



LPC Weekly Report

Friday, September 22 2023

Highlights for LPCs:

Reminder – PRF Reporting Deadline Sept. 30. Provider Relief Fund Reporting Period 5 reports are due just 10 days from now. Providers who received PRF and ARP Rural payments from January 1 - June 30, 2022 must submit their reports no later than 11:59 p.m. ET on September 30. Failure to submit a report will require the provider to return the funds received. As providers complete their reports, they are encouraged to look very closely at the expenses that they submit to make sure there is a clear nexus to COVID-19. Some providers who had their prior reports audited had some of their expenses disallowed, as the expenses were not deemed related to preventing, preparing for or responding to COVID-19. More information on allowable PRF and ARP Rural expenses can be found [here](#).

Need Help with Your Comments on the Staffing Standard? LeadingAge has released our guide to commenting on the nursing home staffing standard proposed rule. You can find the guide [here](#). Rather than providing a fill-in-the-blank template, we're providing a guide to help members submit unique, impactful comments that tell CMS exactly how this proposed standard will play out in the real world. CMS can make estimates based on data, but members can tell the real impact.

LPC September Member Network Call. Join us on Thursday, September 28 at 2 p.m. ET for our semiannual review of market trends and financial forecasting for LPCs. Driven by our powerhouse panel of experts from Ziegler, Greystone, CliftonLarson Allen, and others, we'll explore the current financial realities that LPCs must navigate, and where creative solutions can be found. Waiting room opens at 1:45 p.m. ET. All LeadingAge provider members are welcome. If you have not already received the invitation, or to be added to the Network, email Dee at dpekruhn@leadingage.org.

Workforce & Policy News:

Workforce: Reimagining Federal Pell Grants. The Young Invincibles released a report, *Reimagining Federal Pell Grants: Reshaping the Talent Pipeline for Young Adults*, which examines how increasing access to financial aid for short term credential programs may jump start the careers of many and help address the critical shortage of skilled workers in the US. The brief found that providing the young adult workforce with career training and reskilling opportunities creates pathways to economic mobility and that this is especially true for workers from marginalized communities. Many young people are reimagining education and are seeking nontraditional training opportunities outside of a typical university program, YI found. This report asserts that expanding access to the Pell grant to include certificate and credential readiness programs, which currently do not comply with the minimum Pell grant length requirements, would engage a new generation of workers capable of working in a variety of new roles. Read the full report click [here](#).

PHI Releases Annual Snapshot of the Direct Care Workforce in the United States. The annual report provides a holistic and sober look at the current state of paid caregiving across residential and licensed

settings. The snapshot, released September 11, includes key findings about the future of the long-term care sector, detailed demographics, and barriers to sustainable growth. PHI estimates that nearly one million jobs will be added to the caregiving industry over the next eight years while 9.3 million caregiving roles will need to be filled. To report can be found [here](#).

Around the States on Staffing Mandates. In addition to LeadingAge national's advocacy related to the proposed staffing standards - with the Administration and the Congress – members and state partners are taking steps to keep pushing the message out. LeadingAge Nebraska members shared a [letter to CMS Administrator Brooks-LaSure from the state's Congressional delegation](#), pointing out the unique compliance challenges that would be faced by rural states if the rule were finalized as is. Seeking to ensure “sustainability of access to long-term care,” the delegation posed 11 questions to the Administrator, which CMS will now have to answer. LeadingAge Georgia CEO Ginny Helms authored an [opinion piece](#) in the Sunday, September 17 Atlanta Journal Constitution describing the impact of the proposed rule and calling on the state's governor to increase funding for training of nurses and for nursing homes.

Department of Labor Will Offer Free Webinar on PUMP Act. The U.S. Department of Labor's Wage and Hour Division (DOL) has announced a free educational webinar concerning the federal Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act. The [PUMP for Nursing Mothers Act](#), which became effective in late December 2022, extends right-to-pump protections under the federal Fair Labor Standards Act to additional workers and provides employees access to additional remedies for violations. The series will include webinars tailored for specific employment sectors, including one for healthcare on Wednesday, November 15 from 2 -3 p.m. ET. The webinar is free, but [registration is required](#).

Advocacy & Hill News:

Action Alert to Tell Congress to Fund Affordable Senior Housing Programs at Highest Possible Level.

The October 1 start of the next fiscal year is looming. LeadingAge's [action alert for HUD funding](#) says that now is the time for aging services advocates to tell Congress to enact a stopgap bill that keeps the Department of Housing and Urban Development (HUD) programs fully funded and avoids a federal shutdown until Congress passes a final HUD appropriations bill. The alert also urges Congress to reject harmful cuts proposed in the House Appropriations Committee's fiscal year 2024 HUD funding bill and to:

- Fully fund the renewal of project-based rental assistance and service coordinators.
- Expand the supply of Section 202 Supportive Housing for the Elderly homes.
- Expand the number of service coordinators in affordable senior housing.
- Provide funding to support Section 202 housing preservation conversions under the Rental Assistance Demonstration program.
- Fully fund the HOME program.

All aging services stakeholders should [Take Action](#) today for affordable senior housing.

LeadingAge joins letter in support of the Nursing Home Disclosure Act. On September 20, LeadingAge joined multiple stakeholders in sending a letter in support of H.R. 177, the Nursing Home Disclosure Act. This bipartisan bill, introduced back on January 10 by U.S. Representatives Mike Levin (D-CA) and Brian Fitzpatrick (R-PA), would require nursing homes to report their medical directors to the Centers for

Medicare and Medicaid Services (CMS), who would then publish this information on Care Compare. Currently, some nursing homes do not provide a full public report of who their medical directors are, leaving families without critical information they need as they search for quality nursing homes and care for their loved ones. [Click here to read the full letter.](#)

LeadingAge meets with Domestic Policy Council on Hospice Special Focus Program. LeadingAge, along with our national association partners, met with the White House Domestic Policy Council on September 18 to discuss our concerns with the proposed implementation of the hospice special focus program. We discussed our support for the program but discussed flaws in CMS's proposed algorithm that we had outlined in our [comment letter](#). DPC staff asked a number of good questions that showed understanding of the issues we were raising and asked to see our comments in follow up.

ACL Holds Call Outlining Proposed Adult Protective Services Rule. On September 18 the Administration on Community Living (ACL) hosted a webinar outlining the background and key provisions of the proposed rule-making that would establish federal minimum standards for states' Adult Protective Services (APS) programs. The administration noted this rule is the next step in demonstrating their commitment to improving access, quality, and equity in home and community-based services. Because of inclusion of base funding to states for APS in the 2023 Omnibus spending bill that passed in December 2022, ACL is establishing itself as the federal compliance agency for APS activities. The rule proposes to establish standardized minimum categories of maltreatment, standardized definitions of commonly used terms in APS, and requires states to both establish policies and mechanisms for response to APS reports. Additionally, states must develop APS state plans and annual data reporting to ACL as a condition of receiving federal APS funds. The rule was released for public comment on September 12 with comments due on November 13. ACL offers an explainer and links to the [proposed rule](#) and other resources, [here](#). We will review and update as we assess potential effects on members.

Medical and COVID News:

"Up to Date" Definition Change Reporting Trainings. CDC will change the NHSN surveillance definition of "up to date" for reporting weeks beginning on September 25, 2023 to align with new [ACIP recommendations](#) for COVID-19 vaccines. Once the new vaccine and new vaccination recommendations are applied to surveillance data collection, the percentage of long-term care residents and healthcare personnel who are reported as up to date for COVID vaccine may change.

Restart of Free COVID Tests Mailed to Households. Beginning September 25, every U.S. household can again place an order to receive four more free COVID-19 rapid tests delivered directly to their home. Starting September 25, the free tests can be ordered via www.covidtests.gov. HHS officials say the tests are able to detect the latest COVID variants and are intended to be used through the end of the year. In related news, the Food & Drug Administration has a website to [see if existing COVID tests' expiration dates have been extended](#).

No Change in HHS Policy for Distributing COVID Test Kits to LTC Providers. With the uptick in COVID cases, LeadingAge has received some questions about whether HHS is still distributing COVID-19 test kits to long-term care providers and what to do to obtain additional test kits or ask questions. We queried the individual who leads this work in the HHS Office of the Assistant Secretary for Preparedness and Response (ASPR). First, HHS is continuing to distribute test kits to assisted living and nursing home providers, sending weekly allocations to sites unless they have asked to no longer receive test kits or

have asked for a decrease in their allocations. If providers have questions or want to request more test kits, they are advised to email tdx@hhs.gov with specific numbers and details on where to send the test kits.

Sunsetting Medicaid Flexibilities. Pandemic-era Medicaid flexibilities allowing augmented access to home and community-based services through 1115 and 1915 authorities have or will be sunsetting. While states had options to make many of these flexibilities permanent, many states have selected to not seek permanent authority to continue these flexibilities. KFF released an [issue brief](#) on September 19 outlining a number of findings from a recent survey and stressing how these changes could affect the already dire workforce shortage, including:

- 49 states elected to allow for virtual eligibility and care planning visits. Just over half - 26 states have or will maintain this flexibility, leaving 23 states to terminate this option,
- 21 states are reverting to service utilization limits as outlined in their approved waivers,
- 19 states are returning to pre-pandemic prior authorization requirements,
- 17 states have or will be terminating payments to family caregivers or legally responsible parties to be paid for Medicaid reimbursable services.