

# National Update

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**AHCA**<sup>®</sup>  
AMERICAN HEALTH CARE ASSOCIATION

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NATIONAL CENTER FOR ASSISTED LIVING



The Good News



# COVID-19 Related Relief

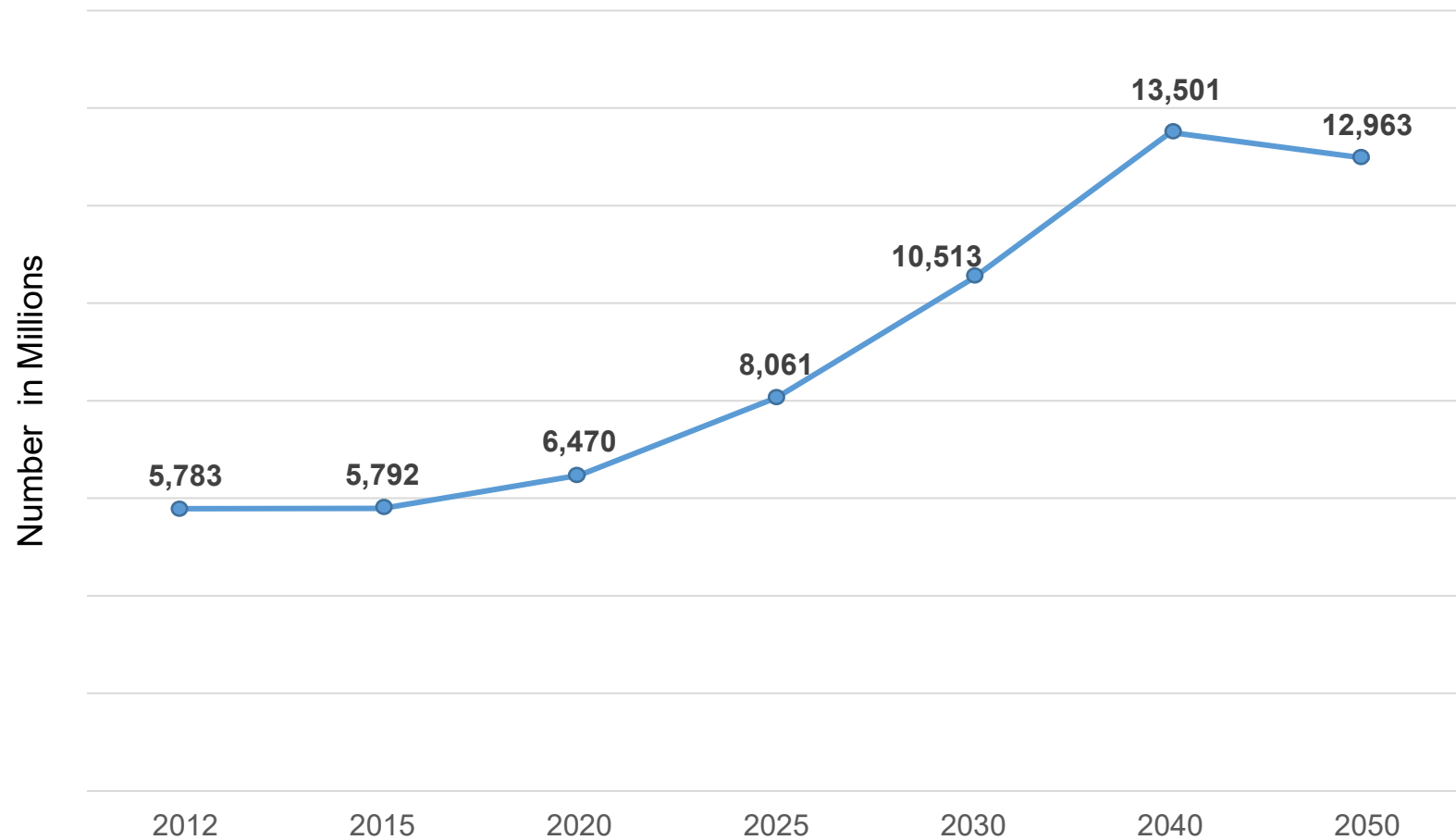
- Billions of Dollars in Funding
  - American Rescue Plan Act
  - CARES Act
  - Provider Relief Fund
- State Support
  - Over \$11B in state rate add-ons
- Waiver Support
  - TNA Waiver
  - 3 Day Stay
- PPE Support / Vaccine Subsidization



# Census Recovery is Possible

Category of Recovery	SNFs (%)	Occupancy Pre-COVID (2019 Avg)	Occupancy Current (Aug 21/28,2022 Avg)	Average of Occupancy Difference
1-Lowest Recovery (<=-15%)	3,345 (23%)	84.2%	59.6%	-24.6%
2-Lower Recovery (-15% to -7%)	3,346 (23%)	82.4%	71.9%	-10.5%
3-Low Recovery (-7% to < 0%)	3,448 (24%)	83.8%	80.5%	-3.2%
4-Full Recovery (>=0%)	4,425 (30%)	76.2%	84.6%	8.4%
Nation	14,564 (100%)	81.3%	75.0%	-6.3%

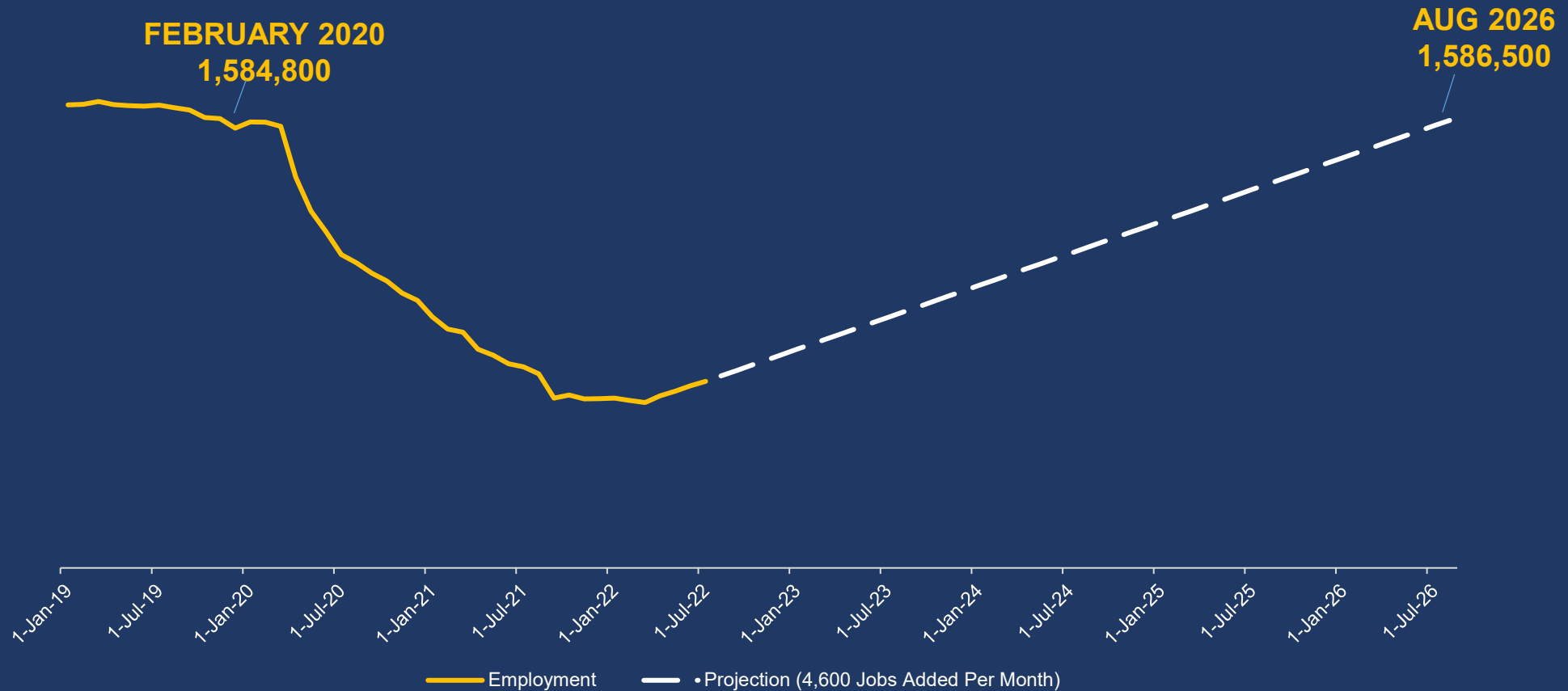
# Population Growth – 80-84 Years





Bad News

**AT CURRENT PACE, IT WILL TAKE AT LEAST FOUR YEARS FOR NURSING HOME STAFFING TO RECOVER TO PRE-PANDEMIC LEVELS**



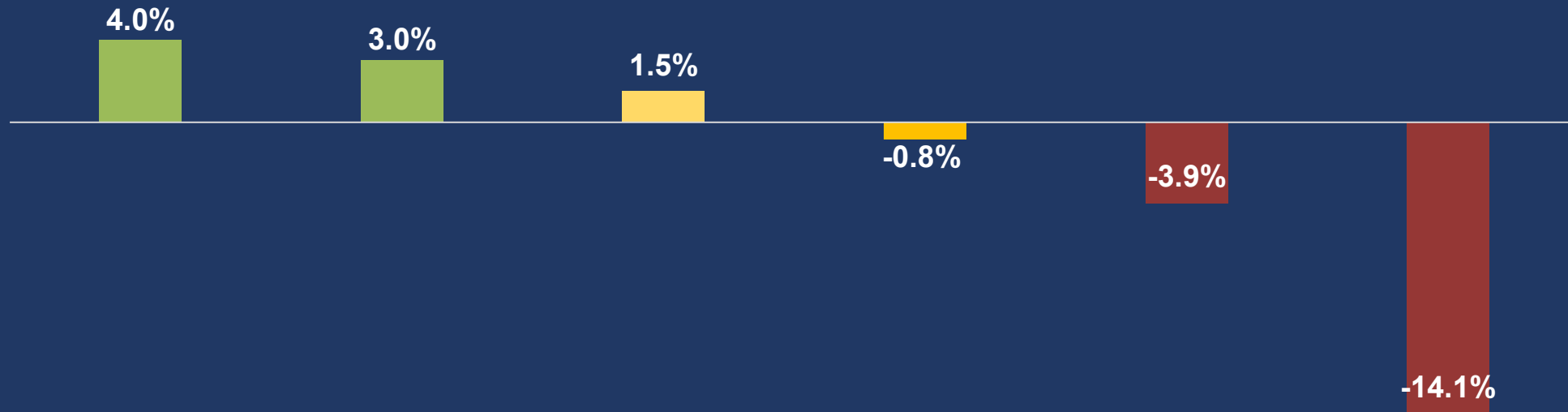
**After two years of monthly job losses, nursing homes have begun to see modest job gains in recent months.**

	<b>Mar-22</b>	<b>Apr-22</b>	<b>May-22</b>	<b>Jun-22</b>	<b>Jul-22</b>
<b>Nursing Home Employment</b>	1,342,700	1,348,700	1,352,600	1,357,400	1,361,100
<b>Change from Previous Month</b>		6,000	3,900	4,800	3,700
	<b>AVERAGE: 4,600</b>				



## LONG TERM CARE: WORST IMPACTED THAN ANY OTHER HEALTH CARE SECTOR

Percent Change in Health Care Sector Employment Feb 2020 - July 2022



	Physicians' Offices	Outpatient Care	Home Health	Hospitals	Assisted Living*	Nursing Homes
Difference %	4.0%	3.0%	1.5%	-0.8%	-3.9%	-14.1%

Source: Bureau of Labor Statistics (BLS) February 2020 – July 2022

\*Assisted Living BLS data through June 2022



Reality

# Nursing Home Occupancy



State  
NV

Latest Data:

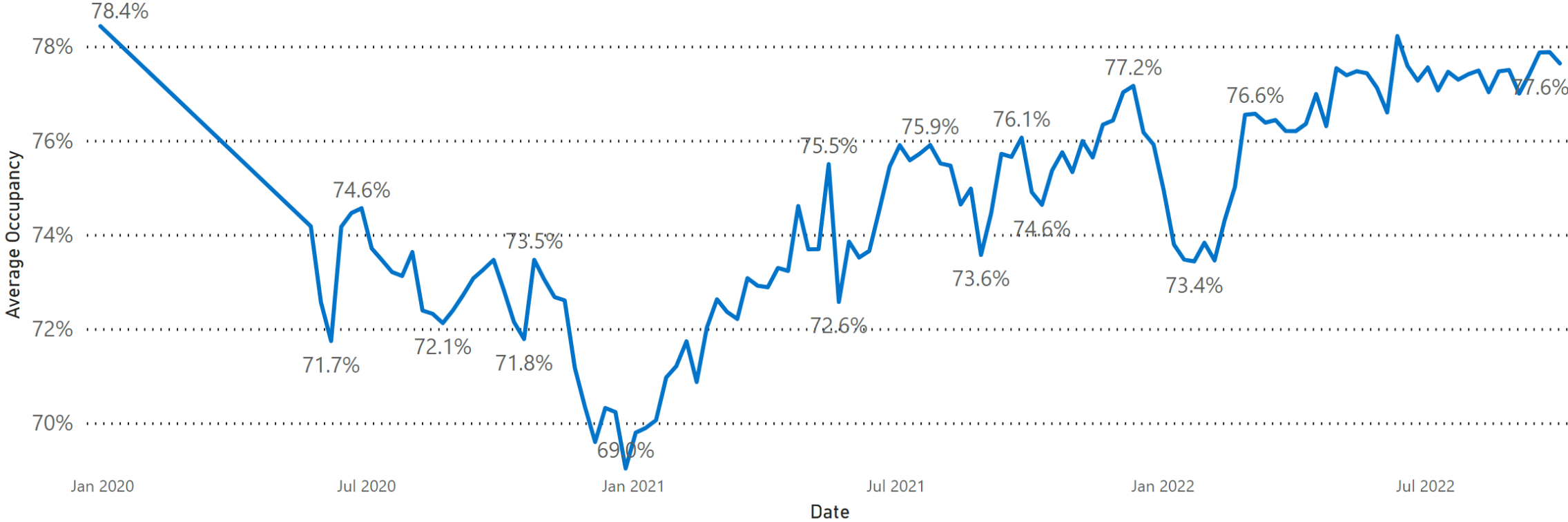
65

Nursing Home Reporting

78.5%

Average Occupancy

## Trend Since 2019



Latest Date  
October 2, 2022

Sources: Payroll-Based Journal (PBJ) for 2019 Occupancy, NHSN for 2020-23 Occupancy



# Politics, Policy, and the Future



Politics



# Biden Administration

- Increase in Risks
- Last two years in Biden's term with divided Congress
- Regulatory Activism



# Midterm Elections

- Likely divided Congress
- Net Positive



## Policy Focus

- Reimbursement
- Regulations
- Volume
- Workforce





# Reimbursement

- Medicare Fee for service rate
- Medicaid opportunities
  - State and Federal
- Medicare Advantage



# Regulations

- Minimum Staffing
- Survey and certification



# Regulatory Threats

- Mandatory Minimum Staffing
- Current CDC Infection Control Guidance
- Parity Adjustment
  - 2.7% increase vs .7% cut
  - 2-year phase in



# Mandatory Minimum Staffing Proposal

- Existential issue
  - All efforts will be focused on shaping policy
    - Between now and Q1 of 2023
- Goal is to ensure that any proposal from CMS
  - Considers labor supply and;
  - Fully funds the requirement



# CMS Guidance Changes 9/23

- CMS followed CDC guidance with two revised QSO memos:
  - [QSO-20-38-NH](#) (Testing) – F886
  - [QSO-20-39-NH](#) (Visitation) – including FAQ
- CMS relaxed some of the expected infection control practices.
  - Example, guidance for testing and quarantine are no longer based on whether a resident or staff is “up to date” with their vaccinations.



# Key Reliefs in CMS & CDC Guidance

Guidance	Change	Source
Entry screening for visitation exclusions & active monitoring of residents daily for fever and COVID symptoms	Discontinued	CDC Infection Control CMS Visitation Guidance
Routine screening testing of staff	Discontinued	CDC Infection Control CMS Testing Guidance
Quarantine and work restriction for asymptomatic following exposure	Discontinued	CDC Infection Control CDC Managing Personnel with Exposure
Vaccination status tie to source control/ masking, screening testing, quarantine & work restriction	Discontinued	CDC Infection Control & Managing Personnel w/Exposure CMS Visitation Guidance



# Key Reliefs in CMS & CDC Guidance

Guidance	Change	Source
Source control/masking for all when high community transmission level <u>or</u> when suspected/confirmed infection, recent close contact with someone with COVID, experiencing COVID outbreak or recommended by public health	Relaxed	CDC Infection Control CMS Visitation Guidance
Previous nursing home guidance archived, and new guidance streamlined across relevant healthcare settings	Relaxed	CDC Infection Control



## Check Your Local/State Guidance

- While CDC & CMS have changed their guidance and brought reliefs, the guidance from local and state health departments may be more restrictive
- Many states are working on updating their guidance to align with latest CDC and CMS guidance





# CMS TNA Waiver Solution

- CMS is working with States and Individual facilities to allow them to submit waiver flexibility and inquiry requests
- The below States have received extensions on the TNA waiver as of October 7, 2022:
  - **Massachusetts**
    - Until December 31, 2022
  - **Washington, Indiana, Louisiana, and Rhode Island**
    - Until March 29, 2023, or at the end of the Public Health Emergency (PHE), which ever comes first
  - **Maryland**
    - Until March 30, 2023, or at the end of the PHE



# CMS TNA Waiver Solution

- The below States have received extensions on the TNA waiver:
  - **Vermont, Minnesota, Pennsylvania, Texas and Oklahoma, Tennessee, New Jersey**
    - Until April 5, 2023, or at the end of the PHE
  - **Georgia**
    - Until April 6, 2023, or at the end of the PHE
  - **Mississippi**
    - Until April 7, 2023, or at the end of the PHE
  - **New York**
  - **North Carolina**
    - Until the end of the PHE



# CMS TNA Waiver Solution

- Waivers are time-limited, and CMS expects state agencies to actively work towards resolution of barriers to certification
- A facility cannot attain or retain a waiver longer than the declaration of a PHE
  - CMS will grant these waivers for a timeframe that is as short as possible and will only grant these waivers while the declaration of a COVID-19 public health emergency is still in effect.



## Volume

- 3 day stay policy
  - PHE vs permanent
- Provider Networks



## Workforce

- Multiple policy approaches



## Policy Solutions

- H.R. 7744 Building America's Health Care Workforce Act
  - TNA Workforce Bill
  - Sponsor: Brett Guthrie (R-KY) & Madeleine Dean (D-PA)
  - Cosponsors: 36 Representatives
    - 22 Republican, 14 Democrat
- H.R. 8805 Ensuring Seniors' Access to Quality Care Act
  - CNA Lockout Bill
  - Sponsor: Gerry Conolly (D-VA) & Ron Estes (R-KS)
  - Cosponsor: Liz Cheney (R-WY)
  - Senate Companion: S. 4381



## Policy Solutions

- S. 4381 Ensuring Seniors Access to Quality Care Act
  - CNA Workforce Bill
  - Sponsor: Mark Warner (D-VA) ; Cosponsor: Tim Scott (R-SC)
  - Cosponsors: John Barrasso (R-WY), Tom Carper (D-DE)
  - House Companion H.R. 8805
- S. 1024 / H.R. 2255 Healthcare Workforce Resilience Act
  - Immigration Workforce Bill
  - Senate Sponsor: Richard Durbin (D-IL); House Sponsor: Bradley Schneider (D-IL)
  - Cosponsors: 25 Senators & 70 Representatives



# 21st Century Long-Term Care Caucus

- AHCA/NCAL seeking to find a Congressional bi-partisan caucus to identify solutions that impact our sector and the patients we care for.
- Co-chairs: Rep. Annie Kuster (D-NH) and Brian Steil (R-WI)
- Anticipate briefings and sessions on issues such as strengthening the workforce, enhancing quality of life, and fair and equitable reimbursement system.





## 21st Century Long-Term Care Caucus

- AHCA/NCAL was the sole organization focused on long-term care issues to form a Congressional bi-partisan caucus to identify solutions that impact our sector and the patients we care for.
- AHCA/NCAL will be notifying you (After November elections) on how to encourage your Member of Congress to join the caucus.



## What You Can Do

- Help us get co-sponsors on the below bills
  - H.R. 7744 Building America's Health Care Workforce Act
  - S. 4381 Ensuring Seniors Access to Quality Care Act
  - S. 1024 / H.R. 2255 Healthcare Workforce Resilience Act
- Invite Members of Congress to visit your facilities
  - Matt Smyth will help facilitate
- Tell your Story!
  - Entire narrative must be about workforce



Questions?

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**IMPROVING LIVES** *by*  
**DELIVERING SOLUTIONS** *for*  
**QUALITY CARE**