Recent Advocacy Accomplishments

LeadingAge, the trusted voice for aging, represents the full spectrum of services people come to need as they age. Our members provide the choice in aging services that consumers and policy-makers increasingly seek out.

NURSING HOME REGULATORY AND LEGISLATIVE ISSUES

Advocacy on nursing home regulation - LeadingAge pushed back against a call issued by 12 U.S. senators and 37 state attorneys general for an end to the moratorium on the imposition of civil monetary penalties for deficiencies cited under Phase II of the new requirements of participation. We pointed out that the moratorium is temporary, that deficiencies still are being cited, with other remedies being imposed, and that both nursing homes and state survey agencies needed time to learn compliance with the new requirements.

LeadingAge submitted a statement for the record of the latest Congressional hearing on nursing home regulation and is working with members of Congress and their staff to broaden understanding of the regulatory system and the need for reforms.

Nursing Home Survey and Certification / Certified Nursing Assistant Training – to address a problem that can only be corrected by legislation, we have drafted legislation to make the nurse aide training lockout discretionary rather than mandatory and to restore training authority once the nursing home is back in compliance. LeadingAge has educated dozens of Congressional offices about the devastating impact of the mandatory CNA training lockout, and is working toward the bill’s introduction.

Nursing home staffing reporting – In response to press reports alleging “discrepancies” between staffing levels reported before and after the roll-out of the payroll-based journal system (PBJ), LeadingAge pointed out that PBJ is the solution to the previous problem of inaccurate reporting on staffing levels. We urged Congress and watchdog agencies to hold off on any new regulatory activity until the bugs are worked out of PBJ and predicted more continuity in levels of staffing reported in the future.

Payroll-Based Journal System – We worked with CMS and nursing home members whose staffing levels were posted incorrectly under the new payroll-based journal (PBJ) system. We also urged CMS to restore stars nursing homes may have lost on the 5 star rating system due to incorrect PBJ reports as soon as the information has been corrected.

Skilled nursing facility quality reporting program – We are working with CMS to modify procedures to facilitate SNF compliance and ensure accurate and timely reporting.

Long-term services and supports regulation – LeadingAge submitted 14 separate recommendations to the House Ways and Means Committee for changes in laws and
regulations governing nursing homes, home health care and hospice providers and the
application of technology in the post-acute care field. The committee recently issued a report on
potential legislative and administrative changes that could reduce regulatory burdens.

Patients Over Paperwork Initiative: Administrator Seema Verma, CMS, kicked off the reform
initiative in Washington D.C. and asked LeadingAge to directly address concerns with regulatory
paperwork burden. We presented our position on specific Requirements of Participation burden
and Conditions of Participation challenges.

**NURSING HOME PAYMENT ISSUES**

**Medicare payment rates** – We regularly post and update calculators to help members determine
what their payment rates will be. We also have helped members gain access to information on
their rates under value-based purchasing and the Patient Driven Payment Model.

**Long-term services and supports financing** – we conducted a detailed analysis of Rep. Frank
Pallone (D-NJ)’s proposal for a new system of financing the services our members provide, and
LeadingAge was given a seat at the table during the rollout of the legislation. We are facilitating
the formation of a stakeholder group to work with Rep. Pallone on this issue.

**Medicaid** – in 2017, we went all out in our advocacy against congressional proposals to cut and
cap the Medicaid program. Due to the hard work of LeadingAge members and our coalition
partners, those proposals were defeated. We are looking out for any administrative changes, like
lifetime limits on eligibility, which some states have requested from CMS. We also collaborated
with the Association of Jewish Aging Services on a Capitol Hill briefing for members of
Congress and their staff on the importance of Medicaid to our field.

**Observation days** – we continue to advocate for legislation to require all time a Medicare
beneficiary spends in a hospital to count toward the three-day stay requirement for coverage of
post-acute care.

**WORKFORCE ISSUES**

**Center for Workforce Solutions** – LeadingAge has created the Center for Workforce Solutions,
which provides tools and best practices to help members recruit and retain staff. We are pushing
for legislation to address direct care workforce needs. In our advocacy on workforce issues, we
emphasize the acuteness of the challenge in rural areas.

**Immigration** – We are raising concerns now about the loss of temporary protected status for
thousands of immigrant long-term care workers who now will be subject to deportation. We have
generated grassroots advocacy on legislation introduced in the House and Senate to enable these
immigrants to remain in the U.S. We also are doing direct advocacy on Capitol Hill.
Teens operating patient lifts - We are advocating for a more reasonable Department of Labor approach that would allow 16- and 17-year-old CNAs to operate patient lifts. We are urging DoL to move forward in modifying the rule in spite of opposition from some advocates, since we point out that use of lifts is safer for both residents and staff than manual lifting.

AFFORDABLE HOUSING ISSUES

Full-Funding of Renewal Contracts: LeadingAge has worked with HUD and Congress to ensure that all existing housing affordable to very low-income seniors receive full 12-month contracts - not just the Section 8 contracts, but also the Project Rental Assistance Contract (PRAC) renewals, service coordinator grant renewals, Senior Preservation Assistance Contracts. We continue to advocate for this, and collaborate with others, to ensure sufficient funding in each fiscal year.

Expansion of affordable housing stock – As a result of the national campaign LeadingAge spearheaded, more than $100 million was appropriated in fiscal 2017 and 2018 for new Section 202 homes. This success reversed the seven-year drought in funding for new construction of homes through the U.S. Department of Housing and Urban Development’s Section 202 Housing for the Elderly program. We are urging Congress to increase this new funding to $600 million. In addition to HUD’s programs, LeadingAge also is advocating for expansion of the Low Income Housing Tax Credit program.

Preservation of existing affordable housing stock – Just as important as the construction of new homes is the preservation of existing housing affordable to older adults with low incomes. LeadingAge led the successful effort over the last several years to expand a HUD preservation program to include certain Section 202 communities. This change, approved by Congress in 2018, will allow quality homes to remain affordable for generations to come.

Maximizing the operation of affordable housing – Adequacy of funding, timeliness of payments, changes to systems, oversight of grants, rebidding of third-party contract administrators, proposed modifications to fair housing policies, implementation of new annual certification processes for residents/applicants, and reduction of regulatory burdens have been the focus of LeadingAge comments and interventions on behalf of members. Thanks to LeadingAge, HUD’s Office of Multifamily Housing staff have improved communications on funding, resolved numerous instances of unpaid grants or contract rent payments, enhanced resources for service coordinators and related systems, and continue to consider streamlining options that will be beneficial to housing operators and not harmful to residents. We also provide our housing members with the latest information on REAC inspections, disaster preparedness, and going smoke-free.

TAXATION

Private Activity Bonds and Medical Expense Tax Deduction – the Tax Cuts and Jobs Act, as passed by the House of Representatives, would have gutted both private activity bonds and the
medical expense tax deduction – of key importance to LeadingAge members and the older adults they serve. LeadingAge advocated tirelessly to restore both of those key provisions in the final version of the tax bill.

**FUTURE TRENDS IN AGING SERVICES**

**Managed care** – LeadingAge is launching the Center for Managed Care Solutions & Innovations in October with the goal of not only providing members with tools and information through a web portal but also of providing thought leadership on this topic to position our members to successfully participate in new managed care opportunities (e.g., new supplemental benefits for HCBS providers in Medicare Advantage) and affecting future policy on managed care.

**Long-term services and supports** – in partnership with the University of Massachusetts/Boston, LeadingAge has established the LTSS Center @ UMass Boston, to blend the resources of a major research university with the expertise and experience of applied researchers working with providers in the field of long-term services and supports.

**Technology** – the LeadingAge Center for Aging Services Technologies (CAST) is leading the charge to expedite the development, evaluation, and adoption of emerging technologies that can improve the aging experience.

**OTHER ISSUES**

**Money Follows the Person reauthorization/EMPOWER Act** - LeadingAge submitted a statement for the record in support of the legislation. We are working with a large coalition of aging and disability groups to move the legislation forward.

**Technology** – LeadingAge is actively involved in advocacy on the Reducing Unnecessary Senior Hospitalization (RUSH) Act, which would expand nursing homes’ role in telehealth. We are discussing with sponsors potential changes to address concerns about how the Act’s provisions might affect Medicare payments to nursing homes, quality measures for reducing hospitalizations, and other issues. The Ranking Member of the Senate Commerce Committee specifically requested LeadingAge’s input on this legislation.

**Resident life** - We have developed tools for members with questions on firearms and on marijuana in their communities.

**ENGAGING LEADINGAGE MEMBERS**

LeadingAge has issued over 20 action alerts that have generated more than 20,000 emails and phone calls from our members to Congress on key policy priorities. These communications were key to our success in preventing Medicaid cutbacks and preserving the charitable contributions and medical expense deductions under the 2017 tax cut legislation.
We have kicked off our public policy priority setting process by instituting Town Hall Conversations in each state to hear directly from our members about the main issues affecting their organizations, residents, and staff.

We also have initiated a new Coffee Chats with Congress campaign, encouraging our members to invite legislators to their communities to show the great work they are doing and also discuss pressing issues for our residents and members.