



Workforce Policy Weekly

September 8, 2023

LeadingAge Policy Update Calls; all calls are at 3:30 p.m. ET. On a recent call both our guest and Jenna Kellerman, LeadingAge's director of workforce strategy and development, talked about connecting younger kids with aging services early. The James L. West Center for Dementia Care has a program that engages middle school students in care. **Kristie Boiles**, who created and runs that program, will join us on **Monday, September 11**, to talk about it. Join us for this fruitful conversation. 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.

Students participating in medical, nursing, and therapy programs rarely identify working with the geriatric population as a primary goal. Two key elements that have been associated with improving students' openness to pursuing a career in geriatrics are increased clinical education opportunities with older adults and rigorous program curricula covering geriatric competencies outlined by professional organizations. Join us on **Wednesday, September 13** to hear from Jessica Dunn, Director of Clinical Education at Seton Hall University talk about the barriers related to staffing and retention as well as best practice strategies to improve recruitment, retention, and engagement of quality geriatric practitioners.

Social isolation and loneliness have been associated with an increased risk of dementia and premature mortality from all causes. The pandemic has exacerbated the loneliness issue, but it has also increased acceptance of virtual engagement to meet social needs. Join us on **Monday, September 18** to hear from Meghan Young, Associate Director for Opening Minds through Art (OMA) at the Scripps Gerontology Center, Miami University. She will talk about a new virtual tool has been developed to engage older and younger adults in meaningful conversations and fun activities.

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Proposed Staffing Rule Resources; Tool to Estimate Impact on Every Nursing Home, States. More than 400 members of LeadingAge participated in a Town Hall on the Proposed CMS Staffing Standards. The PowerPoint slide deck from LeadingAge's September 7 town hall, as well as other information on the proposed staffing rule, is available [here](#). Members can access our Excel spreadsheet to estimate the impact of the proposed rule (if finalized) on each individual nursing home in the country. The first tab on the spreadsheet uses recent data to depict important data points including the number of nurses, aides, and LPNs and the percentage increase needed (if more will be needed). The second tab uses the same data to show state level staffing and additional staff needed to meet ratios.

Other proposed staffing rule updates from LeadingAge:

Nursing Home Minimum Staffing Standards Proposed Rule Released - \$40.6 Billion Price Tag; LeadingAge Meets with CMS. The proposed minimum staffing standards for nursing homes were released to the Federal Register on September 1 and include a 24/7 RN requirement and minimum standards for RN and nurse aide staffing. Requirements include a phase-in and exemptions but will cost an aggregate \$40.6 billion over 10 years. The rule also includes enhanced requirements for Facility Assessments and transparency in Medicaid cost reporting. Read more [here](#). CMS leaders met with LeadingAge in conjunction with posting the proposed rule. They said they will be offering meetings, webinars, and other materials and sessions to explain the proposed rule, starting in about two weeks.

In case you missed it. Early LeadingAge Response to Staffing NPRM; Press Coverage. We released LeadingAge reaction to the proposed staffing rule within minutes of the early coverage of the rule's contents. The LeadingAge statement: "To say that we are disappointed that President Biden chose to move forward with the proposed staffing ratios [despite clear evidence against them](#) is an understatement.

We share the Administration's goal of ensuring access to quality nursing home care. This proposed rule works against that shared goal. One-size-fits-all staffing ratios don't guarantee quality, as the Administration's own Abt research findings made clear. That aside, it's meaningless to mandate staffing levels that cannot be met.

There are simply no people to hire—especially nurses. The proposed rule requires that nursing homes hire additional staff. But where are they coming from? To serve older adults and families, nursing homes must have the resources, including staff, to serve them. Without that, there is no care.

Funding for training programs – while a huge need, to be sure – is simply not enough at this point. America's under-funded, long-ignored long-term care sector is in a workforce crisis. The Biden Administration has in this initiative an opportunity to change the narrative surrounding nursing homes. Commit to real solutions: prioritize immigration reform to help build the pipeline, increase reimbursement rates to cover the cost of care and increase wages.

Nonprofit and mission-driven nursing homes will be forced to reduce admissions or even close if this rule is finalized—a needless outcome that will cause older Americans and families to suffer. The Biden White House in 2022 set out to create policy based on research. If neither study nor practice nor reason guide our federal regulations, how can CMS justify them?"

LeadingAge Comments Were Sought by Media Outlets and Included in Press Coverage. Press coverage about the staffing rule on September 1 was robust and voluminous. Some of the examples include the following (*indicates LeadingAge mention):

Wall Street Journal: [Nursing Homes Must Boost Staffing Under First-Ever National Standards](#) (Sep 1, 2023)

*Kaiser Health News, New York Times: [Federal Officials Propose New Nursing Home Standards to Increase Staffing](#) (Sep 1, 2023)

*Associated Press: [US will regulate nursing home staffing for first time, but proposal lower than many advocates hoped](#) (Sep 1, 2023)

*ABC News: [Nursing homes must boost staffing levels under new Biden plan](#) (Sep 1, 2023)

*Axios: [Biden administration proposes new nursing home staffing standards](#) (Sep 1, 2023)

- *Bloomberg Law: [Mandatory Nursing Home Staffing Levels Proposed by Biden HHS](#) (Sep 1, 2023)
- Politico Pro: [Nearly 3 in 4 nursing homes would have to add staff under CMS proposal](#) (Sep 1, 2023)
- Reuters: [Biden seeks minimum staff levels at US nursing homes](#) (Sep 1, 2023)
- CQ Roll Call: [HHS releases long-awaited nursing home staffing proposal](#) (Sep 1, 2023)
- *USA Today: [Biden wants to boost staffing at nursing homes, but feds rarely enforce existing rules](#) (Sep 1, 2023)
- *Washington Post: [Nursing homes face minimum staff rule for first time](#) (Sep 1, 2023)
- HealthDay: [Federal Government to Regulate Staffing at Nursing Homes for First Time](#) (Sep 1, 2023)
- *Spectrum News: [New Biden rule would set staffing minimums at nursing homes](#) (Sep 1, 2023)
- *Skilled Nursing News: [CMS Issues Federal Nursing Home Staffing Mandate](#) (Sep 1, 2023)
- *McKnight's Long-Term Care: [CMS issues first-ever nursing home staffing mandate](#) (Sep 1, 2023)

NOTE: The Hill and Fox News republished AP's article with LeadingAge mention. Other outlets may follow suit (ex: ABC republished AP before writing their own piece).

IRS: ERC Refund Processing Slow-Down. In an about-face from July's hearing and [press releases](#), the IRS [announced](#) this week that it will intentionally slow down the processing of [Employee Retention Credit](#) claims. This is because the IRS has received an abundance of suspicious, fraudulent, or inappropriate claims, and the intention is to more carefully analyze submissions prior to issuing refund monies. The IRS has already paid out an excess of \$150 billion in claims, and allegedly, there is a burgeoning influx of claims fueled by the third-party consultants that LeadingAge has repeatedly warned members to carefully screen. The IRS has offered no new timeline by when ERC claimants can now expect a response or refund; also, no answers to how the IRS will handle claims filed by organizations who were misled by unscrupulous third-party consultants. (At present, organizations that have received funds in error will have to return said funds, plus, potentially, interest and monetary penalties.) More information is expected to be forthcoming. LeadingAge members can continue to access our webinar [recordings](#) on the Hub; if you have an ERC experience you'd like to share, or if you have filed and are still waiting on a refund, please email Dee (dpekruhn@leadingage.org) or Nicole F (nfallon@leadingage.org).

House Committee Seeks Input on Workforce, Payments, Financing. In a September 7 open letter to health care stakeholders, House Committee on Ways and Means Chairman Jason Smith (R-MO) said the Committee is seeking information about [Improving Access to Health Care in Rural and Underserved Areas](#). The Committee is seeking to "identify how geographic barriers, misaligned Medicare payment incentives, and consolidation may be driving facility closures and workforce shortages." Chairman Smith outlined five areas for which the Committee is seeking comment: geographic payment differences, sustainable provider and facility financing, aligning sites of service, the health care workforce, and innovative models and technology. LeadingAge looks forward to reviewing the request for information and providing comment before the Committee's October 5 deadline.

Department of Labor Monthly Jobs Report Shows Growth in Healthcare Jobs, Yet Demand for Workers Continues to Exceed Supply. According to a [September 1 report from the U.S. Bureau of Labor Statistics](#), the number of healthcare jobs increased by 71,000 in August, up from 63,000 added in July. Hospitals (+14,500), nursing and residential care facilities (+16,500), and home health care services (+11,000) all saw growth in August. Job increases in nursing and residential care services for August exceeded the 11,500 added in July. In aggregate, the U.S. added 187,000 non-farm jobs last month, the same number as were added in July. The nation's unemployment rate rose by 0.3 percentage point to 3.8 percent in

August, which is little different from a year earlier, when the unemployment rate was 3.7 percent. The Bureau's [Job Openings and Labor Turnover report for July 2023](#), however, confirms that demand for labor continues to notably exceed supply, with [data showing](#) a ratio of 0.7 unemployed persons per job opening - i.e., there are approximately 1.5 jobs for every one individual seeking employment.

Welcome to LeadingAge, Nicole Howell, Director of Workforce Policy. Nicole Howell joined the LeadingAge national Policy Team on September 1. Nicole most recently served as Representative Bill Pascrell's Health Policy Advisor. Before that, as a Health and Aging Policy Fellow, she worked on the Health Subcommittee of the House Ways & Means Committee. Nicole hails from Nevada and previously served as Executive Director of Empowered Aging in California. She'll lead our workforce policy and advocacy activities, working closely with the rest of the Policy Team, other colleagues at LeadingAge, state partners, and members. You can contact Nicole at NHowell@LeadingAge.org.

Last Week's Workforce Policy Weekly update. Here is the September 1, 2023 [Workforce Policy Update](#).