



Opposition to Government Edict Requiring Nursing Homes or other Healthcare Settings to Mandate Staff COVID-19 Vaccination as a Condition of Participation in Medicaid or Medicare

Position:

LeadingAge Kansas opposes any federal edict requiring ANY type of health care provider to mandate staff COVID-19 vaccination as a Condition of Participation in Medicaid or Medicare. This would constitute an ill-conceived government action, fraught with potential for serious negative consequences to the entire healthcare system and the people it serves.

However, if the federal government does, indeed, impose this requirement on nursing homes, it should be applied to all healthcare settings, to avoid the disproportionate and inevitable blow to availability of nursing home care for older Kansans.

Background and Rationale:

The Biden administration recently announced its intention to mandate COVID-19 vaccination for all staff of nursing homes as a condition to receive Medicare and Medicaid funding. An Interim Final Rule (IFR) will be published in September, with the effective date coming shortly thereafter. Full details will not be available until the publication of the IFR.

Access to the COVID-19 vaccination has been the most critical development of the pandemic for older Kansans and the people who care for them. LeadingAge Kansas members have been working diligently for months to vaccinate staff, and to educate and encourage vaccination among those who are vaccine-hesitant and vaccine-opposed. LeadingAge Kansas and our national association LeadingAge have provided a steady stream of resources and education to assist them in their efforts. Nevertheless, vaccine hesitancy and opposition among our workers is as real as it is in communities across Kansas.

After 18 months of crisis, many long-term care providers are already on the brink of collapse. A July 2021 survey of Kansas long-term care providers shows that staffing shortages and financial instability have reached dangerous new levels. Our members fear for the people they serve, who desperately need our care now and into the future. Some are losing hope of recovery. This will worsen with a federal mandate forcing nursing home staff to decide to be vaccinated or leave employment.

The federal government mandate constitutes a:

- **Threat to Access to Care** – For the first time in living memory, we are facing the possibility of massive closure of nursing home beds and whole facilities throughout Kansas. The federal mandate will

escalate this prospect, for the aforementioned reasons. Some Kansans will be forced to move outside their home community for nursing home care. Their spouses and other loved ones will have to find a way to get there, or not go as frequently as they want to. This reality will be especially painful for rural elders.

- **Financial Threat** - So many providers are only staying afloat for the time being through emergency dollars. On average in Kansas, nursing homes rely on Medicaid and Medicare for over 70% of their funding. Taking the draconian step of withdrawing Medicaid and Medicare funding from nursing home care providers who continue to fight on the frontlines would be a tragic misstep.
- **Workforce Threat** – In July 2021, nearly one third of Kansas nursing homes reported that they are not taking new admissions due to shortage of workers. There is justifiable concern that the federal mandate will exacerbate this shortage, as workers that are vaccine-hesitant or vaccine-opposed leave for other jobs. The vaccine mandate will force nursing homes to rely even more on temporary staffing agencies – further annihilating any existing financial stability. Vaccinated or unvaccinated, our staff are heroes who have persevered in caring for frail older Kansans during the worst and most prolonged public health crisis in living memory. We need to honor them, not condemn them, and not chase them off with no alternatives to a government-mandated vaccine.