healthcare facility utility outages including loss of water and extreme heat emergencies. Resources in the Technical Resources, Assistance Center, and Information Exchange (TRACIE) may be of use in reviewing and updating emergency plans related to these issues. Topics in this month's release include [utility failures](#), [natural disasters](#) including extreme heat, and [climate change and healthcare system considerations](#) including air quality resources.

Workforce & Policy News:

NCSL Report Highlights State Programs to Address or Mitigate Workforce Shortages: The National Conference of State Legislatures (NCSL) on June 29 published a report that provides an overview of programs states have implemented to address or mitigate health care workforce shortages. NCSL serves state lawmakers through research, technical assistance and opportunities for policymakers to exchange ideas on pressing issues. The report – [Leveraging Career Pathway Programs: State Strategies to Combat Health Care Workforce Shortages](#) – describes programs across various stages of education, including K-12, community college, and undergraduate programs designed to prepare individuals for the next level of employment, certification or educational level. While focused on health care broadly, the report highlights a variety of initiatives relevant to the direct care workforce needs of aging services providers – such as career pathway programs designed to support certified nursing assistant and home care aides in becoming licensed practical nurses – which may be replicable in other states. We shared this link in an earlier Nightly update but are noting it again because we spotlighted the report during our Aug. 2 Policy Update Call.

USCIS Publishes Revised Form I-9: On August 1 the U.S. Citizenship and Immigration Services (USCIS) published a revised version [of Form I-9 \(Employment Eligibility Verification\)](#). USCIS had previously indicated its intention to publish a revision, and it is now available. After Oct. 31, 2023, the prior version of Form I-9 will be obsolete and no longer valid for use. Here is a link to the [USCIS announcement](#) that forecasted the release of the revised version and summarizes the changes.

EEOC Adds Second Opportunity for Webinar on Laws Concerning Women in the Workplace: Two laws have taken effect this year relating to workers and pregnancy: the [Providing Urgent Maternal Protections for Nursing Mothers Act](#) and the [Pregnant Workers Fairness Act](#). We previously shared that the Equal Employment Opportunity Commission and the Department of Labor would present a webinar Aug. 23 to provide updates on these new laws and other regulatory issues relating to women in the workplace but heard from members that the program had reached maximum capacity by the time they attempted to register. We reached out to the EEOC and learned that the agencies now plan to offer the same webinar the following week at the same time: August 30, 2023, 11:00 am – 1:00 Eastern time. Members may [click here to register in advance for the encore performance](#).

Medical/ COVID News:

HHS announces Long COVID Office and Clinical Trials. On July 31, U.S. Department of Health and Human Services (HHS) announced the formation of the Office of Long COVID Research and Practice to lead the Long COVID response and coordination across the federal government. The Office of Long COVID Research will be located within HHS's Office of the Assistant Secretary for Health under the leadership of the HHS Assistant Secretary for Health, Admiral Rachel Levine. The Office is charged with on-going coordination of the whole-of-government response to the longer-term effects of COVID-19, including Long COVID and associated conditions and the implementation of the [National Research Action Plan on Long COVID - PDF](#) and the [Services and Supports for Longer-Term Impacts of COVID-19 - PDF](#).

Additionally, the National Institutes of Health (NIH) also announced launch of the Long COVID clinical trials through the [RECOVER Initiative](#). The NIH RECOVER Initiative, launched in 2021, is a \$1.15 billion nationwide research program designed to understand, treat, and prevent long COVID, which describes long-term symptoms following infection by SARS-Cov-2, the virus that causes COVID-19. More information on both announcements can be found [here](#).

Reminder LeadingAge Clinical Procedures Manual, 22nd Edition now available: Newly updated for 2023, the [22nd Edition of the award-winning LeadingAge Clinical Procedures Manual](#) is now available for purchase. This resource is a staple of home-based care agencies that are committed to ensuring quality care. Discounted rates are available for LeadingAge members and bulk orders.

CMMI announces new dementia focused model. On July 31st, the Center for Medicare and Medicaid Innovation (CMMI) announced the Guiding an Improved Dementia Experience (GUIDE) model.

- GUIDE is an 8 year voluntary model that will be available to be offered by eligible providers in all 50 states, the U.S. territories, and DC. The model is designed to attract a range of Medicare Part B providers with expertise and capabilities to provide ongoing longitudinal care and support for people living with dementia and those who care for them. This model is focused on dementia care in the home and community.
- Eligible providers must be Medicare Part B enrolled providers/suppliers excluding DME and laboratory providers who are eligible to bill the Physician Fee Schedule services and agree to meet the care delivery requirements of the model. If a potential participant cannot meet the care delivery requirements alone, they can contract to meet them.
- Eligible beneficiaries must be enrolled in Medicare FFS, not residing in a nursing home, and not be enrolled in PACE or hospice. Hospice and PACE organizations can participate if they utilize a separate Part B TIN.
- Payment will be a monthly per beneficiary per month payment for providing care management and coordination, caregiver education and support services. Services are to be provided to both beneficiaries and their unpaid caregivers. There is a separate respite care payment and for some providers, a infrastructure payment to support program development activities.
- There are two program tracks – an established program and a new program. Established programs will begin the model on July 1, 2024. New programs will start on July 1, 2025; the 2024-2025 year will be a pre-implementation year.

A webinar on the new GUIDE model is being offered on **August 10th, 2023 at 2pm et.** Registration can be found [here](#). A nonbinding [letter of interest](#) is due on September 15th, 2023. A more detailed article from LeadingAge on the model will be forthcoming. More information on the model from CMMI can be found [here](#).

Advocacy Updates and Hill News:

Summer Recess Means Opportunity for Aging Services Providers. As the House and Senate break for recess, now is the time to invite your members of Congress to experience firsthand the incredible services you deliver and see the impact of workforce challenges. [Sign up for more information](#) and resources from LeadingAge to support Congress in Your Neighborhood. After the visit to your community or organization, fill out this short [Congressional Visit Survey](#) to share what you learned—and for a chance at a free registration to the 2023 LeadingAge Annual Meeting in Chicago, November 5-8.

Senate Appropriations Committee Passes FY24 Labor-HHS Funding Bill. On July 27, the Senate Appropriations Committee approved by a 26-2 vote the Fiscal Year (FY) 2024 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill. The bill is essentially flat-funded at FY23 levels – well below inflation -- providing \$224.4 billion in total discretionary spending. Senate appropriators will have to reconcile these funding levels with the House version of the bill, which provides \$147 billion in total discretionary spending -- a 30% cut to current levels. [An article highlighting key elements of the bill can be found here.](#)

Senators Rosen and Boozman introduce new bill authorizing a long term care commission. Senator Rosen (D-NV) and Senator Boozman (R-AR) introduced the bipartisan *Supporting Our Seniors Act*. This bill would create a National Advisory Commission on long term care services. The Commission would assess and provide regular reporting to Congress on service delivery, financing, workforce adequacy, and other issues related to long term care in order to increase access to affordable services. LeadingAge supports this legislation and appreciates that Senators Rosen and Boozman are focusing on the need for a robust conversation on long term care financing, the workforce, and other aspects of long term care.

New from LeadingAge:

- [Individualized Positive Psychosocial Interactions.](#) *In this 16-minute QuickCast, Dr. Katy Abbott describes an evidenced-based program to improve quality of life for people living with dementia through one-on-one preference-based activities.*
- [Assessing Climate Resilience through the Lens of Aging.](#) *In this 21-minute QuickCast, Danielle Arigoni takes a closer look at climate impacts on older adults and the importance of community-scale interventions.*