



As Congress Considers Next Round Of Stimulus Funding, AHCA/NCAL Makes Requests For Long Term Care

Long term care providers have undertaken heroic work to battle COVID-19. Increased support from federal and state governments in recent months has been appreciated. With a greater emphasis on getting long term care facilities testing and personal protective equipment (PPE), facilities have been better prepared to respond to the crisis and prevent outbreaks. The vast majority of residents who have been diagnosed with the virus have made a full recovery.

But as some states have moved to reopen, many local communities have begun to see a rise in infection rates. [Research](#) from Harvard University, Brown University and the University of Chicago shows that where there is community spread of the virus, outbreaks are likely to occur within long term care facilities. At the same time, there are new reports of [testing](#) and [PPE](#) shortages within the health care sector. The combination of these factors threatens to undo the progress long term care facilities have made to protect our most vulnerable citizens.

And public support is on the side of long term care. After a national survey of 1,500 registered voters in May that showed high levels of support for an additional \$10 billion in funding for long term care facilities, the American Health Care Association and National Center for Assisted Living (AHCA/NCAL) commissioned further, in-depth public opinion research among 600 women voters ages 35-64 to better understand their views about government support for long term care facilities.

This research found overwhelmingly that:

- **62 percent** felt that the government did not make long term care facilities a top priority and, as a result, did not help protect the health and lives of senior citizens.
- By nearly a **five-to-one margin**, these voters (**71 percent**) say that long term care facilities need more support from the government so they can save lives and take care of our loved ones.

Now is the time for reinforced support for long term care. AHCA/NCAL is calling on Congress to prioritize long term care as it makes considerations for the next round of stimulus funding. AHCA/NCAL's specific stimulus requests include:

1. Testing – A Two-Pronged Approach

- Prioritize COVID-19 testing to the providers and population most at risk, long term care settings.
- Provide financial support for testing in long term care settings:
 - Create a \$5 billion fund to which labs and licensed skilled nursing facilities (SNF) or assisted living communities (AL) can apply to cover the costs of any testing ordered by a governmental entity. At present, it is not clear who is covering testing and how much needs to be done, especially for staff.
 - Remove testing from the SNF bundle under Part A consolidated billing.
 - Support efforts such as S. 3768 to provide much needed funding to facilities for PPE, testing and hazard pay.
 - Funding for testing should be available through the period an effective vaccine is deployed (not the end of the declared public health emergency [PHE] if sooner).

2. COVID-19 Add-On Rate

- Consistent with the hospital COVID-19 add-on rate, develop a 30 percent add-on for SNF residents with a positive diagnosis or potential positive residents requiring enhanced practices using the HIV/AIDS Add-On Language as a model.

3. Provider Relief Fund

- Additional \$100 billion for U.S. Department of Health and Human Services (HHS) Provider Relief Fund consistent with the House-passed Heroes Act.

4. Accelerated and Advance Payment Program

- Consistent with S. 3750/H.R. 6837 "The Medicare Accelerated and Advance Payments Improvement Act" and similar provisions found in H.R. 6800, "The HEROES Act," provide for additional time to repay the loans, lower the recoupment amount to 25 percent of the applicable balance, and lower the interest rate to one percent.

5. Vaccine Priority

- Direct the Centers for Disease Control and Prevention (CDC) to ensure that SNF and AL residents and staff are the first and highest priority for vaccine distribution since they are the most vulnerable and at risk.
- Ensure that long term care is prioritized before other health care provider or public service groups.
- This can also help allow visitations to occur sooner to address social isolation concerns.

6. Fix for Independent Special Needs Plans

- Provide access to funding for small, Independent Special Needs Plans focused on nursing home and assisted living residents to offset losses associated with COVID 19.

7. Protect Medicaid

- Rescind the proposed Medicaid Fiscal Accountability Rule (MFAR), which would drastically cut already limited Medicaid resources for SNFs.
- Increase the Federal Matching Assistance Percentage (FMAP) by 14 percentage points through June 30, 2021. At a time of financial instability, this would ensure State governments have the resources they need to continue providing critical services.

8. Limited Immunity From Liability For COVID-Related Activities

- Along with many other health care providers, long term care providers and staff need limited and reasonable liability protection, so they can continue to offer quality care during this challenging time without fear of reprisal.
- This is an unprecedented public health crisis, and caregivers are doing everything they can with limited resources and information. Providers or individual staff members who are following government guidance should not be held responsible for their good faith efforts during this once-in-a-generation pandemic.

Long term care facilities cannot fight COVID-19 alone. We urge Congress to make long term care a priority for funding, critical resources, and protections that will enable us to keep residents and staff safe.

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