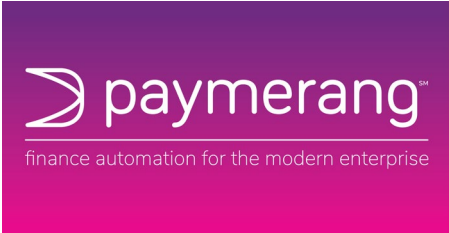


# Thank you to our 2021 LeadingAge Kansas Partners



LeadingAge Kansas  
COVID-19 Weekly Update  
December 17, 2021

# Federal Update – Vaccine Mandate

- In the Missouri case (in which Kansas is a party), the Eighth Circuit Court of Appeals (in a [one-sentence order](#)) denied the Biden Administration's motion to lift the injunction currently in place for the CMS mandate. There was no analysis or rationale for denying the order provided by the Eighth Circuit. With this decision, the Biden Administration can now appeal directly to the Supreme Court to lift the injunction
- 5th Circuit of Appeals restored CMS vaccine mandate for 26 states. Kansas is NOT included – states that filed cases in Missouri and Louisiana still have the mandate on hold.
- States where CMS vaccine mandate is paused: Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Utah, West Virginia, Wyoming
- LeadingAge National stated that the 26 states who no longer have an injunction may not see a difference because CMS already issued its Dec 2nd memo stating that it will not enforce the mandate while court injunctions are pending. Even with some of the injunctions lifted it will likely be too confusing for CMS to start enforcing in only half the country.

# More Federal News

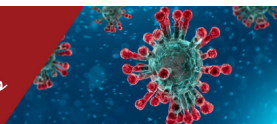
- **OSHA health care ETS** set to expire Dec 21st if not renewed
- **PRF Phase 4 payments** are rolling out. This [article](#) from LeadingAge National explains the methodology HRSA used in calculating the payments and what providers can expect as an average payment.
- **EEOC** updated its [guidance](#), saying that a person diagnosed with COVID-19 may be considered to have a disability under the Americans with Disabilities Act (ADA) under certain circumstances.

# State Update

- The new funding announced for COVID-19 testing in Kansas does not apply to long term care. We received confirmation of this from the Governor's office this week, and they have stressed to us that absent additional federal funding for testing, adult care homes must pivot to use of free testing through Battelle
- There have already been problems reported with Batelle concerning delayed results and supply chain issues. The Governor's chief of staff said that they met with Battelle this week and are "working on it."
- **It is extremely important that you start the enrollment process with Battelle.** It is a 3-4 week onboarding process which may take longer with a rush on enrollment with Omicron outbreaks.

# More State Update

- Senior Care Task Force update



# LeadingAge National Update

## Special Briefing Call Invitation: COVID-19 Booster Shots for Seniors

We're pleased to invite you to participate in call with **White House COVID-19 Coordinator Jeff Zients and Director of the Centers for Disease Control and Prevention Dr. Rochelle Walensky** on the COVID-19 response and booster vaccinations for seniors.

We'll share the latest updates on the President's plan to combat COVID-19 and confront the Omicron variant this winter by using every tool at our disposal. And we'll ask for your partnership as we work to reach the roughly 100 million eligible Americans—including our nation's seniors—with their booster shots.

### Call Information

**Date: Friday, December 17th**

**Time: 2:00 PM EST**

**Call Information:** [https://pitc.zoomgov.com/meeting/register/vJlSceqhpjkrGSxW\\_HIDNvfjfXoj9TCr55U](https://pitc.zoomgov.com/meeting/register/vJlSceqhpjkrGSxW_HIDNvfjfXoj9TCr55U)

**Build Back Better update:** Requirement that CMS implement minimum staffing ratios has been eliminated. The requirement that beginning in 2024 both SNFs and NFs must have an RN on duty 24/7 has been retained. There is a provision that could help fund new staff. "Grants to Improve Staffing and Infection Control" provides \$800M beginning in 2024 to states to provide wage or benefit enhancements or improve and develop training and career development opportunities and/or expand staffing for nursing staff that care for Medicaid recipients.

# LeadingAge Kansas Update

## KanCare Oversight Committee testimony and recommendations

- Special section of the committee hearing dedicated to staffing agency issues in long term care. Huge thank you to Dawn Veh for representing LeadingAge Kansas members, she did an excellent job!
- Watch the staffing agency discussion on [YouTube](#)
- Committee recommended that the legislature explore legislation reinstating the use of temporary aides in adult care homes. No recommendation made on staffing agency legislation.

## Meeting with Governor Kelly's Chief of Staff

- **Restoration of temporary aides:** Governor's office will encourage legislative leadership to push a bill through quickly. No other assistance offered
- **Testing concerns:** Governor's office strongly encourages providers to enroll with Battelle. Unless federal government provides more testing funds to Kansas, the administration will not look to other funding mechanisms or other solutions to bring long term care back into the state-funded regional lab partnerships.
- **SPARK Committee:** The process for considering new ARPA funded proposals (such as an employee retention program in long term care) is still on hold. They hope to start again in January.



# Value First PPE and Testing Update

- McKesson, Value First's preferred distribution partner, supply chain update:
- The Abbott BinaxNow continues to be under allocation however the Quidel Quickvue antigen tests are now available.
- McKesson also does still have availability on the CareStart rapid antigen test.
- Continue to anticipate a two week delay with either antigen option.
- Due to high demand, they are requesting limiting orders to 30 day supply.
- McKesson does still have inventory on PPE however they are experiencing some shortages in commodity categories, including plasticware.
- Continue to be in close contact with your McKesson representative with the additional needs you might have. , Scott Fleet.  
(816.305.7177) [scott.fleet@mckesson.com](mailto:scott.fleet@mckesson.com)
- Reach out to me with any questions you may have! [ann@leadingagekansas.org](mailto:ann@leadingagekansas.org)



'TIS THE SEASON...  
TO CELEBRATE

# Honoring Your Staff



# Upcoming Educational Webinar

Reduced Facility Acquired Infections and Staff Call-Out  
Results of a Prospective and Retrospective Study in  
Long-Term Care

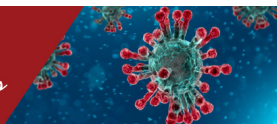
Tuesday, January 11 | 1:00 PM

[Click to Register](#)

# Upcoming Weekly Webinar Schedule

**December 24 – No Weekly Webinar**

**December 31 – No Weekly Webinar**



# Upcoming Weekly Webinar Guest Presenters\*

**January 7th 2022**

**Janine Finck-Boyle, Vice President of Regulatory Affairs, LeadingAge**  
**Jodi Eyigor, Director, Nursing Home Quality and Policy, LeadingAge**

**January 28, 2022**

**Joe Franco, LeadingAge Vice President of Grassroots**

**February 18, 2022**

**Cory Kallheim, LeadingAge Vice President of Legal Affairs and Social Accountability**

**February 28, 2022**

**Katie Smith Sloan, President and CEO of LeadingAge**

\*These dates are all tentative.



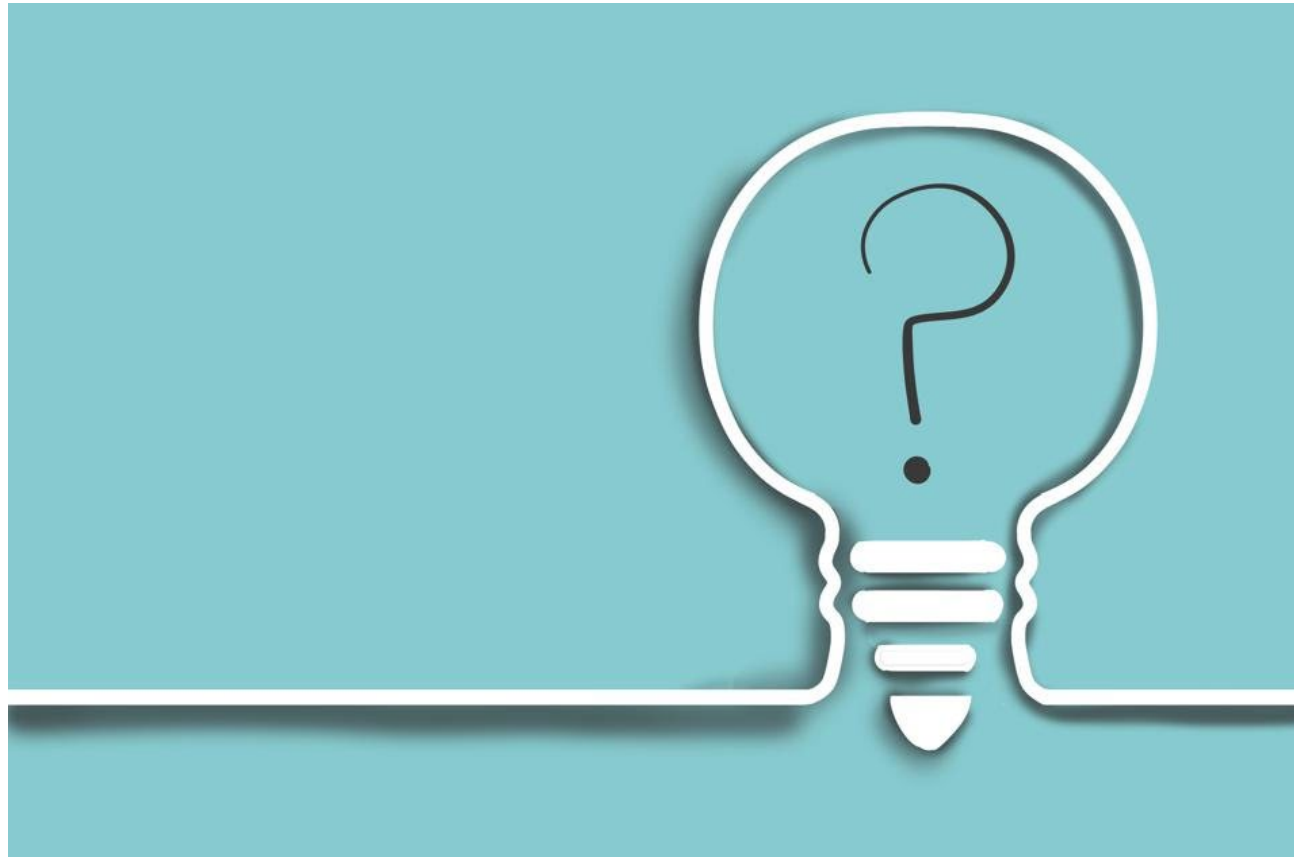
copyright blue chair blessing

# Mindfulness Minute

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**Take time this holiday season to be aware of your senses and be thankful for His blessings:**

- **Sight**
- **Smell**
- **Sound**
- **Touch**
- **Taste**



[www.leadingagekansas.org/covid19](http://www.leadingagekansas.org/covid19)



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