

Highlights for LPCs and CCAHs:

LPC Member Network September Meeting: All provider members are welcome to join the LPC member network for our next meeting, on Thursday, September 19 at 2:00 PM ET (note: one week earlier than usual.) This month features our expert, powerhouse panel of returning favorites, Dan Hermann (Ziegler,) Stuart Jackson (Greystone) and Dana Anders (CliftonLarson Allen) who will discuss financial and capital market trends as we look towards YE 2024. Invitations are coming out shortly; please email dpekruhn@leadingage.org if you are not already on the list.

Now Available: the 21st Annual LeadingAge Ziegler (LZ 200) Report: Developed annually through a LeadingAge/Ziegler partnership, the LZ200 – now in its 21st year – is an eagerly anticipated report of the largest, most complex nonprofit senior living organizations. This year’s edition represents more than 300,000 market-rate units and nearly 1,600 market-rate communities across the country. It also outlines relevant business trends in the industry to showcase the variety of older adult services and offerings provided in this sector. Consistent with the last several years, the 2024 LZ 200 listing shows that not-for-profit senior living providers have grown primarily through community expansions from existing campuses as well as affiliation and acquisition activity. Nearly 30 percent of the total number of units for all senior living systems in the LZ 200 are represented by the 10 largest providers. [Download the full report here.](#)

Fitch Hosts Special Conversation for NFP LPCs. Following the [release](#) of the recent Feedback Report and Finalized Ratings Criteria for not-for-profit Life Plan Communities, Fitch is hosting a [special conversation](#) for our sector on September 20, 10 a.m. ET. Margaret Johnson, Sector Lead for Life Plan Communities will offer a comprehensive review of Fitch's U.S. Not-For-Profit Life Plan Communities Sector from fiscal year 2023 including commentary on margins, ratings trajectories, balance sheet metrics and spending with commentary on the hurdles that could influence the sector in 2024. There will be an opportunity to participate in a live Q&A. If you have questions in advance, please submit them to Sebastian Medina at sebastian.medina@fitchratings.com. The session is free to attend, but attendees must register at the link above.

Assisted Living Network on September 25 at 2p.m. EST. The quarterly network meeting will host Nicole Howell, Director, Workforce Policy to present the newly released [Immigration Imperative](#). Other hot topics and networking time will be on the agenda. Please come and join your assisted living colleagues. Any questions please reach out to Janine Finck-Boyle. Register [here](#)

2025 Call for Sessions at Annual Meeting Now Open: Do you want to present at the 2025 LeadingAge Annual Meeting in Boston? Aging services providers and business members have the opportunity to share their original, thought-provoking approaches, ideas, models, best practices, and more with the LeadingAge community. [Mark your calendars for the December 9 deadline](#) and submit your proposal for consideration. [View guidelines and submission information here.](#) The 2025 LeadingAge Annual Meeting will be held in conjunction with the [Global Ageing Network's](#) biennial conference.

Workforce & Hill News:

LeadingAge Releases “The Immigration Imperative” paper. Aging service providers are seeking new and innovative approaches to strengthen and build America’s long-term care workforce—including reforms to

our outdated and inefficient approach to legal immigration. This issue is one of the most critical for LeadingAge members and we are thrilled to announce the release of our latest white paper, [The Immigration Imperative](#). This paper offers a timely and relevant overview of current issues followed by practical recommendations on policy changes that will help to increase the pipeline of foreign-born long-term care workers in the U.S.—and create a foundation for them to thrive in our member communities. Our press released on this important LeadingAge product and priority can be found [here](#).

August Jobs Report Released. On Friday, September 6, the Department of Labor (DOL) released its August jobs report revealing the United States added 142,000 jobs and unemployment decreased slightly from 4.3% from 4.2%. The report also included downward revisions to prior jobs reports: June numbers were adjusted to 61,000 from the previously reported 118,000 and July was adjusted to 89,000, 25,000 lower than initially reported. The majority of job gains were concentrated in two sectors: construction, which added 34,000 positions, and health care, which saw a similar increase in payrolls. Average hourly earnings, which indicate wage growth, increased by 0.4% last month. Over the past year, they have risen by 3.8%.

OSHA Publishes Additional Work-Related Injury and Illness Data. On September 4, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) launched a [Severe Injury Report dashboard](#) that allows users to search its severe injury report database and view trends related to workplace injuries occurring in states covered by federal OSHA. The dashboard is searchable by year, industry, state, and establishment name, and includes data on severe injuries reported by employers covered under federal OSHA from January 1, 2015, to December 31, 2023. This follows OSHA's release in April 2024 of [injury and illness data](#) submitted by establishments from their OSHA Form 300A, as well as selected data from the more detailed Form 300 Log of Work-Related Injuries and Illnesses and Form 301 Injury and Illness Incident Report. We encourage LeadingAge members to review these public data, to become familiar with what information is available about your organizations and, if needed, to review it for accuracy.

Advocacy & Hill News:

Action Alert: Affordable Senior Housing Funding. On September 10, LeadingAge issued an action alert to urge aging services stakeholders to ask Senators and Representatives to increase and adequately fund HUD affordable senior housing programs in fiscal year 2025. There are large differences between the House and Senate FY25 HUD funding bills; the alert helps inform policymakers to support the strongest possible funding as Congress works to complete its FY25 HUD funding bill over the coming months. See the action alert [here](#).

State of Texas Requests Consolidation of Lawsuits Challenging CMS Minimum Staffing Standard: As we shared yesterday, on September 10 the State of Texas filed an [unopposed motion](#) seeking to consolidate its lawsuit challenging the CMS staffing standard, which the State filed August 14, into the suit in which LeadingAge is a co-plaintiff. Among other factors, the motion notes that both suits are filed in the U.S. District Court for the Northern District of Texas, and that there is substantial similarity between the facts and legal issues in both lawsuits. The State's motion proposes that our first-filed suit would be the lead case and that the parties would adhere to the schedule already in place for submitting briefs, which would preserve the existing, court-approved timeline. The court has not yet ruled, but we have updated our [Nursing Home Staffing Mandates Serial Post](#) to reflect the filing.

Congress Begins Consideration of Spending Stopgap. Congress is back in session as of September 9, with completing a continuing resolution by midnight September 30, the last day of fiscal year 2024 (FY24). On September 6, Representative Clay Higgins (R-LA) and House Committee on Appropriations Chair Tom Cole

(R-OK) introduced [H.R. 9494](#), a CR that would fund annually appropriated federal government programs at FY24 levels through the first six months of fiscal year 2025, until March 28, 2025. At a September 9 House Committee on Rules meeting on the rules under which the House will consider the measure as soon as September 11, Democrats voiced opposition to a six-month CR as well as H.R. 9494's provision that would require proof of citizenship in order to register to vote in federal elections. Congress has yet to enact any of the 12 FY25 appropriations funding bill despite the looming October 1 start to FY25. While mandatory spending programs like Medicare and Medicaid are not impacted by CRs because these are not annually appropriated programs, HUD funding is annually appropriated and thus directly impacted by a CR. LeadingAge's assessment is that keeping HUD programs funded at only FY24 levels for half of FY25 is a potentially dangerous proposal, one that could leave HUD with insufficient funds to renew rental assistance contracts with affordable senior housing providers at a full level and / or for full 12 month terms.

Healthcare & LeadingAge News:

LeadingAge Partners with HHS on Risk Less. Do More. Campaign. As cold and flu season approaches, LeadingAge is [partnering with the Department of Health and Human Services](#) (HHS) on a national initiative to reduce severe illness from common respiratory viruses in at-risk populations—including older adults age 65+ and those who care for them. Staying up to date with shots lowers the risk of getting sick with a respiratory infection, and we encourage members to check out the [Risk Less. Do More. campaign information](#) and use the [member toolkit](#) to help spread the word—and not the viruses! [Learn more and access the toolkit.](#)

Who Are You? Why Are You Here? Nursing Home Site Visits. LeadingAge has heard from several nursing home members lately about unannounced visits being conducted by CMS contractors. These visits are related to provider enrollment and revalidation, though this may not always be immediately clear. [Read on to learn more](#) about these visits and what you can do.

UHC Sending Mixed Messages on Application of on New Therapy Prior Authorization Policy. LeadingAge [reported](#) on the new United Healthcare and Optum policy requiring prior authorization for outpatient therapies including physical therapy, occupational therapy, and speech therapy that took effect on September 1, 2024. At that time, we noted this policy does NOT apply to skilled nursing facilities and home health agencies but that SNFs and HHAs must continue to follow any existing prior authorization requirements for these providers were not impacted. Some members have reported to LeadingAge that when they contact UHC on the matter they are receiving mixed messages stating that SNFs and HHAs must also follow the new policy which clearly does not identify these provider types as subject to the new policy. While we maintain that the UHC policy does not list SNFs or HHAs as covered entities, members should evaluate whether it might be prudent to secure prior authorizations in the short term for these services to increase the likelihood of future payment for the service. LeadingAge will reach out to UHC to see if we can get clarification on the policy and ensure that UHC provider services is accurately conveying it to members.

Former NY Gov. Cuomo Testifies Before Congress on COVID nursing home policies. Former New York Governor Andrew Cuomo testified before the House Select Subcommittee on the Coronavirus Pandemic at a September 10 [hearing](#) focused on his administration's handling of the COVID-19 pandemic and its impacts on nursing home residents. The Subcommittee has been engaged in an extensive and ongoing investigation regarding the Cuomo administration's March 2020 directive requiring nursing homes to admit COVID-infected patients. Further, a [report](#) issued by the Subcommittee's Republican members on September 9 presented interim findings that Mr. Cuomo and his

top aides influenced the conclusions of a report from the State Health Department in an effort to deflect blame for deaths in nursing homes. Subcommittee Chairman Brad Wenstrup (R-OH) was clear that the Subcommittee intends to continue its investigation. In his opening statement, Chairman Wenstrup [announced the issuance of a subpoena](#) to New York Governor Kathy Hochul, claiming documents pertaining to Mr. Cuomo's March 2020 directive are still be withheld. In another notable moment during the hearing, Ranking Member Raul Ruiz (D-CA) [announced](#) legislation to strengthen infection control and prevention efforts in nursing homes across the nation. According to Rep. Ruiz's announcement, the "Safer Nursing Homes Act" would make new, robust investments in the Centers for Medicare and Medicaid Services' (CMS) Survey and Certification efforts while making necessary reforms to ensure that comprehensive, sustained funding continues to be available for these oversight activities. LeadingAge staff will assess Rep. Ruiz's bill and will continue to monitor the Subcommittee's activities as well as any other legislation its members introduce.

LeadingAge to CMS: Eliminate Unnecessary and Duplicative Vaccination Reporting. In a September 9 letter to the Centers for Medicare & Medicaid Services (CMS), LeadingAge urged CMS to take prompt action to adjust required reporting of COVID vaccinations of residents and healthcare personnel. LeadingAge initially addressed this issue in a letter to CMS on May 31 and advised CMS not to delay any further as we approach respiratory virus season. Read the letter [here](#).

Registration Open for September 25 HHS Hispanic Health Summit. The U.S. Department of Health and Human Services (HHS) is hosting an in-person Hispanic Health Summit from 9:30 a.m. – 3 p.m. ET in the Hubert H. Humphrey Building, 200 Independence Ave. SW, Washington, DC. At this Summit, senior HHS leaders, the Biden-Harris Administration, and Latino health leaders will highlight their work to improve equity and access to health care in the Latino community. Panels and workshops topics will focus on health care access, caregiving, environmental health, and much more. Individuals interested in registering can do so [here](#). HHS notes that *seats are first come, first serve. Registration will be confirmed within the week and more details will be provided closer to the event. Questions can be directed to Kathya Meza, at Kathya.meza@hhs.gov.*