



December 2023

Barrasso, Lummis Express Concern Over CMS Nursing Home Staffing Rule

U.S. Senators John Barrasso and Cynthia Lummis (R-Wyo.) sent a letter to the Centers for Medicare and Medicaid (CMS) regarding the agency's proposed minimum staffing standards in nursing homes. Specifically, the senators disapprove of the administration's one-size-fits-all approach that does not account for the needs of rural states, such as Wyoming.

Should the proposed rule become a requirement, it will result in nationwide nursing home closures due to provider shortages, financially devastate facilities in Wyoming, and leave vulnerable individuals in rural communities without care. The letter urges CMS to rescind the proposal and work with Congress, states and key stakeholders on alternative solutions.

"Across the country, Long-Term Care (LTC) facilities face dire workforce shortages. The United States is projected to have a 10 to 20 percent shortage of nurses in the coming years," the senators wrote. "If the proposed rule is implemented, many LTC facilities will be forced to hire additional Registered Nurses (RNs). Additional RNs will cost facilities in Wyoming at least \$500,000 in annual salaries or more should they be forced to hire travel nurses to supplement their permanent workforce."

"CMS estimated the proposed rule would cost \$40.6 billion over ten years. It stated, 'LTC facilities would be expected to bear the burden of these costs, unless payers increase rates.' Many LTC facilities will be unable to take on these staggering new costs. We are concerned that facilities may decide it is no longer economically viable to accept government insurance, resulting in our nation's most financially and physically vulnerable individuals being turned away from care," the senators continued. "We are willing to work with your agency on proposals to improve LTC for patients and providers. The best way to accomplish this goal is by working with Congress, key stakeholders, and states to ensure federal mandates do not exacerbate the serious challenges already facing facilities across the country."

Full text of the letter can be found [here](#).

WHAT THEY ARE SAYING: Groups Support Fischer Effort to Protect Rural Seniors' Access to Care, Halt Damaging Medicare Staffing Rule

Stakeholders Say President Biden's CMS Rule "Threatens Access to Long-Term Care for Seniors Everywhere"

Recently, U.S. Senator Deb Fischer (R-Neb.) **introduced** the Protecting Rural Seniors' Access to Care Act. The legislation prohibits the U.S. Department of Health and Human Services (HHS) Secretary from finalizing a proposed nursing home staffing rule that would hurt facilities across

rural Nebraska and could force many to close.

Since its introduction, the legislation has received broad support from stakeholders.

The bill is endorsed by over 100 organizations including: the American Association of Post-Acute Care Nursing (AAPACN), American Health Care Association (AHCA), American Hospital Association, American Society of Consultant Pharmacists, American Seniors Housing Association, Association of Jewish Aging Services, Catholic Health Association of the United States, Federation of American Hospitals, Good Samaritan, Immanuel, LeadingAge, LeadingAge Nebraska, Lutheran Services in America, National Association of State Veterans Homes (NASVH), National Center for Assisted Living National Organization of State Offices of Rural Health (NOSORH), National Rural Health Association, Nebraska Health Care Association, Nebraska Hospital Association, Tabitha Health, and Vetter Senior Living.

Stakeholder Support:

“We are already facing a crisis in access to care in Nebraska nursing homes, and the proposed staffing mandate would only make this worse. We have more people needing services than we have available providers, and many waiting for services in our hospitals and at home.

The CMS proposed minimum staffing mandate will only make it harder for older adults and families to receive the care they need. Getting this wrong will jeopardize equity and access for care now and into the future with a growing number of older adults. The issues that need to be addressed are developing a strong workforce and assuring providers receive adequate funding to cover the cost of services. LeadingAge Nebraska wholly supports Senator Fischer in this bill and will encourage our advocates across the U.S. to urge their representatives to do the same,” **said**

LeadingAge Nebraska CEO Kierstin Reed.

“We applaud Senators Fischer and Tester for introducing this legislation. This unfunded mandate threatens access to long term care for seniors everywhere, but especially our nation’s rural and underserved communities. It requires substantial resources that nursing homes simply don’t have to hire more than 100,000 additional caregivers that simply don’t exist, ultimately threatening to close nursing homes across the country. Rather than this impossible, one-size-fits-all mandate, we need thoughtful workforce policies that will help address nationwide nursing shortages and incentivize caregivers to choose a career in long term care. We fully support this bill and look forward to working with Congress on more productive solutions to ensure access to critical long term care services,” **said the American Health Care Association/National Center for Assisted Living (AHCA/NCAL).**

“Ensuring that older Americans have access to quality care in nursing homes is a widely shared goal. The proposed nursing home staffing requirement is the wrong approach. By prohibiting this unrealistic and unfunded mandate, the Protecting Rural Seniors’ Access to Care Act will help to ensure older adults can get the care and services they need and fend off more nursing home closures. It further offers a path to solutions by establishing a panel to address workforce shortages that are chronic throughout the sector. We applaud Sen. Fischer’s effort to get this right for all Americans,” **said LeadingAge President and CEO Katie Smith Sloan.**

Full list of endorsements:

Advena Living Group, ADVION, Alabama Nursing Home Association, American Association of Post-Acute Care Nursing (AAPACN), American Health Care Association, American Hospital Association, American Seniors Housing Association, American Society of Consultant Pharmacists, Arizona Health Care Association, Arkansas Health Care Association, Association of Jewish aging services, Avera, California Association of Health Facilities (CAHF), Care Providers of Minnesota, Care Providers Oklahoma, Cascadia Healthcare, Catholic Health Association of the United States, Colorado Health Care Association, Connecticut Association of Health Care Facilities, District of Columbia Health Care Association, Essentia Health, Federation of American Hospitals, Genesis Healthcare, Georgia Health Care Association, Good Samaritan, Health Care Association of Michigan, Hill Top House, Hospital and Health System Association of Pennsylvania, Idaho Health Care Association, Illinois Health Care Association, Immanuel, Indiana Health Care Association, Iowa Health Care Association, Iowa Hospital Association, Kansas Health Care Association/KS Center for Assisted Living, Kansas Hospital Association, Kentucky Association of Health Care Facilities, LeadingAge, LeadingAge California, LeadingAge Colorado, LeadingAge Connecticut, LeadingAge DC, LeadingAge Florida, LeadingAge Georgia, LeadingAge Iowa, LeadingAge Kansas, LeadingAge Maine & New Hampshire, LeadingAge Massachusetts, LeadingAge Minnesota, LeadingAge Nebraska, LeadingAge New Jersey & Delaware, LeadingAge New York, LeadingAge North Carolina, LeadingAge Oklahoma, LeadingAge PA, LeadingAge South Carolina, LeadingAge Tennessee, LeadingAge Texas, LeadingAge Virginia, **LeadingAge Wyoming,** Louisiana Hospital Association, Louisiana Nursing Home Association, Lutheran Services in

America, Maine Council on Aging, Maine Health Care Association, Maine Hospital Association, Maine Medical Association, Maine Osteopathic Association, Maryland Rural Health Association, Massachusetts Senior Care Association, Midwest Health, Inc., Minnesota Hospital Association, Minnesota Rural Health Association, Mission Health, Mississippi Health Care Association, National Association of State Veterans Homes (NASVH), National Center for Assisted Living, National Organization of State Offices of Rural Health (NOSORH), National Rural Health Association, Nebraska Health Care Association, Nebraska Hospital Association, New England Rural Health Association, New Hampshire Health Care Association, North Carolina Health Care Facilities Association, North Dakota Hospital Association, North Dakota Long Term Care Association, Ohio Health Care Association, Pennsylvania Health Care Association, Pennsylvania Rural Health Association, Rhode Island Health Care Association, Sanford Health, South Dakota Assoc. of Healthcare Organizations, South Dakota Health Care Association, St. Otto's Care Center Inc., Tabitha Health, Texas Health Care Association, The Alaska Hospital & Healthcare Association, Trinity Health, Utah Health Care Association, Vetter Senior Living, Virginia Health Care Association-Virginia Center for Assisted Living, Wisconsin Health Care Association, and the Wyoming Health Care Association

The Next Phase of the Employee Retention Credit: The IRS Audit

Thursday, December 14
2:00-3:30 p.m. ET

As the IRS intensifies their scrutiny of ERC claims, some organizations - including LeadingAge members - are navigating the audit process.

In this live event, a panel of experts from Forvis, CliftonLarson Allen, and Venable Law Firm will draw from various IRS resources, along with real-time examples of clients and members who have been audited and successfully defended their ERC claims.

- Explore considerations for reviewing submitted claims and determining if they are still valid under new IRS guidance.
- Learn strategies, and have access to tools and resources, to prepare for and navigate the complexities of this ever-evolving funding program.
- Understand and walk through the claim evaluation and rescission process.

Join LeadingAge and a panel of experts on December 14 to learn strategies—and access tools and resources—to prepare for and navigate the complexities of the ever-evolving funding program. Experts will walk participants through the claim evaluation and rescission process.

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Mon | Dec. 11 2023 | 11:00am-12:30pm

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Governor | Latkes, Donuts & More | Cheyenne Youth Symphony

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CHRISTMAS

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Help make Christmas special for our neighbors here at Big Horn Rehab. We are a 128 bed community for long term and skilled nursing. If you're able to donate, please consider these items:

- scarfs
- snacks
- toiletries
- sweatpants
- hats & gloves
- puzzles & books
- slippers with grips
- crayons and markers
- word search & puzzle books



Around the State

Life Care Center of Cheyenne - Our facility is proud to be named one of the Best Nursing Homes in America by U.S. News & World Report!



4-h cowpokes started the Christmas season bringing joy down the halls of the Pioneer Home. Thank you Cowpokes for all you do in our community, your fantastic.



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