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The Senate of Texas Committee on Health & Human Services

Impact of COVID-19 Response on Long-Term Care Residents | December 8, 2020

LeadingAge Texas represents the full continuum of mission-driven, not-for-profit aging services providers in Texas. We are committed to assisting our members in providing the highest quality of services and care to the Texans they serve. We appreciate the opportunity to provide feedback and recommendations to Chairwoman Kolkhorst and members of the committee as they examine the impact of COVID-19 response on long-term care residents.

LeadingAge Texas is comprised of more than 350 members, including approximately 200 not-for-profit retirement communities, affordable senior housing, assisted living facilities, continuing care retirement communities, nursing homes, and home and community based services providers.

LeadingAge Texas has published the [Long-Term Care Situation Report](#) detailing COVID-19 response and impact statistics (*updated monthly*). We submit the following comments in response to the topics discussed at the December 8, 2020 hearing.

Visitation Restrictions Placed on Long-Term Care Facilities

Currently, visitation is specifically required by rule and HHSC may impose licensure remedies for facilities that fail to comply. Essential Caregiver visits must be permitted for COVID-negative and COVID-unknown residents in all facilities. Facilities that meet the outlined criteria to permit indoor plexi-glass, outdoor, car parade, and open window visits are instructed by HHSC to submit an application form to receive a visitation designation. Facilities must offer all formats of visitation once approved or coordinate with HHSC LTCR regional staff if they are unable to offer certain formats due to limitations on staffing, equipment, and physical environment.

Visitation Timeline:

- **March 13, 2020** - the Centers for Medicare and Medicaid Services (CMS) directed nursing facilities to restrict visitor access. Governor Abbott followed CMS action by prohibiting visitation in Texas long-term care facilities including assisted living communities.
- **June 22, 2020** – LeadingAge Texas, in collaboration with Texas Assisted Living Association and the Texas Health Care Association, submitted a formal request to the Office of Governor Greg Abbott to discuss a path toward reopening for visitation.
- **August 6, 2020** - Texas HHSC announced limited outdoor visitation for facilities that meet certain criteria.
- **September 24, 2020** – Texas HHSC [expanded visitation](#) to include essential caregiver, indoor plexi-glass, outdoor, car parade, and open window visits for facilities that meet certain criteria (current visitation model).

LATX Recommendations: As policymakers continue to navigate the COVID-19 pandemic (and set policies for possible infection mitigation efforts in the future), LATX encourages consideration of the negative impact infection mitigation policies have on long-term care residents' whole health, both physical and mental, as well as their ability to remain independent.

The Workforce Crisis in Long-Term Care

Before the COVID-19 pandemic, Texas faced a shortage in its long-term care workforce that threatened quality care and patient safety, as adequate and consistent staffing are the primary indicators of quality care in these settings. The pandemic has exacerbated the threat and it is critical the Legislature act to strengthen the long-term care workforce to meet current and future demand.

On October 19, 2020, the U.S. Department of Health & Human Services released [COVID-19 Intensifies Nursing Home Workforce Challenges](#). The report makes recommendations to federal and state governments in order to maintain adequate staffing levels and quality resident care.

Adding to the crisis, between 2010 and 2030 the number of Texans over 60 will more than double. A recent report by the U.S. Department of Health and Human Services projects Texas to have the largest increase in demand for overall long-term services and supports (LTSS) nursing care provided by RNs and LPNs between 2015 and 2030. It is estimated that 70% of Americans 65+ will need some form of LTSS in the future.

LATX Recommendations: In addition to the overall supply shortage, long-term care faces several unique challenges in recruiting and retaining adequate staff including; student lack of exposure to the field, competition across healthcare settings, level of pay, a highly regulated environment, negative public perception of long-term care and older adults, and a lack of critical resources throughout the COVID-19 pandemic.

- Create a special task force on direct care workforce retention and recruitment to evaluate and make recommendations related to job supports and incentives, training and education, wages and benefits, and certification rules.
- Strengthen the Direct Care Staff Rate Enhancement Program for Nursing Facilities.
- Support student loan repayment assistance initiatives to reward and attract nurses in to long-term care.

Enhanced Infection Control & Oversight to Protect Residents & Staff

The communal nature of nursing homes and long-term care facilities, and the population served (generally older adults often with underlying medical conditions), put those living in these settings at increased risk of infection and severe illness from COVID-19. (CDC)

The care provided in nursing homes and assisted living is unique and intimate. Assistance with activities of daily living may include: bathing, dressing, and feeding residents, and supporting personal hygiene.

Additionally, the primary indicator of facility infection rates is a high burden of COVID-19 in the area where staff live. Data shows a strong correlation between the level of community spread and the prevalence of outbreak in long-term care facilities.

On March 4, 2020, CMS prioritized its facility inspection protocols to focus on the most serious health and safety threats related to infection control. CMS directed states to survey 100 percent of



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the Medicare and Medicaid certified nursing homes in their state with a focus on infection control protocols to make sure facilities are effectively preventing the spread of COVID-19.

By August 2020, CMS issued more than 18 sets of guidance to provide states and nursing homes with ongoing information on proper infection control practices and protocols. Texas HHSC has issued 16 COVID Response Plans in nursing homes and 12 in assisted living.

Ongoing access to critical resources like PPE, testing, and staffing has been unreliable and costly. Providers may request emergency supplies and staff through the Texas Department of Emergency Management when all other efforts are exhausted. However, state support is limited and not guaranteed. As emergency staffing requests increase across Texas, HHSC reports waiting lists and an insufficient supply chain.

LATX Recommendations: As policymakers continue to examine the COVID-19 pandemic and develop policies for infection mitigation efforts in the future, LATX encourages consideration of the disproportionate impact COVID-19 has had on older adults. A more global approach must be taken in developing policies that seek to address widespread issues related to infection prevention beyond this pandemic. Ensure long-term care facilities have priority access to the resources necessary to prevent and mitigate the spread of COVID-19.

Financial Impact of COVID-19 on Long-Term Care Providers

Long-term care providers continue to face exponential expenses from testing, PPE, staffing, cleaning and other ongoing costs, while revenue has fallen substantially for many. Most LeadingAge Texas members report exhausting the federal funding relief provided throughout the public health emergency on increased operating expenses related to routine staff testing, staffing, and infection prevention.

Not all long-term care providers have had access to federal funding relief, including private-pay (non-Medicare/Medicaid) nursing facilities and assisted living communities.

Almost $\frac{3}{4}$ of nursing homes (72%) [reported](#) they will be unable to maintain operations for another year at this rate—and 40% said they would last less than six months.

LATX Recommendations: The Texas Legislature should examine long-term care facility funding and current expenditures to determine any additional support needed to ensure access to critical resources like PPE, testing, staffing, and infection control supplies. LeadingAge Texas is working to collect examples of the financial impact of COVID-19 on individual providers and will share with members of the committee once complete.