



Workforce Policy Weekly: Recap of LeadingAge Updates

September 22, 2023

LeadingAge Policy Update Calls; all calls are at 3:30 p.m. ET. With an updated vaccine formula rolling out this fall, it's important to know how this can impact our members and the people they serve. Join us on **September 25** to hear from Todd King, Senior Director of Clinical Services, and Nicole Kostelic, Executive Director of Quality LTC at Omnicare, a CVS Health Company. They will talk about what's new with the flu, COVID, and additional vaccination considerations, and discuss overcoming vaccine hesitancy. Members and other interested individuals can sign up to join LeadingAge's Policy Update calls [here](#). 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.

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.

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.

Veterans Administration Releases Annual Report Detailing Staffing Shortages. In an annual report, the VA Office of the Inspector General (OIG) worked with the Veterans Home Administration to identify severe staffing shortages by occupation in each VA medical center. For fiscal year 2023, the report reveals 3,118 severe shortages across 282 occupations. This is a continued rise in staffing shortages from fiscal year 2022, reversing an earlier decline between fiscal years 2018 – 2022. Practical Nurses were the most reported clinical occupation with severe staffing shortages whereas Medical Support Assistance was the most frequently reported nonclinical occupation with severe staffing shortages. Each of the 139 facilities surveyed reported at least one severe occupational staffing shortage. Read the full report, [click here](#).

Biden Administration Expands Legal Status and Work Permits to Nearly Half a Million Venezuelan Migrants. On September 20, the Biden Administration announced its decision to make 500,000 migrants from Venezuela eligible to apply for work permits with Department of Homeland Security Secretary Alejandro Mayorkas [extending](#) their Temporary Protection Status (TPS) for eighteen months. This designation covers immigrants who entered the country prior to July 31, 2023. TPS is reserved for individuals who cannot return safely to their home country for due to armed conflict, natural disasters, or other “extraordinary conditions.” Senate Majority Leader Chuck Schumer (D-NY) and House Minority Leader Hakeem Jeffries (D-NY), whose communities have been significantly impacted by the rise in immigration, released a joint statement upon the Administration’s announcement. “As a result of this decision, immigrants will be temporarily allowed to work, fill needed jobs and support their families while awaiting an asylum determination,” they said. While the Administration could extend TPS unilaterally, a senior administration official emphasized Congress needs to act to ease the immigration crisis.

CMS Announces Updates to Care Compare Staffing and Quality Measures CMS released [memo QSO-23-21-NH](#) on September 20 that outlines changes to Care Compare coming with the April 2024 refresh. Changes are largely due to the October 1 implementation of the new Minimum Data Set. Due to the removal of Section G and the resulting transition from RUGS-IV case mix methodology to a PDPM-based methodology, staffing measures and 3 quality measures will be frozen beginning with the April 2024 refresh. Staffing measures will unfreeze with the July 2024 refresh. One quality measure will unfreeze in October 2024 and the remaining QMs will unfreeze with the January 2025 refresh. Separately, CMS announced a change to staffing measure penalties in which providers who fail to submit PBJ data will receive the lowest possible scores for staffing ratings beginning in April 2024 (remember that the ratings will be frozen until July 2024). More information is available in the [Nursing Home Care Compare Five Star Quality Rating System Technical Users Guide](#).

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.

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](#).

“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. Trainings:

<p>When: Sep 25, 2023 1:00 PM Eastern Time (US and Canada)</p>	<p>Topic: Up to Date Vaccination Status: Surveillance Definition Change for Long Term Care Facilities (REPLAY) Webinar</p> <p>Register in advance for this webinar: https://cdc.zoomgov.com/webinar/register/WN_JGOOXuiSAW1VF2zS-baw</p>
<p>When: Oct 2, 2023 1:00 PM Eastern Time (US and Canada)</p>	<p>Topic: Up to Date Vaccination Status: Surveillance Definition Change for Long Term Care Facilities (REPLAY) Webinar</p> <p>Register in advance for this webinar: https://cdc.zoomgov.com/webinar/register/WN_TDnotOroSbiPut3-2-5RtQ</p>

Last Week’s Workforce Weekly Update. Here is the September 15, 2023 [Workforce Policy Update](#).