

AHCA/NCAL LTC WORKFORCE SOLUTIONS 2022

THE WHITE HOUSE - Requires Administrative Action

Staffing Agencies Exploiting the Health Care Labor Crisis | White House & Federal Trade Commission: Nursing and direct care staffing agencies are charging exorbitant prices to long term care and other health care facilities that need workers. These agencies are charging more than double and – in some cases – as much as quadruple pre-pandemic rates. The FTC was recently in touch with AHCA/NCAL noting they can investigate two or more staffing agencies that are colluding on pricing but does not have the authority to investigate price gouging. We have yet to receive a formal response from the White House COVID Response Coordinator on this matter.

- [Representatives Welch and Griffith Lead Nearly 200 House Members in Letter Urging COVID-19 Response Team to Investigate Price Gouging by Nurse-Staffing Agencies](#)
- [AHA and AHCA/NCAL joint letter January 2022](#)
- [Long Term Care Coalition letter January 2022](#)
- [Advancing Excellence in Long-Term Care Collaboration letter December 2022](#)
- [AHCA/NCAL letter October 2021](#)

Immigration Delays | U.S. Departments of State, Homeland Security: The processing of immigrant visas is incredibly backlogged due to COVID-19 and reduced staffing at U.S. embassies and consulates. Many international health care professionals with job offers from LTC facilities in the United States with approved immigrant petitions have been waiting for many months, in some cases more than a year, for a visa interview appointment. AHCA/NCAL was pleased with the [recent announcement](#) from USCIS on new actions to reduce the significant legal immigration backlogs, and encourage further actions along these lines. AHCA/NCAL has also been working closely with national refugee organizations noting our center doors are open to those new to our country that would like to have a career in long term care. It is important to note that AHCA/NCAL strongly supports immigration reform.

- [LTC Coalition Letter December 2021 – USCIS on Employment Authorization Application Delays](#)
- [LTC Coalition Letter November 2021 – Secretary Blinken on prioritizing and expediting immigrant visas for nurses](#)
- [U.S. Long Term Care Communities Ready to Support Ukrainian, Other Refugees](#)

CONGRESS - Federal Legislation We Support

S. 1024 / H.R. 2255 Healthcare Workforce Resilience Act | The bipartisan legislation recaptures unused visas from previous fiscal years for doctors, nurses, and their families. It allows the entry of nurses with approved immigrant visas and allows physicians with approved immigrant petitions to adjust their status, so that they can help our nation fight COVID-19 and have a durable immigration status. The legislation would require the U.S. Department of Homeland Security and State Department to expedite the processing of recaptured visas for highly trained nurses.

H.R. 331 Nurses Certification And Recognition of Experience Act of 2021 | The bipartisan legislation seeks to ensure long-term care and senior living facilities can maintain adequate staffing levels by allowing temporary nurse aides to retain their certification status after the COVID-19 emergency declaration has been lifted. Specifically, this bill provides states the flexibility to offer on-the-job experience as a partial substitute for certification courses and other evaluations, thereby preventing critical workforce shortages among America's healthcare providers.

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CONGRESS - Federal Legislation We Support *Continued*

H.R. 4468 Nursing Home Workforce Quality Act | The bipartisan legislation from last Congress would help address the shortage of CNAs by ensuring that CNAs have the access to the quality training that they need to provide care to our residents. Specifically, H.R. 4468 would allow nursing facilities to resume their in-house education programs once deficiencies identified have been remedied. It will allow for additional oversight of facilities that are under a period of disapproval, not to exceed two years. CMS will still have the discretion to implement this program revocation and/or reinstatement through regulations, which can be reviewed and updated as needed in response to changes in the needs of patients and providers. The Secretary of Health and Human Services must also be granted the flexibility to apply revocation and/or reinstatement based on the nature of the on-site inspection results.

Additional Legislation Congress Should Introduce and Pass:

Provide Temporary Nurse Aides a Reasonable Grace Period After the Public Health Emergency Ends | More than 305,000 individuals answered the call to serve our nation's seniors in their hour of need by earning a temporary nurse aide certificate during the pandemic. These heroes help residents with activities of daily living and offer companionship. Many wish to become certified nursing assistants (CNAs), but state training and testing programs cannot currently meet the demand. Without action by Congress, when the PHE declaration and the subsequent 1135 waiver ends, statute only gives these aides four months to become CNAs or they cannot continue working in nursing homes.

The waiver is set to end on June 6, 2022. The traditional four months' time per CMS requirement to get nurse aides in training to become certified, will begin on June 6, 2022. To this end, facilities will need to have TNAs become certified before October 6, 2022, to continue working as a nurse aide. If a TNA is not certified by the end of the four months post-waiver termination, the TNA cannot continue working as a nurse aide in training, except for those who are experiencing testing and/or training capacity issues and have received approval from their state official.

Congress should provide a reasonable grace period to continue the emergency waivers to enable all Temporary Nurse Aides who wish to, the ability to transition to permanent roles. AHCA/NCAL is actively working on introduction of such legislation on the Hill.

- [AHCA/NCAL Statement for the Record - "Recruiting, Revitalizing & Diversifying: Examining the Health Care Workforce Shortage" February 2022](#)
- [Next Steps for Facilities Using 1135 Waiver for Training and Certification of Nurse Aides](#)

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