

Improve Access to Quality Aging Services

Policy Priorities for the 86th Session

Support Initiatives to Strengthen the Long-Term Care Workforce

In 2017, the Texas Department of State Health Services reported that direct-resident-care Registered Nurses (RNs) had the highest position vacancy rates in the state (18.9%). Comparatively, RNs in hospitals had a vacancy rate of 8.1%. Certified Nursing Assistants (CNAs) produced the highest overall median facility turnover rate among nursing staff at 65.5%. To compare, CNAs also had the highest turnover rate among nursing staff in hospitals (34.1%).

The current workforce shortage in long-term care poses the greatest threat to patient safety, as adequate staffing levels are the primary indicator of quality care in nursing homes. High vacancy and turnover also increase workload and stress levels of existing staff and place greater financial strain on facilities that rely on government funding sources to operate.

LeadingAge Texas supports initiatives that encourage health care professionals to enter geriatrics and long-term care settings. Developing a student loan forgiveness program available to nursing students who enter long-term care will produce more opportunity for new nurses, improve quality care for aging Texans and generate potential long-term cost savings for the state.

Strengthening existing programs like the *Nursing Facility Direct-Care Staff Rate Enhancement & Accountability* will also improve quality-care, recruitment and retention by allocating Medicaid dollars to direct-care staff wages and benefits.

Support Responsible Medicaid Funding Strategies that Improve Access to Quality Care

Medicaid is an essential source of coverage for long-term services and supports in Texas – covering 62% of nursing home residents. Adequate Medicaid reimbursement makes a major difference to providers' ability to meet the costs of recruiting, training and retaining qualified staff, as well as other essential operations to ensure high quality clinical care and quality of life for residents and people served in the community. Texas' current strategy for financing Medicaid isn't sustainable and continues to strain our state budget. Greater efficiency and long-term cost savings may be achieved by better targeting state resources.

LeadingAge Texas supports a Medicaid payment system in Texas nursing homes that is accountable, is quality-based with a focus on direct-care staffing, drives toward systemic improvement across the field and centers regulation on patient-care instead of paperwork.

Clarify the Types of Services Permitted in Assisted Living Communities

Current statute is ambiguous on the types of services permitted in licensed Assisted Living Facilities creating inconsistencies in interpretation by both providers and regulatory bodies. This lack of clarity prevents Assisted Living Facilities from offering certain non-skilled health services that may allow the resident to remain in an independent living environment. Because of this, residents may be faced with additional costs to access these services, risk leaving their home and the need for a higher level of care. In order to meet the demands of our rapidly growing aging population, we must take steps to better address the needs of older Texans by creating efficiencies across the continuum of care.



LeadingAge Texas supports legislation that clarifies current statute so licensed Assisted Living Facilities may perform Health Maintenance Activities (HMAs) as defined by the Texas Board of Nursing. HMAs are tasks that may be exempt from RN delegation based on a RN assessment that enable a resident to remain in an independent living environment and go beyond ADLs because of the higher skill level required to perform. This clarification will help achieve greater regulatory consistency, resident safety, choice and independence.

Preserve Existing Affordable Senior Housing Communities & Encourage New Development

By 2030, nearly 1 million Texans will be 85 and older. As our population rapidly ages there is a growing need for housing options for low-income seniors. Bringing health and supportive services to affordable senior housing communities is a cost-effective strategy allowing seniors to age independently and avoid costlier settings.

The Low Income Housing Tax Credit Program administered through the Texas Department of Housing & Community Affairs has become one of the only funding sources for existing and new affordable senior housing communities. LeadingAge Texas supports measures that make this program more accessible to housing providers that support seniors' ability to remain independent in both urban and rural neighborhoods.

Prevent Financial Abuse of Nursing Facility Residents by Responsible Third-Parties

Many nursing home residents' funds are managed by third parties, usually their children, because the residents lack the cognitive ability to manage their own financial affairs. This arrangement exposes residents to abuse and exploitation, as some responsible third-parties improperly divert or steal residents' funds that are needed to pay for their long-term care.

Under federal law, nursing homes cannot require a third party to commit their own funds to pay for the resident's care. Due to this, when a third party unlawfully uses a resident's funds and fails to pay for their care and services, the nursing home's ability to pursue the perpetrator is limited by issues of legal standing and contractual privity. Without legislation giving facilities a clear right to pursue debts against responsible parties that have diverted resident funds, residents are susceptible to discharge and lawsuits.

LeadingAge Texas supports legislation that grants nursing homes legal standing to pursue resident funds from the responsible third-party for the purpose of satisfying debts owed for long-term care services rendered.

Improve Service Delivery under STAR+PLUS Medicaid Managed Care

Providers have struggled to meet the administrative demands of STAR+PLUS since carved into the program in 2015. While improvements have been made through collaboration between the Health and Human Services Commission, Managed Care Organizations (MCOs) and the provider community, ongoing issues continue to strain nursing home staff resources and divert attention from actual patient-care.

LeadingAge Texas supports measures that streamline administrative processes under managed care. We encourage programs be developed to incentivize quality care, distinguish high performing providers and hold MCOs accountable for resident outcomes.

Defend Tort Reform Provisions

In 2003, medical liability reforms were passed to protect both providers and patients. These reforms have successfully reduced lawsuits and liability costs increasing the number of quality providers who specialize in geriatric medicine and aging services.