



## Workforce Policy Weekly

December 13, 2024

**National Policy Pulse: 2024 Holiday Schedule and 2025 Updates.** Over 700 of your LeadingAge peers join us weekly for our National Policy Pulse calls when we keep members equipped to navigate the ever-evolving landscape of aging services national policy. Here's how to stay engaged in the new year: If you're currently registered for 2024 National Policy Pulse calls, you'll remain registered for 2025 calls automatically. If you're interested in signing up for the calls (and are currently not registered), please sign up using [the link on our National Policy Pulse webpage](#). Holiday schedule:

- No call on Monday, December 23 or Monday, December 30, 2024.
- Calls will resume on Monday, January 6, 2025, at 3:30 p.m. ET.
- If you would prefer to be removed from the list, please email [Janine Finck-Boyle](#).

**Last Week's Recap Updates.** Here is the December 6, 2024 [Workforce Update](#).

**Developments in State-Led Legal Challenge to Staffing Rule.** Judge Leonard Strand, who is presiding over the lawsuit filed by LeadingAge state affiliates and state Attorneys General to challenge the nursing home staffing standard, has taken the plaintiffs' motion for a preliminary injunction under advisement following a December 5 hearing. The hearing followed the submission of detailed written arguments by the plaintiffs and HHS/CMS, and it offered Judge Strand the opportunity to pose questions to attorneys for all parties about the legal issues involved. Judge Strand also approved the filing of a friend of the court brief by a group consisting of the Center For Medicare Advocacy, Justice In Aging, and other advocacy organizations, in support of HHS/CMS and the rule. A link to the filing is available in our [Nursing Home Staffing Mandates](#) serial post.

**Workforce Innovation and Opportunity Act (WIOA) Moves Toward Senate Passage.** The Workforce Innovation and Opportunity Act (WIOA), which funds the majority of the nation's workforce training programs, is making progress toward Senate approval. The bill has secured support from top committee leaders and may be included in an end-of-year package that will move alongside a Continuing Resolution (CR) that is expected to fund the government through March. However, WIOA's passage faces hurdles due to holds placed by several senators, most notably Sen. Casey (D-PA), the outgoing Chair of the Senate Committee on Aging. Sen. Casey(D-PA), a prominent advocate for disability rights, has withheld his support for the bill, demanding it include provisions to eliminate the subminimum wage for workers with disabilities under the 14(c) exemption. This exemption allows employers to obtain certificates permitting them to pay disabled workers less than the federal minimum wage. Critics of the 14(c) policy argue that it is discriminatory and prevents individuals with disabilities from earning fair wages. The Biden administration [recently proposed](#) changes to phase out the use of 14(c) by halting the issuance of new certificates and allowing existing ones to expire over three years. However, this proposal will not be finalized before President Biden leaves office, and it remains uncertain whether President-elect Donald Trump supports ending the subminimum wage policy. Sen. Casey has long championed this cause, introducing the [Transformation to Competitive Integrated Employment Act \(S.533\)](#) to phase out the 14(c) exemption. LeadingAge has endorsed the House-passed version of the WIOA reauthorization, the [A Stronger Workforce for America Act \(H.R. 6655\)](#), which has already cleared the House and will work to secure the passage of a Senate version as well.

**Senate Introduces Bill to Expand Health Care Apprenticeships.** On December 6, Senator Wyden(D-OR), Chair of the Senate Committee on Finance introduced the [Fast Track Apprenticeship Act](#) which aims to streamline the development of new apprenticeship programs in healthcare and update and accelerate federal and state labor agencies' healthcare apprenticeship application processes to reduce delays and red tape for current and future programs. The bill would do so by requiring federal and state labor agencies to make determinations on health care apprenticeship applications within 45 days of receipt and requiring that the Department of Labor (DOL) digitize apprenticeship agreement forms, modernize the application process, and enhance accessibility for applicants. The bill also would provide employers the opportunity to revise and resubmit applications after rejection without enduring prolonged delays. By modernizing and expediting the review process, the bill facilitates easier pathways for employers to train aspiring health care professionals. This legislation is important for LeadingAge members because it reduces barriers to entry for healthcare workforce training through the apprenticeship program which is a bipartisan workforce program that healthcare is often not well represented in. We look forward to supporting this and other changes to the apprenticeship program that would allow more of our members to take advantage of this pathway for future staff recruitment.

**House Introduces Bill to Increase and Strengthen Pipeline of Healthcare Professionals.** On Tuesday, December 3, 2024 Reps. Carol Miller (R-WV) and Jill Tokuda (D-HI) introduced the [Strengthening Pathways to Health Professions Act\(H.R. 10280\)](#). The bipartisan legislation aims to amend the Internal Revenue Code of 1986 to exempt specific health professions' education-related scholarships and loan repayments from being counted as taxable gross income. This bill would grant tax-exempt status to several federal scholarship and loan repayment programs administered by the U.S. Health Resources and Services Administration. These include the Nurse Corps Scholarship and Loan Repayment Programs, the Substance Use Disorder Treatment and Recovery Loan Repayment Program, the Child and Adolescent Mental Health Pediatric Subspecialty Loan Repayment Program, and the Faculty Loan Repayment Program, all of which are integral to the National Health Service Corps. This legislation would bolster the healthcare workforce by exempting these scholarships and loans from federal income tax this encouraging more individuals to pursue careers in nursing within shortage areas or join faculty positions—both of which are critically needed to address pressing workforce gaps in the healthcare sector. LeadingAge supports this bill and will work with policy makers to encourage its passage.

**The Senate Passes the Older Americans Act Reauthorization (OAA).** On December 10, the Senate passed the [Older Americans Act Reauthorization Act of 2024\(S.4776\)](#), a critical piece of legislation that strengthens and modernizes services for older adults through 2029. OAA, sponsored by Sen. Sanders(I-VT), includes provisions to enhance access to nutrition programs, caregiver support, elder justice initiatives, and other essential services that promote the well-being and independence of older adults. The bill now advances to the House of Representatives for consideration. LeadingAge influenced the reauthorization responding to Senate Health Education Labor and Pensions(HELP) committee [request for information](#), participated in key meetings with Senate staffers and worked with advocacy groups to shape and advance the OAA reauthorization and will be working to ensure House passage.

**Senate Judiciary Committee Holds Hearing Examining Impact of Mass Deportations.** On Tuesday, December 10, 2024 Senator Dick Durbin(D-IL) Chair of the Senate Judiciary Committee held a hearing, [How Mass Deportations Will Separate American Families, Harm Our Armed Forces, and Devastate Our Economy](#). Senator Durbin and other lawmakers emphasized the importance of redirecting congressional efforts toward bipartisan solutions that provide border security while offering a pathway to citizenship for long-term residents and DACA recipients. Testimony was provided by a diverse panel of witnesses, including Aaron Reichlin-Melnick, Senior Fellow at the American Immigration Council; Foday Turay, a DACA recipient

and Assistant District Attorney; Maj. General Randy Manner (Retired); Art Arthur, Resident Fellow in Law and Policy at the Center for Immigration Studies and Patty Morin. The hearing, marked by several fiery exchanges between multiple Senators and Senator Durbin noted in his opening statement the indispensable role immigrants play across a variety of sectors including caregiving. LeadingAge continues to call for comprehensive immigration reform to expand the aging services workforce recently releasing the [Immigration Imperative](#), a white paper offering practical policy recommendations to increase the pipeline of foreign-born workers in aging services.

**House Education and Workforce Committee Appoints its Next Chair.** On Thursday, December 12, 2024, Rep. Tim Walberg(R-MI) was appointed by the Republican Steering Committee over Rep. Owen Burgess(R-UT) to lead the House Education and Workforce Committee during the 119<sup>th</sup> Congress. His appointment now moves to the full conference for final approval, a step that is primarily procedural. This marks the eight-term lawmaker's debut as chair of a full committee. Having served on the committee for over a decade, his victory is especially notable, coming nearly two years after his loss to Rep. Virginia Foxx (R-NC), who secured a rare party waiver to lead the Republicans on the committee for an unprecedented fourth term. The appointment comes after defeating Burgess Owens(R-UT) for the role. Rep. Walberg(R-MI), the dean of the Michigan delegation, has committed to prioritizing the alignment of education with workforce needs. His agenda focuses on reducing the cost of college, expanding access to apprenticeships and internships, advancing bipartisan legislation for short-term Pell Grants, and reauthorizing the Workforce Innovation and Opportunity Act, a cornerstone for governing critical workforce development programs. Rep. Bobby Scott (D-VA), the current Ranking Member, is poised to retain his leadership role as the head of the Democratic contingent on the committee. LeadingAge looks forward to working with the chairman and ranking member to advance policies that expand and support the aging services workforce.

**Hearing Proceedings Begin Concerning Marijuana Rescheduling.** Formal hearing proceedings regarding the Drug Enforcement Administration's (DEA) proposed rescheduling of marijuana began on December 2. This first convening served as a procedural day to address legal and logistical issues, including for presiding Administrative Law Judge John Mulrooney to ask questions of the organizations and individuals DEA has selected and designated as hearing participants. Shortly after, on December 4, Judge Mulrooney issued a [pre-hearing ruling](#) that sets a schedule, running from January 1 to March 6, for when participants will present information and testimony in the hearing. DEA will be the first to present, then other witnesses will follow, starting with organizations supporting the proposed rescheduling and followed by organizations opposed. Once the hearing concludes, the ALJ will submit its findings to the DEA, which DEA will consider, along with public comments submitted during the rulemaking and other information, to make a final determination about whether and how to finalize the proposed rule.

**OSHA Work-Related Injury and Illness Data for Calendar Year 2023 Are Available to the Public.** This is a reminder that the Occupational Safety and Health Administration (OSHA) is posting [2023 injury and illness data](#) for review by the public. The information includes summary data submitted by establishments from their OSHA Form 300A, which OSHA has been posting for a number of years. New in 2024, however, is that OSHA also has posted data from the more detailed Form 300 Log of Work-Related Injuries and Illnesses and Form 301 Injury and Illness Incident Report, which certain establishments are required to electronically submit under a [new tracking of workplace injuries and illnesses regulation](#) that took effect January 1, 2024. OSHA first posted selected 2023 data in April 2024 and has since added data, including on December 11. We encourage providers to review the 2023 data, which is presented through downloadable spreadsheets, to become familiar with what information is available about your organizations and, if needed, to review it for accuracy.

**KFF Examines Nursing Facility Characteristics Data.** On December 6, KFF released [A Look at Nursing Facility Characteristics Between 2015 and 2024](#) with data from Nursing Home Compare and CASPER (Certification and Survey Provider Enhanced Reports). The topline findings of the analysis include:

- The number of CMS certified nursing homes dropped by 5% between July 2015 and July 2024 (the study period).
- The number of certified nursing homes and the number of nursing home residents is lower now than it was in 2015.
- During the same period, the average daily nursing care hours per resident day decreased by 8% (from 4.13 hours to 3.80), despite residents' health needs generally rising and the average number of deficiencies per facility increased.
- The decline in staffing hours was primarily caused by a 21% reduction in registered nurse (RN) hours and an 8% decrease in nurse aide hours. In contrast, licensed practical nurse (LPN) hours rose by 6% during the same period. The only year that did not see a decrease in hours per resident day was 2021 which is likely due to larger reduction in the number of residents due to COVID than the reduction in staff in that year.
- Both the average number of deficiencies and the proportion of facilities with serious deficiencies have risen over time, potentially due to increased oversight and reduced staffing levels. From 2015 to 2024, the average number of deficiencies grew from 6.8 to 9.5, a 40% increase. The share of facilities reporting serious deficiencies between this period rose from 17% to 28%. This rise was generally consistent, with the exception of a stable period between 2020 and 2022.
- KFF also reported that the share of facilities by ownership type and the share of residents with Medicaid as their primary payment, 6 out of 10 residents, was stable over time. It was noted that the for profit facilities have received increased scrutiny.

This analysis points to the need for a large investment in nursing home staff which LeadingAge has called for repeatedly called for and adequate funding to prevent nursing home closures and ensure adequate staffing.

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