

AHCA/NCAL DC Update - BerryDunn

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What You Will Learn

- Pertinent information and understand legislative strategy as it pertains to the CMS minimum staffing rule.
- Information about the demographic trends in long-term care.
- Understand Medicaid trends including shift to HCBS and Medicare Advantage programs.
- Learn about AHCA\NCAL advocacy efforts.



Minimum Staffing Update



Timing & What We Know

- Proposed Rule issued 9-1-2023
- Formal 60-day comment period closed 11-6-2023
- Rule remains highly problematic
- Rule likely finalized Q2-Q3 2024



Objective

- Further moderate the rule
- Gain Congressional Support to Change the Rule



Legislative Strategy

- Fischbach Bill - Protecting Rural Seniors' Access to Care Act (S. 3410/H.R. 5796)
- Wholesale Republican support for repeal
- Rank and file Democrat opposition



Strategy

- Political Outreach
 - Engaging Congressional Leadership
 - Expanding Congressional Champions
 - Engaging Governors and costs placed on states
- Grassroots – Proposed Rule Outreach
 - Formal Comment Period Closed November 6, 2023
 - 18,160 AHCA/NCAL Comments Submitted (46,891 Total Comments Submitted)
 - Facility/Community Congressional Tours
 - 164 facility/community tours in 2023
 - Member Meetings



Strategy

- Coalition Building
- Media and Public Affairs Investment
- Leveraging Rule to Advance Solutions (Lockout, TNA, Immigration)
- Engaging Administration



What You Can Do Now...

- Make contacts directly with members of congress that you have a relationship with. (Time to use the cell phone #)
- Ask for a meeting with District office to discuss the issue.
- Continue to invite Members of Congress to your facility.
- Engage your local press about the issue (OpEd, articles etc)



AHCA/NCAL Resources



OSHA Resources

- [How to Interact with an OSHA Inspector](#)
- [OSHA Recordkeeping Webinar \(2/13\)](#)
- [OSHA Roadmap \(coming soon\)](#)



OSHA Blog Series

- [OSHA Basics: What is OSHA](#)
- [OSHA Basics: Navigating OSHA Terminology in Health Care](#)
- [OSHA Inspections and the Bloodborne Pathogens Standard](#)
- [OSHA Enforcement: A Guide to Federal and State Programs](#)
- [The OSHA Inspection Process](#)
- [Navigating OSHA Recordkeeping \(Part 1\)](#)
- [Navigating OSHA Recordkeeping \(Part 2\)](#)
- [Navigating the OSHA Hazard Communication Standard](#)
- [Safe Resident Handling and Prevention of Musculoskeletal Injuries](#)



Vaccine Resources

- AHCA participated in several recent meetings with HHS regarding rates of COVID-19 vaccine uptake among SNF residents
- AHCA published new resources on the [#getvaccinated website](#) to help providers have productive conversations with residents and staff
- This is in addition to the many resources we already have on the [#getvaccinated website](#), such as promotional materials, a reimbursement guide and more



National Quality Award Program



National Quality Award Program

- Mission: promote and support the application of continuous quality improvement.
- Vision: providers improve lives by engaging with the Quality Award Program to achieve and sustain performance improvement.
- Based on the Baldrige Performance Excellence Framework, helps centers achieve and sustain performance excellence:
 - Bronze – Commitment to Quality
 - Silver – Achievement in Quality
 - Gold – Excellence in Quality

Advantages

Recognition of Excellence

Continuous Improvement and
Learning

Team Building

Impact on Resident Care

Focus on Results



Quality Award Levels



- Assess the organization's mission, vision, and key factors that lead to success.
- Identify key stakeholders and their requirements.
- Identify and demonstrate utilization of a performance improvement system.



- Develop foundational, systematic approaches for leadership, strategic planning, customers, workforce, knowledge management, and operations.
- Utilize the organization's performance improvement system to evaluate and improve processes.
- Track, trend, and compare key performance metrics to evaluate performance and make fact-based decisions.



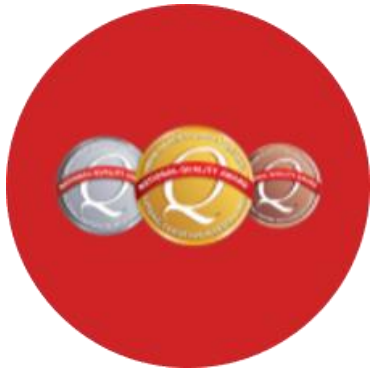
- Develop more mature, effective, and systematic approaches for leadership, strategic planning, customers, workforce, knowledge management, and operations.
- Utilize the organization's performance improvement system to evaluate and improve processes and showcase a culture of continuous quality improvement.
- Track, trend, and compare key performance metrics to evaluate performance and make fact-based decisions.



2024 Application Deadline

- January 25, 2024, at 8 pm EST





Questions

- Qualityaward@ahca.org





AHCA/NCAL Events

SAVE THE DATE!



DELIVERING SOLUTIONS 24

AHCA/NCAL CONVENTION & EXPO
OCTOBER 6-9, 2024 | ORLANDO, FL



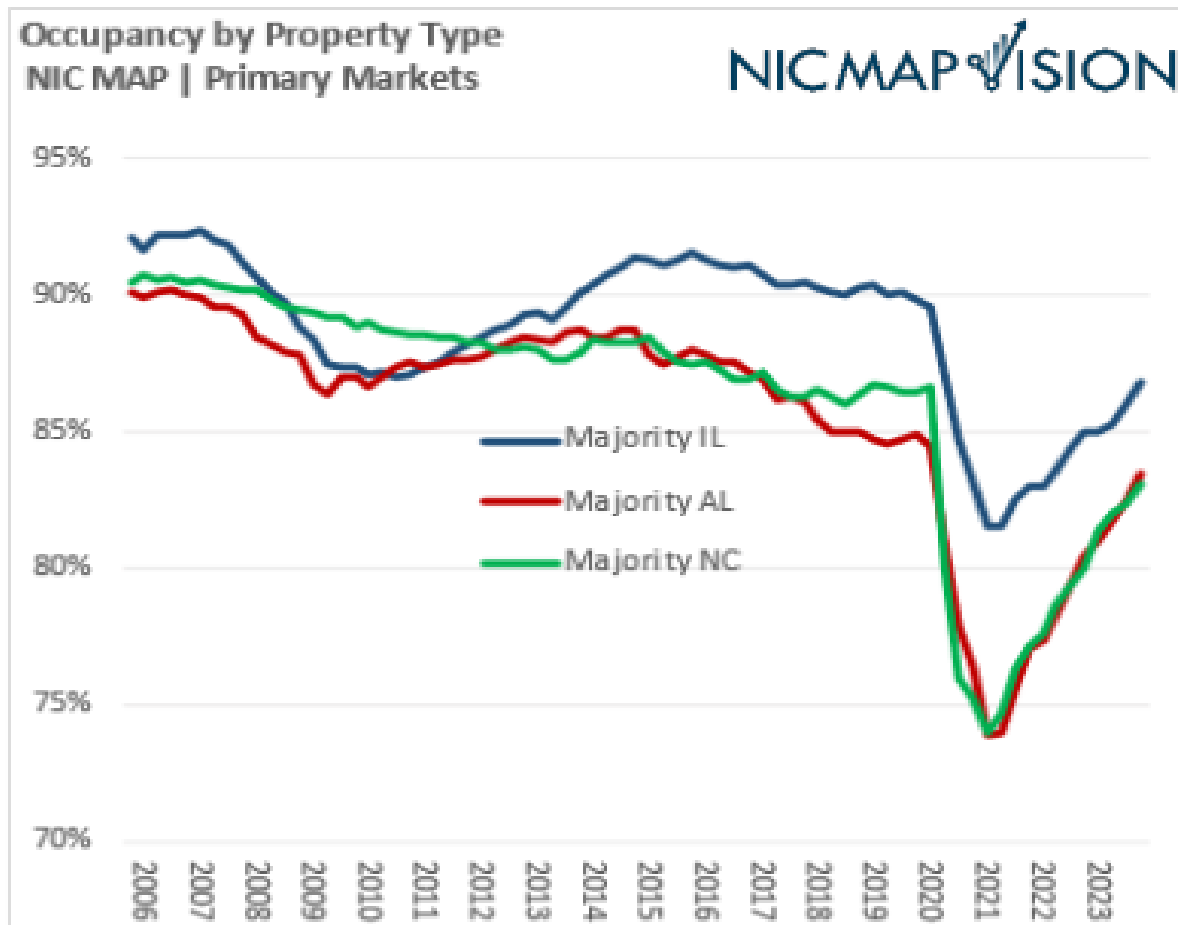
National Center for Assisted Living

LaShuan Bethea
Executive Director

AHCA[®]
AMERICAN HEALTH CARE ASSOCIATION

NCAL[®]
NATIONAL CENTER FOR ASSISTED LIVING

AL Occupancy



KEY FINDINGS

- Seniors housing occupancy for the fourth quarter of 2023 was 85.1%, up 80 basis points from the previous quarter.
- Independent living properties' average occupancy grew by 80 basis points to 86.8% in the fourth quarter.
- In the fourth quarter of 2023, assisted living properties' average occupancy was 83.4% -- an increase of 90 basis points.
- The occupancy rate for nursing care properties also grew during the fourth quarter to 83.1% up 70 basis points.



DEMOGRAPHIC TRENDS IN LONG TERM CARE

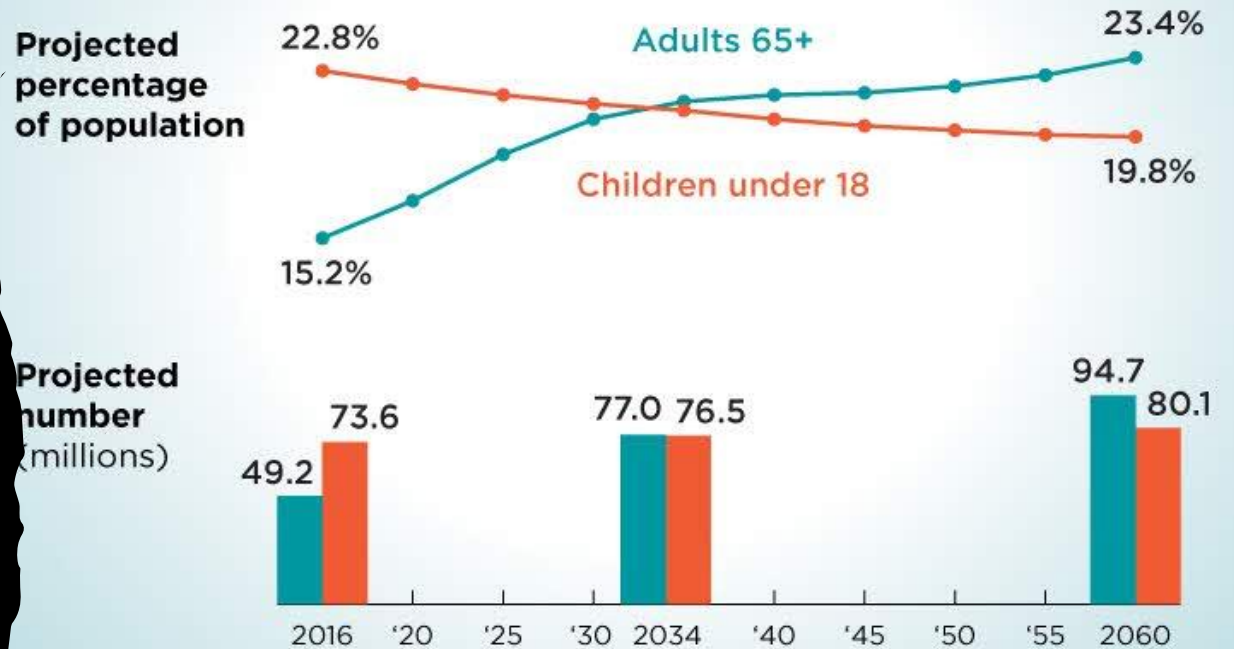
Projected Ratio: Children vs. Older Adults



An Aging Nation

Projected Number of Children
and Older Adults

For the First Time in U.S. History Older Adults Are
Projected to Outnumber Children by 2034



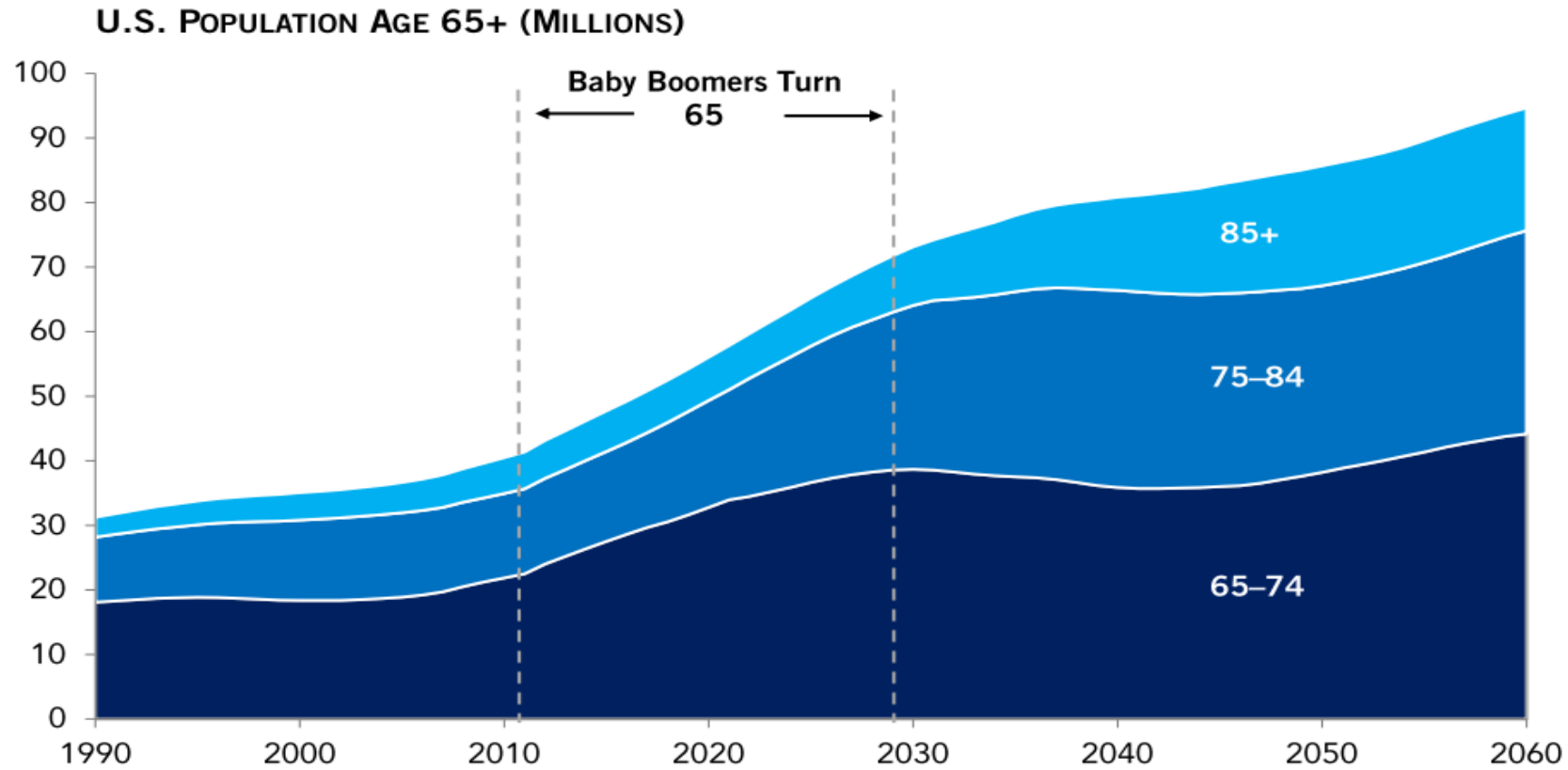
Note: 2016 data are estimates not projections.



Demographics Indicate Potential



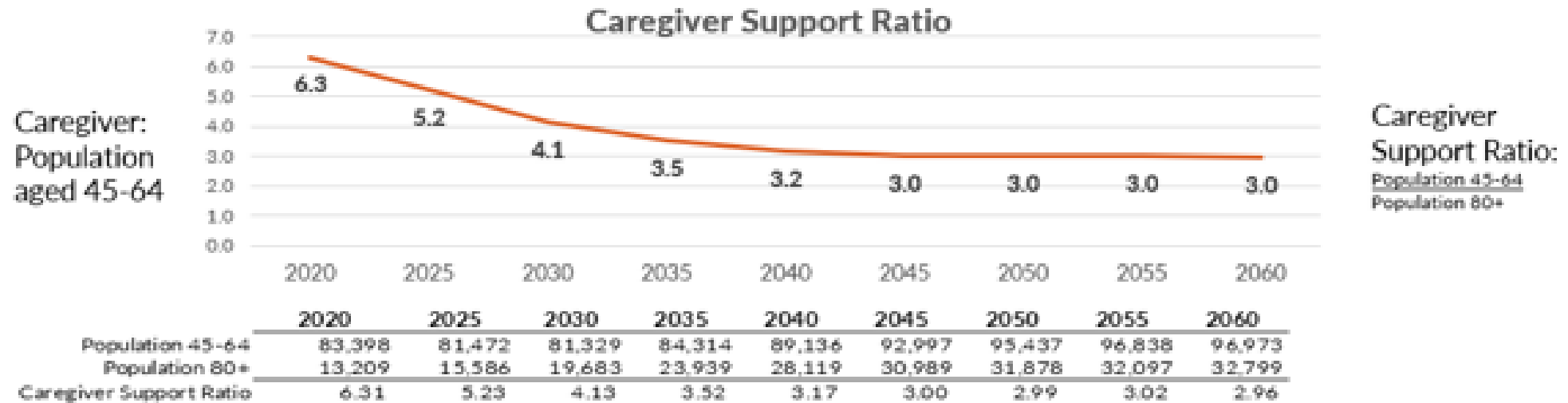
The elderly population is growing rapidly and living longer



SOURCES: U.S. Census Bureau, *National Intercensal Estimates; 2016 Population Estimates*, June 2017; and *2017 National Population Projections*, September 2018.

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Caregiver Ratio Trends: National vs. Maine



Source: US Census Bureau

Maine

Demographics

	2022	2027	% Growth 2022-2027
Total Population	1,367,533	1,397,447	2%
Population 45-64	381,935	370,643	-3%
Population 80+	68,268	71,643	5%
Caregiver Support Ratio (45-64/80+)	5.6	5.2	-8%

States with Highest Caregiver Support Ratios

	2022	2027	% Decline 2022-2027
Alaska	10.3	8.1	-22%
Georgia	8.0	6.9	-14%
Texas	8.0	7.2	-11%
Utah	7.7	7.3	-5%
Colorado	7.6	6.8	-11%

States with Lowest Caregiver Support Ratios

	2022	2027	% Decline 2022-2027
Florida	4.7	4.3	-8%
Hawaii	4.8	4.6	-4%
North Dakota	5.1	4.9	-4%
Iowa	5.2	4.8	-7%
Pennsylvania	5.3	4.9	-7%

CAREGIVER RATIO TRENDS

State-by-State Caregiver Support Ratios

	Median	Average
2022	6.1	6.2
2027	5.5	5.6
% Decline	-9%	-9%

States with Largest % Drop in Caregiver Support Ratios

	2022	2027	% Decline
Alaska	10.3	8.1	-22%
Georgia	8.0	6.9	-14%
Nevada	7.2	6.3	-13%
South Carolina	6.4	5.7	-12%
Mississippi	6.4	5.6	-12%

Assisted Living Demographic Trends

States with Largest Population 80+

	2022	2027
California	1,462,687	1,588,680
Florida	1,204,623	1,305,627
New York	895,766	966,626
Texas	875,292	1,025,031
Pennsylvania	634,755	663,824
Illinois	519,734	554,998
Ohio	512,210	539,628
Michigan	424,975	449,746
Subtotal	6,530,042	7,094,160
National	13,406,474	14,649,194
	49%	48%



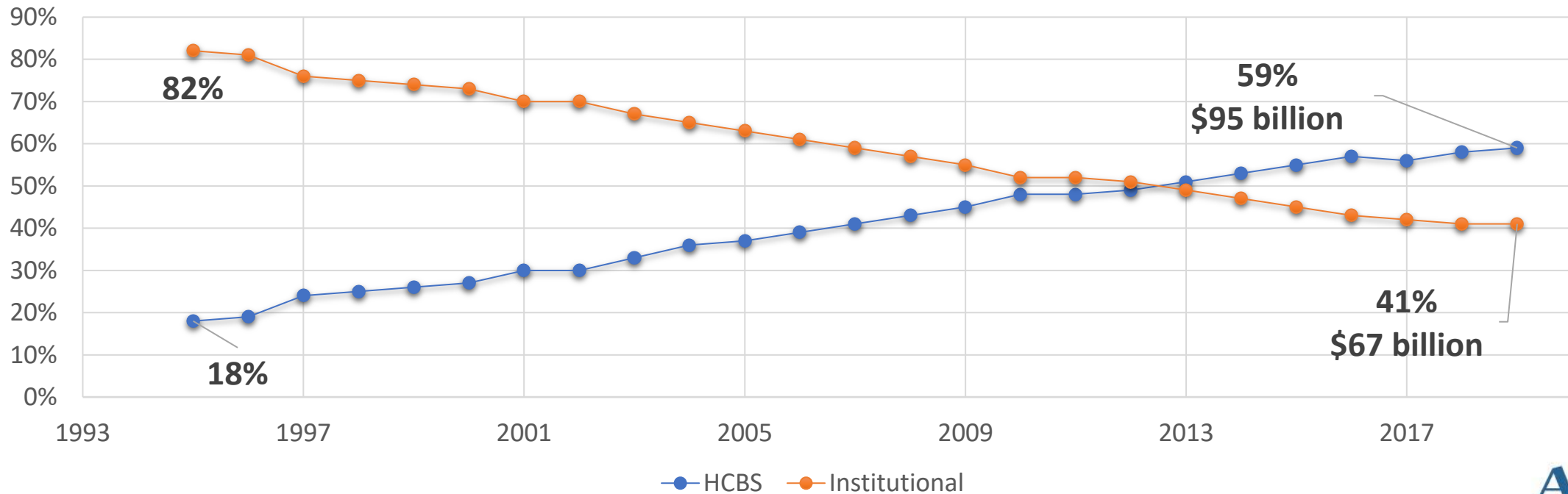


MEDICAID/MEDICARE TRENDS IN ASSISTED LIVING



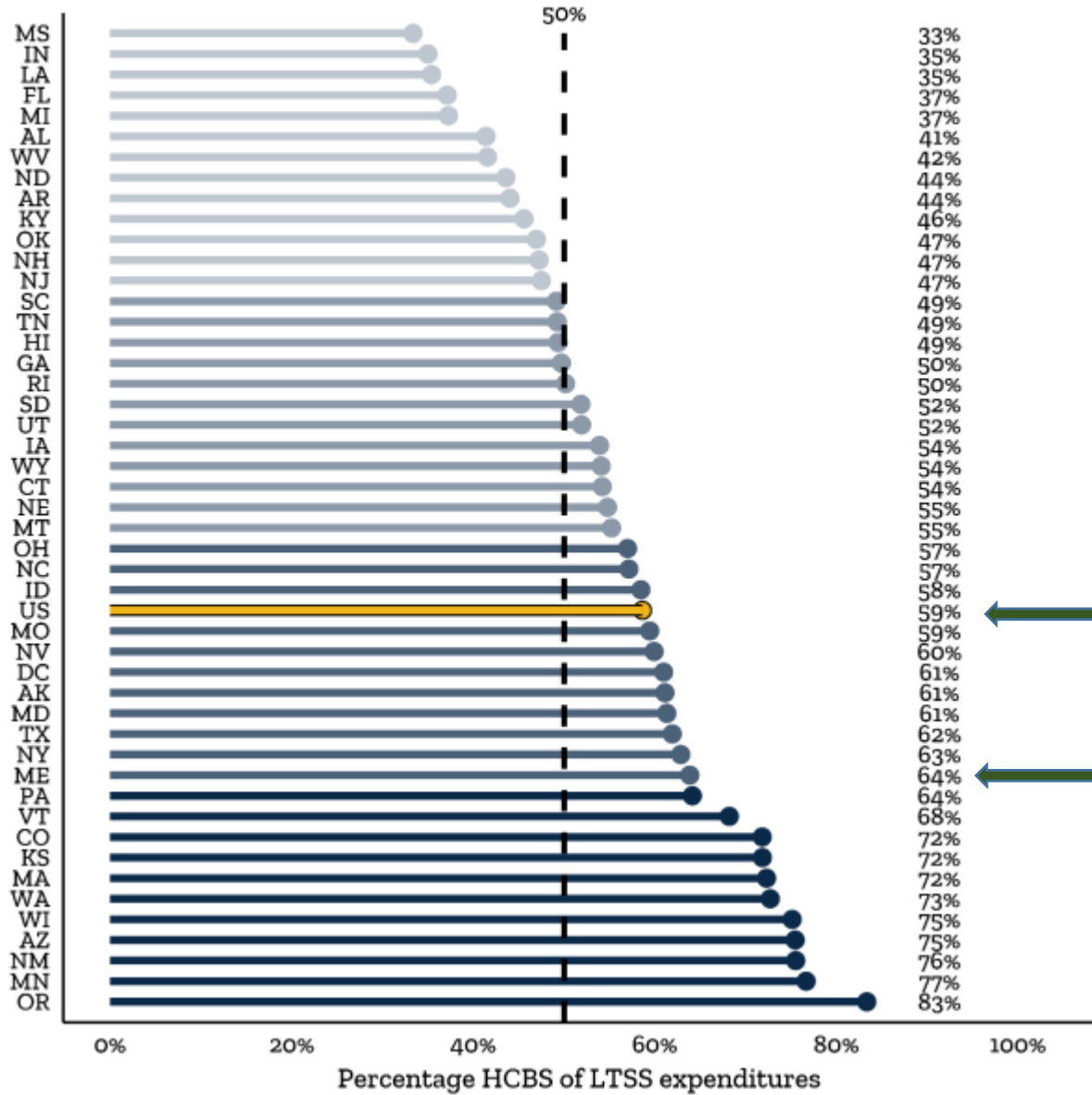
Medicaid: Continuous Shift to HCBS

Medicaid HCBS Expenditures as a Percentage of Total Medicaid LTSS Expenditures, FY 1996-2019



Source: Medicaid Expenditures for Long-Term Services and Supports in FY 2019

Figure IV.3. State ranking of Medicaid HCBS expenditures as a percentage of total Medicaid LTSS expenditures, FY 2019



40 States committed to expanding HCBS in 2022

National Average – 59%

Maine – 64%

Source: Medicaid Expenditures for Long-Term Services and Supports in FY 2019

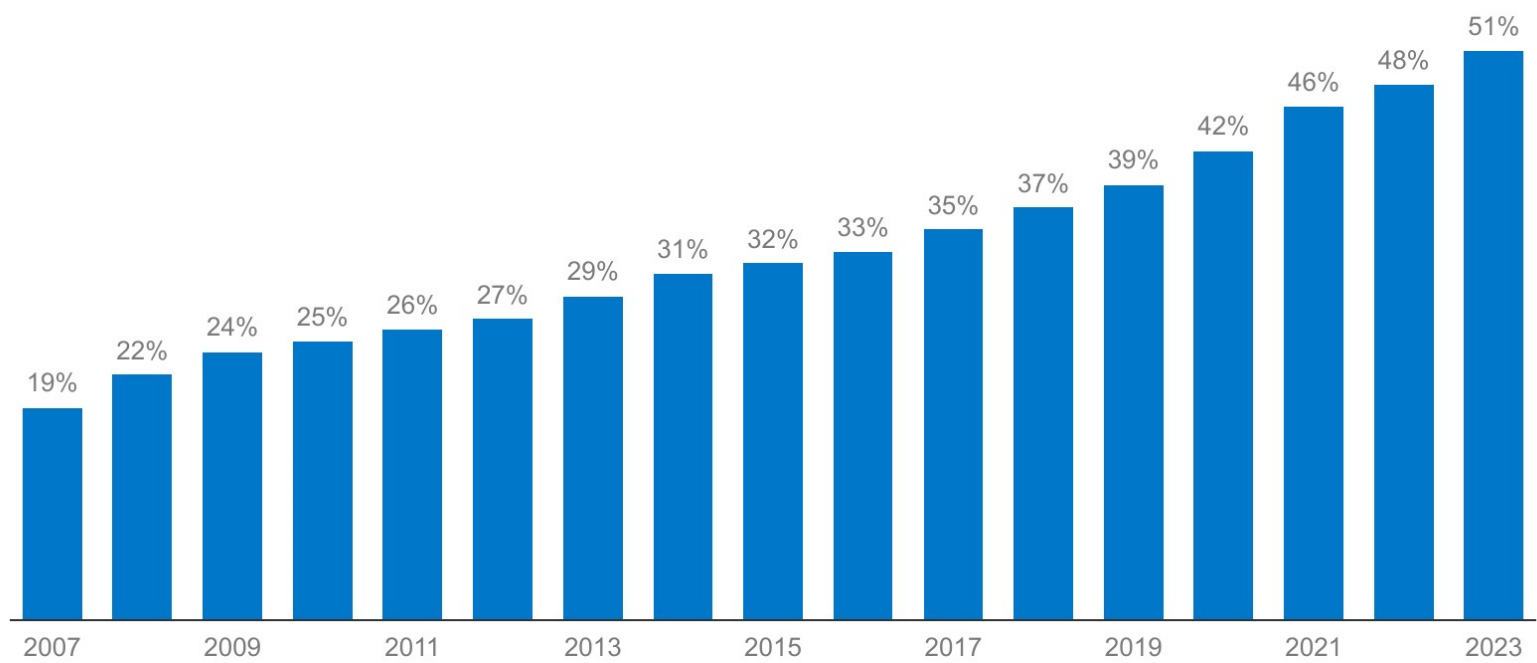
CMS Innovation Center's Strategic Objectives

All Medicare fee-for-service beneficiaries will be in a care relationship with accountability for quality and total cost of care by 2030.



Figure 1

Total Medicare Advantage Enrollment, 2007-2023



NOTE: Enrollment data are from March of each year. Includes Medicare Advantage plans: HMOs, PPOs (local and regional), PFFS, and MSAs. About 60.0 million people are enrolled in Medicare Parts A and B in 2023.
 SOURCE: KFF analysis of CMS Medicare Advantage Enrollment Files, 2010-2023; Medicare Chronic Conditions (CCW) Data Warehouse from 5 percent of beneficiaries, 2010-2016; CCW data from 20 percent of beneficiaries, 2017-2020; and Medicare Enrollment Dashboard 2021-2023.



51% Of Medicare Beneficiaries Are Enrolled In A Medicare Advantage Plan

ACOs Care For Nearly 20 Percent Of All Medicare Patients And Nearly A Third Of Traditional Medicare Patients.

News Release
September 1, 2022





ADVOCACY IN ASSISTED LIVING



Advocacy

- Expanding Veterans' Options for Long Term Care Act (S 495/HR 1815)
 - 3-year pilot program to assess the effectiveness of providing eligible veterans the option to live and be cared for in an assisted living community

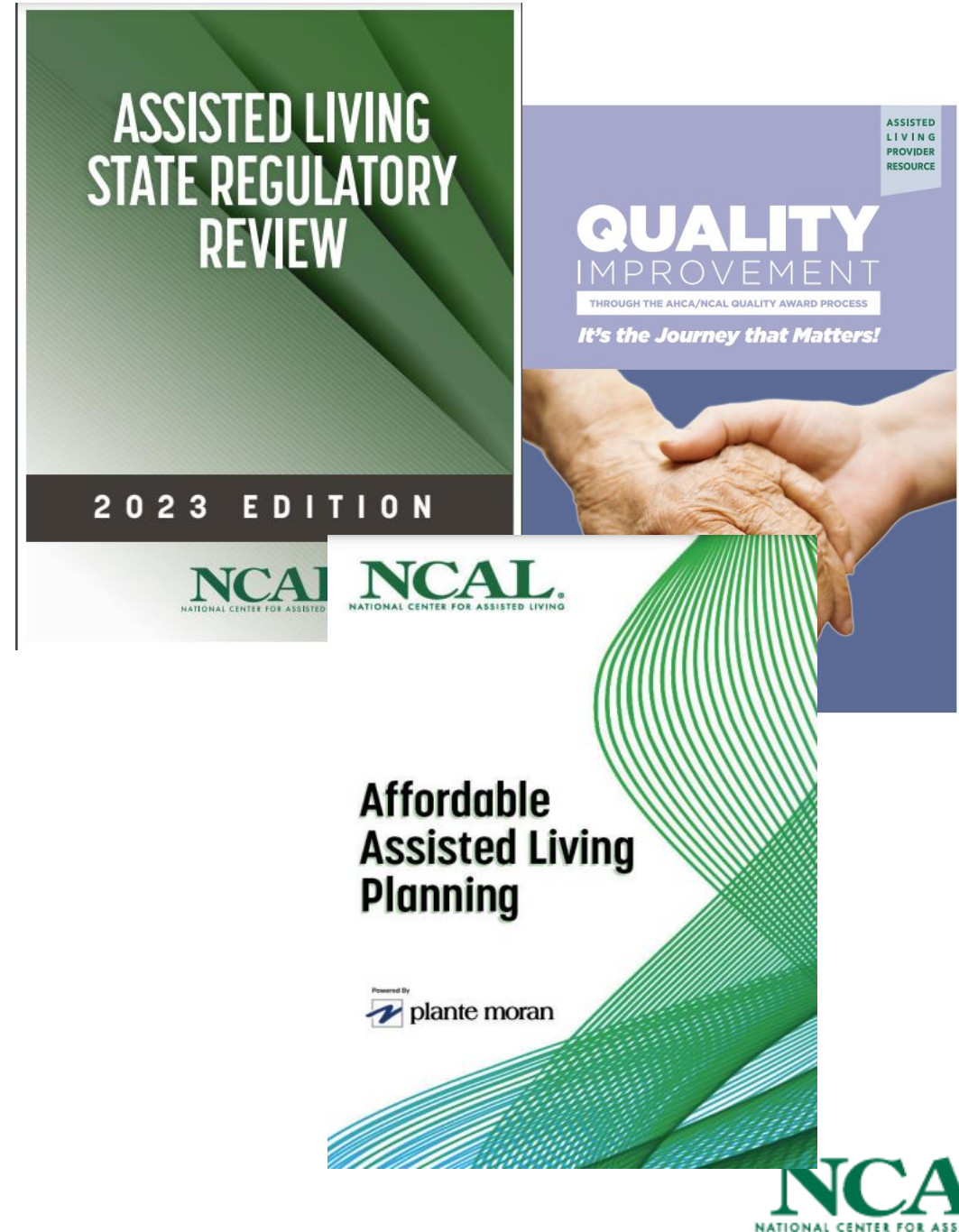




NCAL Resources

Resources

- Regulatory Resource Center
 - Annual State Regulatory Review
 - Legislative Bill Tracking Tool
- Affordable Assisted Living Tool
- Assisted Living Quality Improvement Resource





IMPROVING LIVES *by*
DELIVERING SOLUTIONS *for*
QUALITY CARE