

LPC Weekly Report

Friday, April 14 2023

**Highlights for LPCs:**

**Registration Open: Webinar on LPC [Financial Stability](#).** Join LeadingAge and a panel of experts including Ziegler, Greystone and other thought leaders for an in-depth overview of current market forces, lessons learned from distressed communities, and what it means for life plan communities on May 18 at 3pm ET. Life Plan Communities are weathering the storms of inflation, skyrocketing operational costs, workforce shortages, supply chain interruptions, occupancy and cash flows challenges and ever-evolving consumer demands. In this webinar, we will review current market forces, discuss cautionary and inspirational lessons-learned from case studies on distressed communities, and gain a deeper understanding of the challenges ahead for Life Plan Communities - and how to navigate those challenges.

**LPC April Member Network.** Please mark your calendars for the next LPC Member Network call on Thursday, April 27, 2pm ET (waiting room opens at 1:45pm ET.) Our panel of experts, including both members and their architect/ design firms, will discuss 'the business case for going green.' We'll also hear some 'teasers' about incentives available for sustainability projects under the Inflation Reduction Act. All members are welcome; please email [Dee Pekruhn](mailto:Dee.Pekruhn@leadingage.org) to register.

**Save the Date: ERC Office Hours.** Calling all LeadingAge members who have decided to pursue the Employee Retention Credit; we are hosting a panel of experts from Venable law firm, CliftonLarsonAllen and Forvis to answer your questions about the complexities you've encountered in navigating the ERC. ERC Office Hours will be held on Tuesday, April 25th from 3:30 - 4:30 PM ET; please email Dee ([DPekruhn@leadingage.org](mailto:DPekruhn@leadingage.org)) to register and receive the Zoom link. All members are welcome; this session is specifically tailored to those who have already pursued and/or filed for the ERC.

**LAST CALL: State of Seniors Housing 2023.** Together with several of our partner associations, LeadingAge asks all members who offer Independent Living, Assisted Living, Memory Support and/ or are a CCRC/ LPC to participate in the annual data-gathering for the State of Seniors Housing publication. This publication offers many of the comparative data sets that members seek throughout the year, including financial, workforce, and service line statistics. The deadline to participate is April 17, 2023, and all participants will receive a free copy of the final report. For more information, you can access more details [here](#) or contact Colleen Blumenthal at [colleen.blumenthal@healthtrust.com](mailto:colleen.blumenthal@healthtrust.com).

**PRF Late Reporting Request for RP4 – Due by April 28.** Provider organizations that missed the March 31 Provider Relief Fund (PRF) Reporting Period 4 (RP4) deadline due to extenuating circumstances have a one-time opportunity to submit a late reporting request between April 17 and April 28 at 11:59pm ET. If upon review the Health Resources and Services Administration grants the request, providers will submit their RP4 reports May 15 to June 2, 2023. Providers who do not submit required reports will be required to return the PRF dollars they received and will be ineligible for any future funds as they are out of compliance with the PRF Terms & Conditions. RP4 covers PRF and ARP Rural funds received between July 1 and December 31, 2021. More information on making a late reporting request due to extenuating

circumstances can be found [here](#). Here is a LeadingAge [article](#) with additional details about how to submit a request.

### ***Medical / COVID-19 Related Updates:***

**Federal Court Dismisses Home Health Aide Lawsuit.** The Center for Medicare Advocacy (CMA) [filed](#) a lawsuit last year on behalf of beneficiaries with chronic, disabling conditions who cannot access the home health aide services they require. According to Medicare law, the home health benefit covers up to 28-35 hours per week of aides for hands on care. However, CMS dictated policies and practices have unlawfully restricted the availability and coverage of these services. The court held that CMA lack standing to bring the case, claiming it is too speculative that a favorable court decision would “redress” the plaintiffs’ injuries from the inability to access aide services. CMA is assessing next steps to support Medicare beneficiaries in accessing these critical services.

**New QuickCasts for Nursing Homes on End of PHE.** LeadingAge released a 2-part QuickCast series on the LeadingAge Learning Hub on April 6 to assist nursing home members in navigating the May 11 end of the public health emergency. [Part 1](#) is an 11-minute QuickCast that provides an overview of what nursing homes need to *know* about the end of the PHE while [Part 2](#) is a 16-minute QuickCast outlining what nursing homes need to *do* about the end of the PHE. The 2-part series is available at no cost for LeadingAge members.

**Did COVID Change LTC Insurance?** Many LeadingAge members are interested in trends in LTC insurance sales, purchase, coverage, etc. The **Long-Term Care Discussion Group** will meet on Thursday, April 27, from 2:00 – 3:00 PM ET to hear from Sandy Jones, Partner, Faegre Drinker, about “How COVID has Changed Long-Term Care Insurance.” The discussion will include a holistic review of how the LTC insurance industry has been affected in many ways. For example, it will cover claims and policy administration practices, company hiring and staffing/retention, company-wide consistency issues, country-wide care shortages, accommodations, policy and claims exceptions, and increasing experience with fraud, waste, and abuse. No pre-registration needed. To join the call, simply connect to:

[Join Zoom Meeting](#)

<https://ahip-org.zoom.us/j/83679926540?pwd=K3d3NnhHTGE4aGYvTzNRS0c4WEhoZz09>

Meeting ID: 836 7992 6540

Passcode: 071916

One tap mobile

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### ***Advocacy Updates and Hill News:***

**LeadingAge Advises OSHA – Don’t Duplicate Existing Requirements and Avoid Overly Prescriptive Rules.** On April 7 LeadingAge submitted a comment letter to the Occupational Safety and Health Administration, with feedback on a possible future rule related to incidents of workplace violence perpetrated by patients/residents/clients and visitors toward employees in health care and social assistance settings. LeadingAge’s letter specifically said that OSHA should not duplicate existing requirements and must be general rather than overly prescriptive since aging services organizations

differ vastly according to size, setting, and the population served. At this stage OSHA has not issued a proposed regulation. Rather, the agency has developed a framework that shows its current thinking about provisions a future rule could include, which it recently brought forward for review and discussion through a [Small Business Advocacy Review \(SBAR\) Panel](#). An article about this OSHA initiative, with a link to our comment letter, [is available here](#).

**Discussing Immigration and Workforce Shortages.** On April 11, LeadingAge had a wide-ranging meeting with the Migration Policy Institute to discuss potential immigration reforms that could help address the aging services workforce shortage. MPI's April 2023 policy brief, *What Role Can Immigration Play in Addressing Current and Future Labor Shortages?*, examines how immigration can help address labor shortages, the trade-offs that governments must navigate, and current and potential approaches to factoring labor shortages into economic immigration policies. LeadingAge looks forward to working with MPI as we advocate solutions to the long-term care workforce shortage. Read MPI's policy brief [here](#).

**FY 2024 Appropriations: House Geriatrics Dear Colleague Letter.** Congressional leaders are generating letters of support for their FY 2024 funding priorities. Representative Jan Schakowsky (D-IL) has once again initiated a Congressional Dear Colleague letter to the Chair and Ranking Member of the House Subcommittee on Labor, Health and Human Services Education and Related Agencies (Labor-HHS), urging them to provide adequate funding for programs designed to increase the number of health care workers prepared to care for the growing senior population and to support family caregivers in the essential role they play. In total, 26 Members of Congress signed the letter.

The Dear Colleague ask for increased funding for programs administered by ACL, which includes strengthening their demonstration on direct care workforce initiatives, and strategies for recruitment, retention or advancement. Additionally, support for the geriatric's programs in Title VII of the Public Health Act, which includes the Geriatric Academic Career Awards and the Geriatrics Workforce Enhancement Programs. Several other programs are noted in the Dear Colleague, including: ACL's Family Caregiver Support and Lifespan Respite Care for family caregivers; NIH's National Institute on Aging and research specific to Alzheimer's disease and related dementias, and the BOLD Infrastructure for Alzheimer's Act of 2018. You can access the letter here: [House Geriatrics Dear Colleague](#).

**No LeadingAge Policy Updates calls on April 17 and 19, the week of the Leadership Summit.** On **Monday, April 24**, Mark SooHoo, Health Lead at Meteorite and Health Action Alliance, will join us to talk about the recent publication, "[Three Years of COVID-19: Lessons Learned and Next Steps for Employers](#)". 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.

**LeadingAge Seeking Experiences/Stories on HCBS Settings Rule Implementation** We know the Settings Rule simply isn't a good fit in a number of ways for our members. We may soon have an opportunity to talk about this with policy makers in CMS. We have discussed specific challenges with a number of providers and state partners in addition to reviewing statewide transition plans and heightened scrutiny documents. One state just recently reported that the state Medicaid agency denied a request to apply for an assisted living waiver because of the barriers created by the Settings Rule. Others have told us about adult day programs serving individuals with advanced dementia having to document why they are not helping participants find employment. More stories would be great. Georgia

***News from LeadingAge:***

**April Assisted Living Member Network Meeting Postponed Until May.** Due to Leadership Summit and scheduling, the April AL member network meeting will be rescheduled for May. We will send a May date and agenda in the end of April. If you have any questions or are interested in joining this member network, please contact Janine ([jfinck-boyle@leadingage.org](mailto:jfinck-boyle@leadingage.org)).