

# LeadingAge Wyoming Newsletter

## LeadingAge Wyoming Presents Comment Letter to CMS Regarding MFAR

In November 2019, CMS issued new proposed rules and guidance on Provider Taxes and Upper Payment Limit programs. This new guidance is called the Medicaid Fiscal Accountability Regulation (MFAR). The proposed rules are onerous and could have very distinct and catastrophic consequences to hospitals, nursing homes and state budgets, if it is enacted in the proposed manner.

LeadingAge Wyoming has been working closely with our national partners at LeadingAge on this issue. LAW has also met with the Governor's office, the Wyoming Department of Health and had several phone calls with our Wyoming Congressional delegates.

LAW prepared and submitted comments to CMS on behalf of its members regarding MFAR. The following contains key points addressed in the letter. LAW is committed to serving in the best interest of its member organizations, and strives to ensure they are aware of advocacy efforts at the local, state and federal levels.

LeadingAge Wyoming (LAW) represents 22 long-term care providers, 14 of which are Non-State Government Owned ("NSGO") Skilled Nursing Facilities ("SNF") that participate in the State of Wyoming's

Skilled Nursing Facility Upper Payment Limit Program ("UPL Program"). These comments are provided on behalf of the 14 NSGO-SNFs currently in the UPL Program and other SNFs that may join the UPL Program.

The UPL Program has spurred dramatic improvements in the quality of care and facilities that the NSGO-SNFs are able to provide to Medicaid beneficiaries over the past few years since the UPL Program was approved by CMS and implemented in Wyoming, under the direction of Wyoming Medicaid. Facilities have been updated, Star Ratings have improved, nursing ratios have risen, resident programs and enrichment opportunities have increased, and the overall care of Medicaid patients has improved.

LAW is concerned the important and significant advancements in quality of care and facility infrastructure occurring in Wyoming as a result of the UPL Program will be destroyed if the changes proposed in the Medicaid Fiscal Accountability Rule (the "Proposed Rule") are adopted. As currently drafted, the Proposed Rule may have a crippling effect on the UPL Program. Without the additional revenue SNFs receive under the UPL Program for the services they furnished to Medicaid beneficiar-

ies, these SNFs may not be able to sustain the quality improvements achieved through UPL Program participation.

In addition to the UPL Program, there is a significant potential for the state's other supplemental payment programs to be undermined which will adversely affect those who rely on the Medicaid program for care across the state of Wyoming.

The magnitude of financial loss to the Medicaid program as a result of this rule, the restriction of access to important financing and limiting supplemental payments, will decrease the quality of care and reduce access to care for our state's most vulnerable patients. Nursing homes and rural hospitals are likely to be impacted in a negative way.

LAW strongly urges CMS to withdraw or significantly modify the Proposed Rule to ensure it does not compromise access to high-quality nursing facility services for thousands of Medicaid patients and residents in Wyoming and throughout the United States.

A copy of the entire comment letter sent to CMS can be found on the LeadingAge Wyoming website at [leadingagewyoming.org](http://leadingagewyoming.org)

## **LeadingAge Wyoming Spring Meeting**

### **April 28-29, 2020**

The LeadingAge Wyoming Spring Meeting will be held April 28-29, 2020 at the Plains Hotel, Cheyenne, Wyoming.

We have a special program planned for this year's meeting. Below are just a few of the topics to be presented.

- Representatives from CMS will be here to provide training on abuse and neglect.
- Katie Sloan, President/CEO of LeadingAge National
- State Nursing Home Board of Administrators and more.

Mark your calendars now for this exciting program.

#### **Tentative Agenda Plains Hotel Cheyenne, Wyoming**

April 28, 2020

7:00 a.m.  
8:00 a.m.-Noon  
1:00 p.m.-4:00 p.m.

Breakfast  
Educational Programs at Plains Hotel  
CMS-Training on Abuse & Neglect  
Red Lion Inn, Cheyenne

Dinner on your own

April 29, 2020

7:00 a.m.-Noon

Educational Programs

**Plains Hotel  
1600 Central Avenue  
Cheyenne, WY 82001  
307-638-3311**

**Mention Wyoming Hospital Association room block for discounted rate**

## **Senator Barrasso Co-Sponsors S. 2993**

### **CNA Certification**

LeadingAge Wyoming is supporting S. 2993, the Ensuring Seniors Access to Quality Care Act, introduced by Senators Mark Warner (D-VA) and Tim Scott (R-SC).

This bill is similar to H.R. 4468, the Nursing Home Workforce Quality Act, in that both bills eliminate the automatic loss of certified nurse training authority for two years if a nursing home receives a certain level of civil money penalties.

In both bills, the training authority is reinstated when the home comes back into complete compliance. And both bills direct CMS to monitor these nursing homes as needed. However, the Senate bill retains the two-year suspension if the CMP resulted in immediate jeopardy for direct patient

harm or injury related to an abuse or neglect deficiency and the nursing home had deficiencies related to direct patient harm in the past two years.

"Workforce development is crucial to our members' ability to provide top-notch care. The loss of nurse aide training authority is an obstacle to quality improvement for nursing homes, and particularly so when increased staffing levels are needed," said Katie Smith Sloan, president and CEO, LeadingAge.

"We have for years advocated for changes to the training lock out mandated under the Nursing Home Reform Act of 1987. This legislation, like its counterpart in the House, offers a much-needed solution to help

alleviate the severe workforce shortage in long term care. We applaud Senators Warner and Scott for their leadership in the Senate on this important issue."

LeadingAge has advocated for eliminating the automatic two-year lock out for many years, arguing that the ability to recruit and train staff is critical to quality care, and loss of training should be narrowly restricted. We are encouraged by the bipartisan support in both House and Senate.

We are pleased to announce that Wyoming Senator John Barrasso has signed on to co-sponsor the bill.