



Support nursing homes with COVID-19 emergency staffing and regulatory relief

To: Governor Laura Kelly and Members of the Legislative Coordinating Council

From: Debra Zehr, President/CEO, LeadingAge Kansas

Linda MowBray, President/CEO, Kansas Health care Association

RE: ACTION REQUESTED: COVID-19 staffing and regulatory relief for Kansas adult care homes

Date: August 30, 2021

Due to increased spread of the COVID-19 Delta variant, our ongoing workforce crisis, and a new federal vaccine mandate threatening the availability of care for our residents, we respectfully request assistance from Governor Kelly and the Legislative Coordinating Council on long term care staffing and regulatory relief.

In July our two associations conducted an extensive survey of long term care providers in Kansas. The survey results show that staffing shortages and financial instability in long term care have reached dangerous new levels. A third of survey respondents are struggling to care for the residents they have and are denying any new admissions due to worker shortages. Another third of respondents are experiencing serious financial insecurity or considering closing within the next year.

The Biden administration recently announced its intention to mandate COVID-19 vaccination for all staff of nursing homes participating in Medicare and Medicaid. The day of the White House announcement, we were contacted by a nursing home in south central Kansas gravely concerned about the new vaccine mandate. They currently have 33 open positions in their facility with no applications, and 63 unvaccinated staff threatening resignation if forced to take the vaccine. We are hearing similar stories all across the state.

We believe strongly that vaccines are the most effective tool to protect all of us from the COVID-19 virus and are gratified that the number of vaccinated workers in long term care continues to rise. The long list of individualized education and incentives provided to staff, along with our social media and vaccine ambassador campaigns, continue to make progress on staff vaccine rates across the state. A government vaccine mandate that singles out nursing

homes and withholds federal funding is not the right way to increase our staff vaccination rates or ensure protection and care for Kansas seniors during the pandemic. Vaccine hesitancy among our workers is as real as the vaccine hesitancy in our communities. Failing to recognize and address that hesitancy will cause devastating numbers of employees to abandon facilities and leave residents with limited or, in some cases, no care.

After 18 months of crisis, long term care has, in many ways, collapsed. With so many providers only staying afloat through emergency dollars and the continued danger of low staffing, we are losing hope of a recovery. More urgently, we fear for our residents who desperately need our care now and into the future. Unlike other employers struggling with worker shortages, nursing homes don't have the option of cutting hours or hanging up a "closed" sign on the door. They are 24/7 businesses with thousands of resident lives on the line. And they are in desperate need of help.

On behalf of the adult care homes in our state, LeadingAge Kansas and Kansas Health Care Association respectfully request that Governor Kelly and the Legislative Coordinating Council take immediate steps to reinstate targeted waivers and emergency staffing relief in response to the rapid spread of the COVID-19 Delta variant, the ongoing long term care workforce crisis, and the new federal vaccine mandate threatening the availability of care for our seniors.

We urge you to restore the following flexibilities provided under previous Kansas Executive Order or existing federal blanket waivers for health care providers.

Individual Licensing Waivers

- Allow use of temporary nurse aides (Kansas EO 20-23)
- Allow waivers for certified nurse aide, certified medication aide and home health aide courses and trainees (Kansas EO 20-19)
- Allow temporary licensing for lapsed or retired health care personnel (Kansas EO 20-26)
- Permit licensed professionals, such as emergency medical personnel and military members who, within their scope of practice, can provide services that are necessary to support long term care during the COVID-19 pandemic. (Kansas EO 20-26)

Adult Care Home Licensing

- Waive PASRR and CARE assessment, allowing admission of residents who have not received Level 1 or 2 screenings*
- Extend deadlines for staff in-service trainings*

*Permitted under Federal COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers

Nursing Home Quality Care Assessment

Adult care homes continue to face skyrocketing costs for staffing and supplies, and many are struggling financially even with much-needed emergency financial funds.

- We ask that the state suspend all penalties and extend maximum flexibility on payment plans for the nursing home quality care assessment.

Staffing Agencies

We will also be requesting the Kansas Attorney General's office to investigate predatory pricing by temporary health care staffing agencies during the COVID-19 pandemic.

We respectfully request that these waivers take effect immediately. These measures will help adult care homes have sufficient training, supplies, facilities and resources and will give providers much-needed flexibility by reducing administrative and regulatory burdens in order to facilitate Kansas's continued response to the COVID-19 outbreak and state of emergency.

We are extremely appreciative of all the emergency funding provided to our adult care homes by the Kansas legislature, Governor Kelly and the SPARK Executive Committee. Without that support many of our adult care homes would have ceased operations.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact us.

Thank you again for all that you do, every day, for Kansas seniors and their families.

Respectfully,



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Kansas Health Care Association (KHCA) and LeadingAge Kansas are the two statewide trade associations representing long-term care provider organizations.