



LeadingAge Supports these Key Aging Services Bills

April 14, 2023

Workforce

Workforce for an Expanding Economy Act. To be reintroduced this year by Representative Lloyd Smucker (R-PA), the bill would establish a new nonimmigrant visa for temporary nonagricultural workers (H-2C) to fill jobs that have remained open for a certain amount of time. Bill number in the last Congress: HR 4288.

Supporting Our Direct Care Workforce and Family Caregivers Act / Direct CARE Opportunities Act. To be reintroduced this year by Senator Tim Kaine (D-VA) and Representative Bobby Scott (D-VA), respectively, the bills would authorize \$1 billion in competitive grants to support increasing direct care workforce positions and for the creation, recruitment, training, and retention of the direct care workforce (this language is also reflected in the HCBS Access Act, see below). Senator Kaine's bill would allocate the funding to the Department of Labor; Representative Scott's bill would allocate the funding to HHS's Administration for Community Living. Bill numbers in the last Congress: S. 2344 / HR 2999.

Nursing Homes

Nursing Home Federal Staffing Mandate. Although not a bill yet, LeadingAge is looking for House and Senate champions to lead our "Get Real on Ratios" legislative proposal to address anticipated Nursing Home minimum staffing levels. LeadingAge seeks federal legislation to require that certain conditions be in place before any mandatory staffing ratios are implemented. More information can be found in this [Get Real on Ratios one-pager](#).

Eliminate the 3-Day Hospital Stay Requirement. LeadingAge is looking for House and Senate champions to lead on legislation to eliminate the 3-day hospital stay requirement to qualify for post-acute Skilled Nursing Facility (SNF) care. The 3-day qualifying hospital stay requirement was waived during the pandemic, and beneficiaries who otherwise qualified for SNF care received it—regardless of spending any amount of time in the hospital. With the public health emergency set to end on May 11, now is the time to take legislative action to permanently fix this outdated and unnecessary requirement. More information can be found in our [letter to Congressional Leaders](#).

Ensuring Seniors' Access to Quality Care Act. LeadingAge is working with Senators Mark Warner (D-VA) and Tim Scott (R-SC) and Representatives Ron Estes (R-KS) and Gerald Connolly (D-VA) to reintroduce legislation this year to address the two-year "CNA training lockout" that is contributing to the nursing home staffing crisis. The bill would allow nursing homes to reinstate their CNA training programs provided any relevant deficiencies cited in a survey are corrected; deficiencies did not result in immediate risk to resident safety or arise due to resident harm from abuse or neglect; and the nursing home has not received a repeat deficiency related to resident harm in the past two years. Bill numbers in the last Congress: S.4381 / HR 8805.

Building America's Health Care Workforce Act. This bill would extend CMS's Temporary Nurse Aide (TNA) waiver flexibilities for 24 months beyond the Public Health Emergency, enable TNAs to continue working in their current roles, and put their on-the-job experience and training toward the 75-hour federal CNA training requirement. The legislation was first introduced last Congress in response to CMS's announced roll back of certain 1135 waiver modifications implemented at the beginning of the pandemic and was reintroduced this year by Representatives Brett Guthrie (R-KY) and Madeleine Deane (D-PA). Bill number in current 118th session of Congress: HR 468.

Home- and Community-Based Care

Better Care Better Jobs Act. This bill, introduced by Senator Robert Casey (D-PA) and Representative Debbie Dingell (D-MI) in the Senate and House, respectively, would establish programs and provide funds for state Medicaid programs to improve home- and community-based services (HCBS), such as home care, adult day, personal care, case management, and rehabilitative services. The bill would also provide additional funding go to the direct care workforce and an enhanced federal medical assistance percentage (FMAP) to states who meet certain benchmarks. Bill numbers in current 118th session of Congress: S 100 / HR 4131.

Improving Care and Access to Nurses (ICAN) Act. This bill is anticipated to be introduced in April or May 2023; it could potentially be introduced the week of April 17, 2023. This is a broad-ranging bill that would enhance the scope of practice for Advance Practice Registered Nurses (APRNs). Included in the legislation are provisions that would allow APRNs to certify terminal illness in hospice and allow APRNs to bill for physician services under the hospice benefit even when they are not the attending physician. The bill would also expand the scope of practice for APRNs in skilled nursing facilities and allow nurse midwives to order home health services. The hospice billing provision is NEW for the bills being introduced in this session of 118th session of Congress. Bill numbers in last Congress: HR 8812 (Representative David Joyce (R-OH)) / S 5212 (Senator Jeff Merkley (D-OR)).

HCBS Access Act. Senator Robert Casey (D-PA) and Representatives Debbie Dingell (D-IL) and Jamaal Bowman, Ed.D. (D-NY) have introduced the HCBS Access Act in the Senate and House, respectively. The bill would provide \$1 billion in 5-year competitive grants to support increasing direct care workforce recruitment, training, and retention; ensure eligible older adults and people with disabilities have a real choice of care setting; and eliminate the need for states to repeatedly apply for HCBS waivers. Bill numbers in current 118th session of Congress: S. 762 / HR 1493.

Affordable Senior Housing

Fiscal Year 2024 HUD Appropriations Bill. In development now, the to-be-introduced House and Senate FY24 HUD appropriations bills must provide funding needed by affordable senior housing providers for programs like HUD's Section 202 Supportive Housing for the Elderly, Section 8 Project-Based Rental Assistance, Homeless Assistance Grants, Public Housing, Housing Choice Vouchers, and HOME programs to preserve, improve, and expand the supply of affordable senior housing while also increasing the number of service coordinators. See LeadingAge's FY24 HUD funding priorities [here](#).

Affordable Housing Credit Improvement Act. A new iteration of the "AHCIA" bill is expected to be reintroduced this year. In previous iterations, the bill would increase state Housing Credit allocations by 50%; fix Right of First Refusal issues that continue to rob nonprofit housing providers of their housing credit-financed developments, lower the threshold of Private Activity Bond financing required to trigger the maximum amount of 4% Housing Credits from 50% to 25%, and enable the Housing Credit to better serve households with extremely low incomes. LeadingAge also supports solutions to bring service coordinators to Housing Credit communities. Bill numbers in the last Congress: S. 1136 (Senators Maria Cantwell (D-WA), Todd Young (R-IN), Ron Wyden (D-OR), and Rob Portman (R-OH)) / HR 2573 (Representatives Suzan DelBene (D-WA), Brad Wenstrup (R-OH)), Jackie Walorski (R-IN) and Donald Beyer (D-VA)).

Expanding Service Coordinators Act. A new version of this bill, sponsored by Representative Adam Smith (D-WA), is expected to be introduced this year. The 2022 version of the bill would have authorized an additional \$100 million each year for five years for HUD multifamily service coordinators, established a training set-aside to improve capacity and retention of service coordinators, and extended qualification for the Public Service Loan Forgiveness program to service coordinators. Bill number in the last Congress: HR 8866.