



**HEALTHCARE MORTGAGEE ADVISORY COUNCIL**

Financing Seniors Housing for America

# Legislative & Advocacy Update – Lunch & Learn

# Panelists



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Moderator

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**Dana Ritchie**  
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Associate Vice  
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Financing Seniors Housing for America

# LTC Advocacy & Sector Update

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**Dana Ritchie**

Associate VP of Workforce & Constituency Services

**AHCA**<sup>®</sup>  
AMERICAN HEALTH CARE ASSOCIATION

**NCAL**<sup>®</sup>  
NATIONAL CENTER FOR ASSISTED LIVING

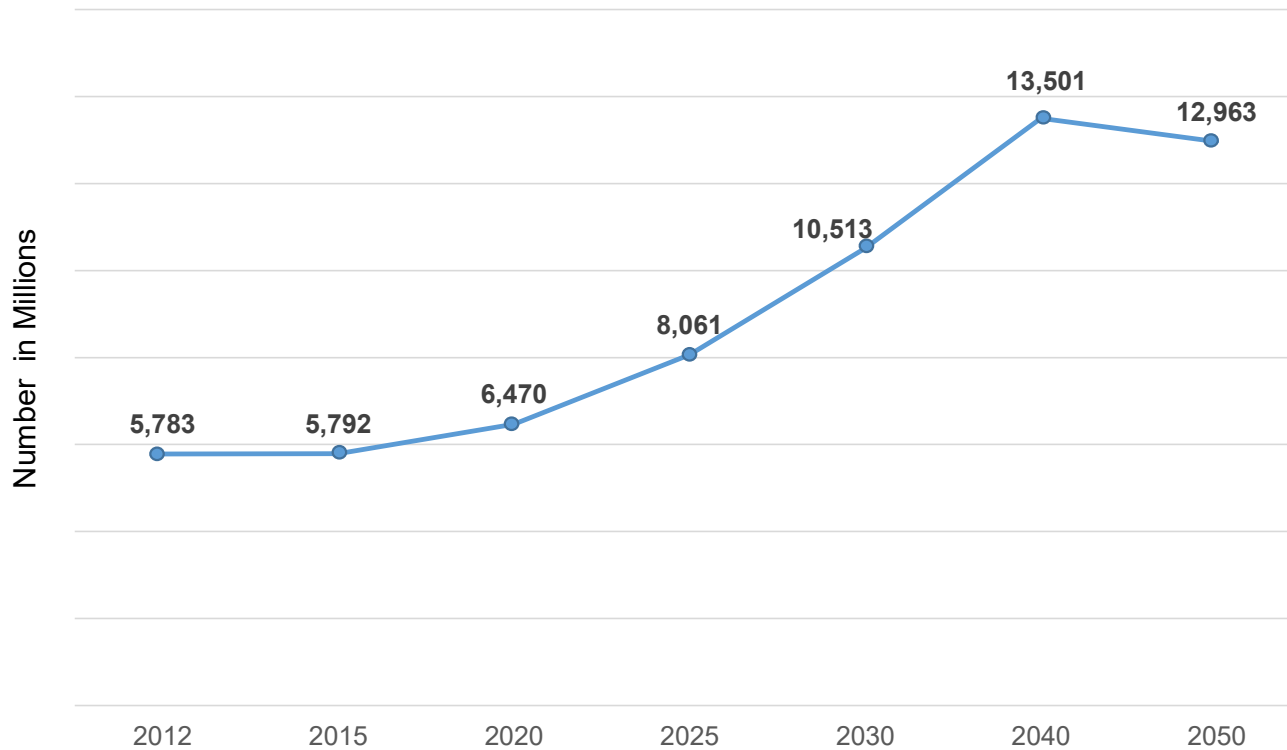


# State of the Industry

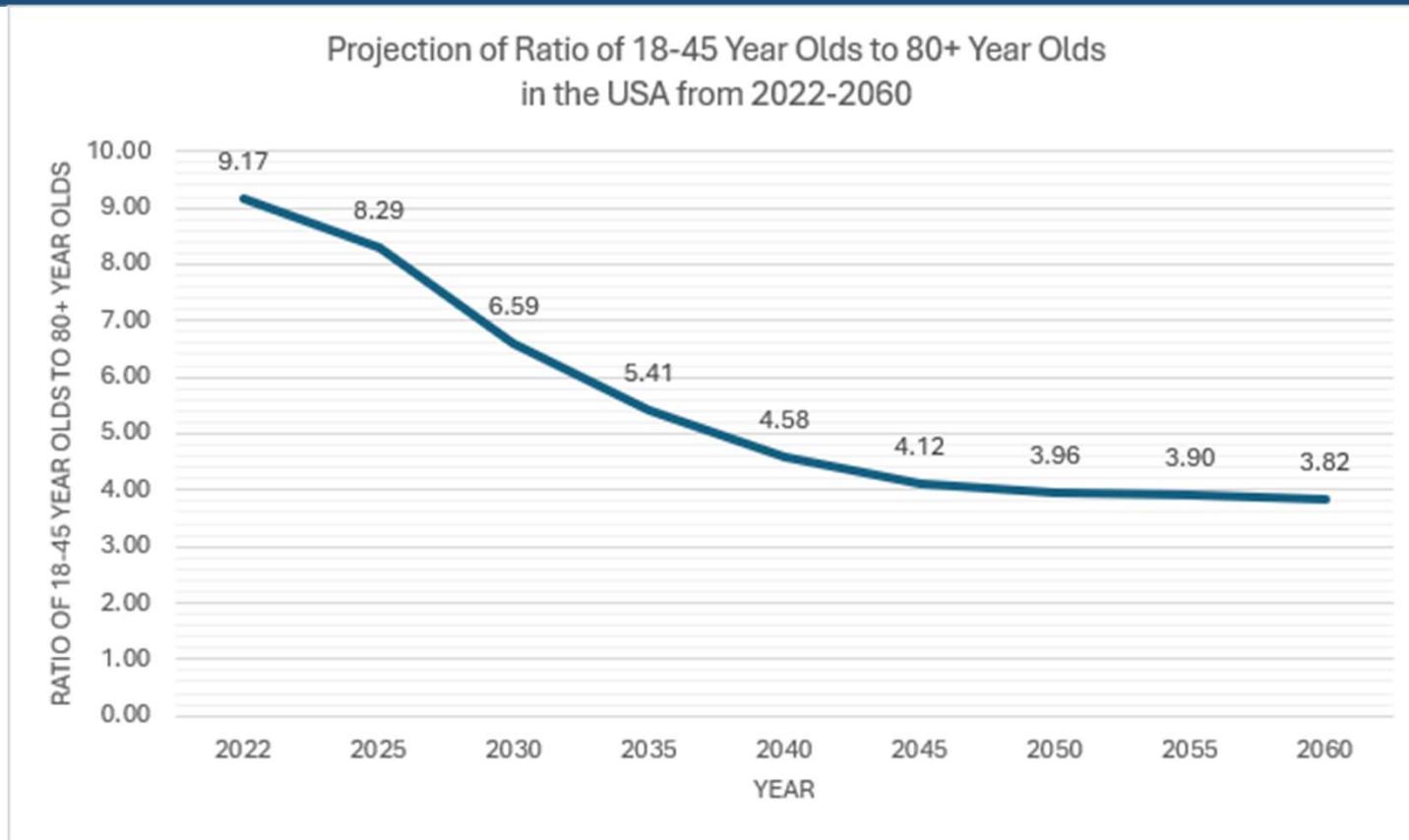


# Aging of Population Is Still Occurring

Population Growth – 80-84 Years



# The Future Workforce



Data Source: [US Census Bureau](#) 2023 National Population Projections. This incorporates the results of the 2020 Census and uses official estimates of the resident population on July 1, 2022 as the base for projecting the U.S. population from 2023 to 2060.

# Nursing Home Occupancy

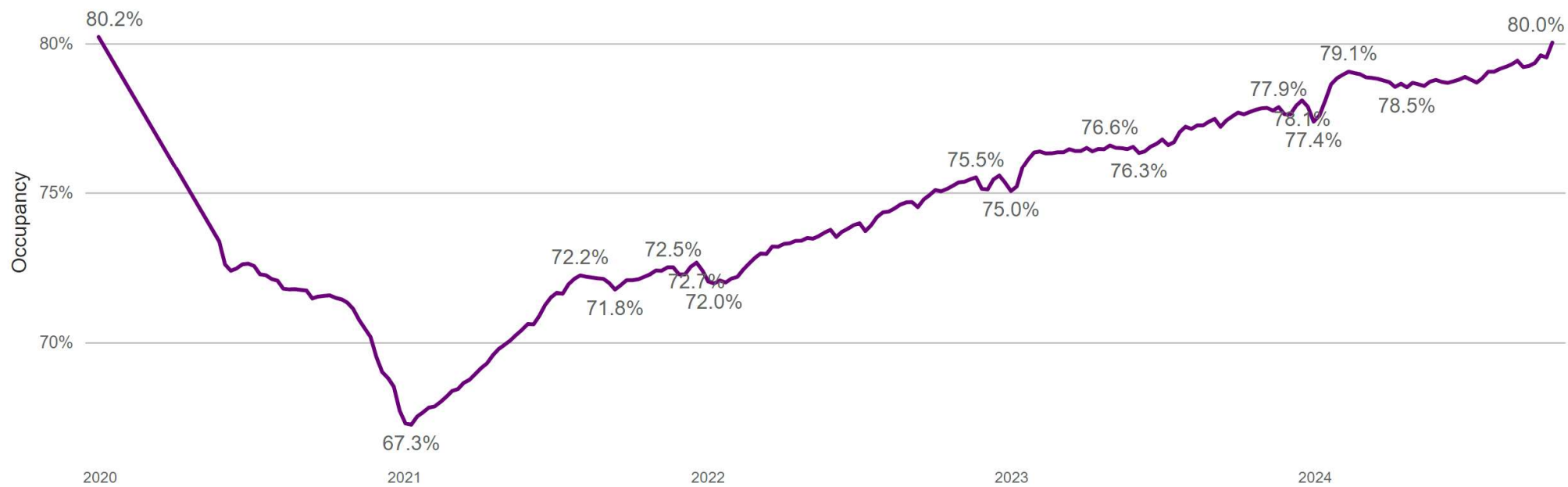
Current Average Occupancy

## 80.0%

State

All

Average Occupancy



**Data Through Week Ending:**  
October 13, 2024

**Source:** Payroll-Based Journal (PBJ) and NHSN

**Notes:** PBJ data used to calculate 2019 average occupancy. All other occupancy data based on NHSN. Starting in October 2024, resident census is based on the denominator of the resident COVID vaccination measure.

# Access to Care

## LIMITING ADMISSIONS

**46%** of nursing homes have limited new admissions

**57%** of nursing homes have a waiting list for new residents

## FACILITIES DOWNSIZING

**62,567**

fewer nursing home beds\*

**66%** of facilities are concerned that if their workforce challenges persist they may have to close their facility

**20%** of nursing homes have closed a unit, wing, or floor due to labor shortages

## CLOSURES

**774**

nursing homes closed\*

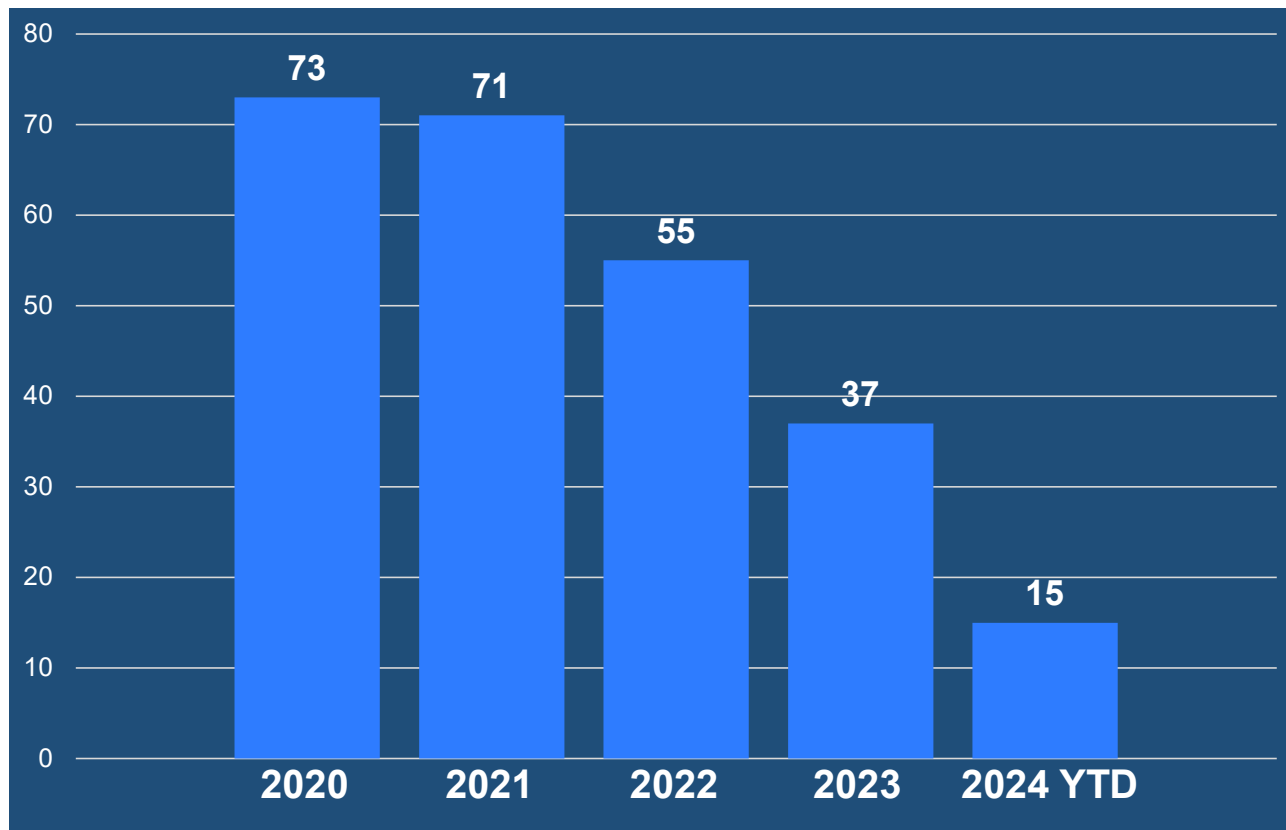
**28,421**

residents displaced\*

**40** more U.S. counties became nursing home deserts\*

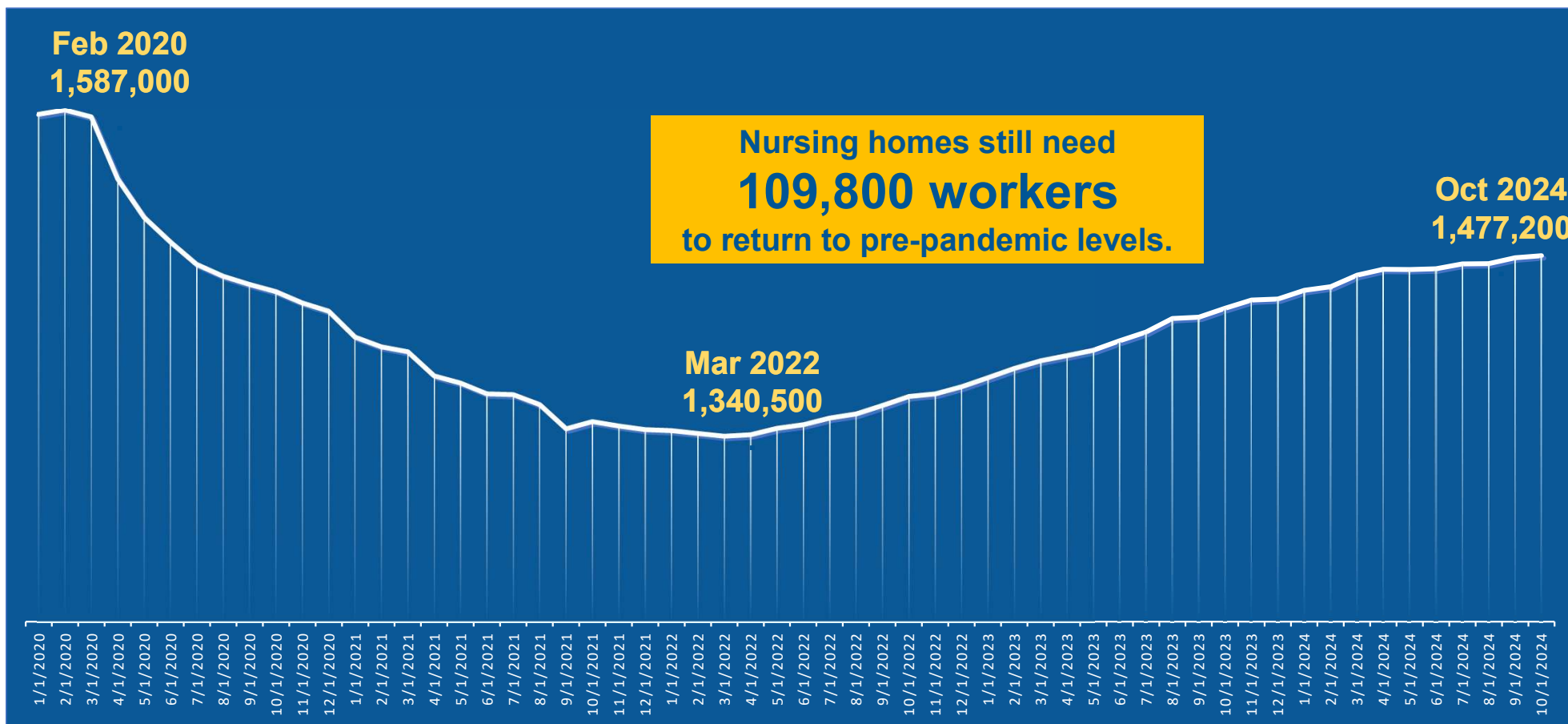


# Only 15 new nursing homes have opened in 2024





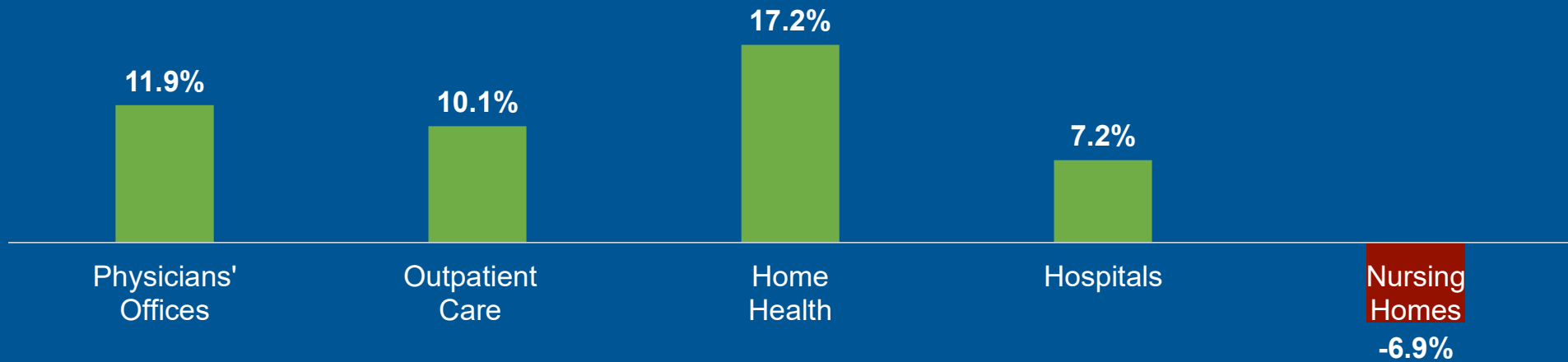
# Workforce Status



Source: Bureau of Labor Statistics (BLS) January 2020 – October 2024

## NURSING HOMES: WORST IMPACTED THAN ANY OTHER HEALTH CARE SECTOR

Percent Change in Health Care Sector Employment Since Feb 2020





# Minimum Staffing Update



# Minimum Staffing Final Rule Analysis

## Key Takeaways:

- Only **6%** of nursing homes currently meet all four requirements.
- **80%** of nursing homes will have to hire more RNs to meet the 24/7 RN requirement, including **92%** of rural facilities.
- Nursing homes will have to hire **an additional 102,000 nurses and nurse aides** to comply with the mandate.
- It will cost nursing homes an estimated **\$6.5 billion annually** to hire these additional caregivers.
- There is a strong correlation between Medicaid census and compliance; facilities that predominantly serve residents on Medicaid are less likely to meet each of the four requirements.
- **Nearly**  $\frac{1}{4}$  of nursing home residents (more than 290,000) may be at risk for displacement.

<https://www.ahcancal.org/Data-and-Research/Pages/Staffing-Mandate-Analysis.aspx>



# Implementation Timelines

	Urban Areas		Rural Areas	
Facility Assessment	90 Days after the publication date of this final rule.	August 8, 2024	90 Days after the publication date of this final rule.	August 8, 2024
3.48 HPRD and 24/7 RN Requirement	2 years after the publication date of this final rule.	May 10, 2026	3 years after the publication date of this final rule.	May 10, 2027
0.55 RN and 2.45 NA HPRD	3 years after the publication date of the final rule.	May 10, 2027	5 years after the publication date of the final rule.	May 10, 2029



## Impossible Staffing Mandate

- No funding
- Required staff are simply not available
- No pipeline is being built to produce the number of RNs needed
  - ○ Even if it were, RNs are in demand across all health care sectors





## Importance of Advocacy Efforts

- Gain Congressional Support to Change the Rule
- Awareness, education and understanding
- Be a resource



# Facility Tours for Elected Officials

- Critical role in AHCA/NCAL's educational and legislative efforts.
- Enable policy makers to see firsthand issues that affect our industry and how their constituents are impacted by decisions made in Washington, the state house, or city hall.
- One of our profession's **best** grassroots lobbying tools.





## Helpful Legislative Activity

### **S. 3410/H.R. 7513 Protecting America's Seniors' Access to Care Act**

- Introduced in Senate by Sen. Tester (D-MT) & Sen. Fischer (R-NE)
- Introduced in House by Rep. Fischbach (R-MN-07)
- Coalition efforts
- Prohibits the Secretary of Health and Human Services from finalizing a proposed rule regarding minimum staffing for nursing facilities, and to establish an advisory panel on the nursing home workforce.



## Helpful Legislative Activity

### **S. 3841 VA Report on Proposed CMS Staffing Ratios Act**

- Introduced in Senate by Sen. Angus King (I-ME) & Sen. Cramer (R-ND)
- Requires the VA to study the risks to elderly veterans of a proposed rule by the CMS that would unsustainably change staffing ratios at nursing homes. The bill requires an assessment of the VA's ability to continue meeting the long-term care (LTC) needs of veterans at VA and VA affiliated nursing homes, with a focus on rural areas, if the rule were to be implemented as currently proposed. It would require the Secretary of Veterans Affairs to submit a report on the VA's findings to Congress within 60 days of the bill becoming law.



## What Can You Do?

- Stay active in state and national associations
- Facility tours
- Get involved in state capitol and DC activity
- We are so regulated that activity is paramount

# AHCA/NCAL National Quality Award Program

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**NATIONAL QUALITY AWARD PROGRAM**

*Inspiring Excellence Since 1996*



# AHCA/NCAL 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

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Outside perspective

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Learning from feedback

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Team building

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Becoming stronger and more resilient

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Focus on results

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Recognition and pride

# The Impact

- 128% more likely to be an Overall Five Star Center than the nation
- 12% better performance than the national average on the use of o-label antipsychotics
- 8% better performance than the national average on hospital readmissions
- 9% lower RN turnover than the nation



**AHCA**®  
AMERICAN HEALTH CARE ASSOCIATION

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

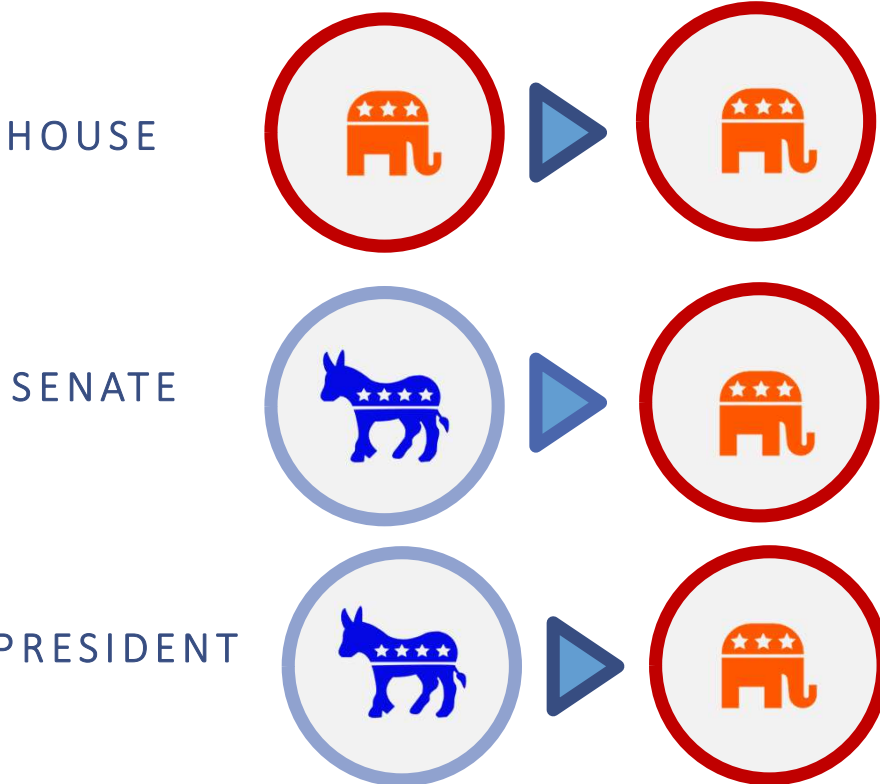
# MBA Advocacy Overview

Megan Booth, AVP, CREF Policy

## The Election is over, Now What?



# 2024 election topline results



AS OF 11/8/24, 9:29 AM BASED ON AP DATA  
PRESENTATION CENTER 2024

# Potential Key Players

- ❖ Transition is opaque; Recess Appointments?
- ❖ Housing/Housing Finance Hires – some confirmations could be mid-2025

## Certain

- ❖ White House – Chief of Staff Susie Wiles, DCOS-P Stephen Miller, Border Czar Tom Homan
- ❖ State – Marco Rubio
- ❖ National Security Advisor – Mike Waltz
- ❖ Defense – Pete Hegseth
- ❖ Attorney General – Matt Gaetz
- ❖ National Intelligence Director – Tulsi Gabbard

## Speculation

- ❖ Treasury – Scott Bessent, Jay Clayton. (Larry Kudlow has endorsed Bessent)
- ❖ NEC – Kevin Warsh, potential others
- ❖ Commerce/USTR – Robert Lighthizer
- ❖ FHFA – Jonathan McKernan
- ❖ HUD – Bill Pulte, Rick Lazio, Rep. Byron Donalds

## Change in Power → Change in Policy

	H	S	WH	Implications	MBA Strategy
GOP Sweep	R	R	R	<ul style="list-style-type: none"> <li>• Attempt to rollback Biden reg agenda (CRA &amp; new regs; regulatory freeze; 2 out for 1 in)</li> <li>• Efforts to rollback IRA</li> <li>• TCJA tax provisions extended, deficit as flashpoint, paying for it?</li> <li>• Potential limited filibuster change? (nat sec/border)</li> <li>• Policy principally through regulations and appointments (Exec Branch &amp; Judicial)</li> </ul>	<ul style="list-style-type: none"> <li>• Focus on tax &amp; reconciliation (defend priorities)</li> <li>• Prioritize regulatory adjustments (“Do the Doable”)</li> <li>• Prioritize confirmations</li> <li>• Prepare for increased litigation activity (amicus program)</li> </ul>

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MONEY ENVIRONMENT WORLD SCIENCE & TECHNOLOGY BUSINESS & INDUSTRY HEALTH & PUBLIC WELFARE

SEARCH America

### FEDERAL REGISTER

THE DAILY JOURNAL OF THE UNITED STATES GOVERNMENT

Monday, July 26th

Current Issue: 91 Notices, 18 Proposed Rules, 10 Rules, 3 Presidential Documents, 1 Significant Regulations, 409 Pages

#### MONEY

##### NASDAQ: Clerical Change to Nasdaq Rules

A Notice by Securities and Exchange Commission on 07/26/2010



Nasdaq proposes to make clerical corrections to the Nasdaq rulebook. Nasdaq proposes to implement the proposed rule change immediately.

David Sim [Read more >](#)

20 NEW ARTICLES TODAY

33 COMMENT PERIODS ENDING SOON

#### NEWS

July 26, 2010 marks the 75th anniversary of the Federal Register Act. Join us in celebrating a proud tradition of open access to government information with the launch of our experimental Federal Register beta site.

We welcome your comments and suggestions!

LEGAL DISCLAIMER



# So Where Do We Focus?

Agencies, Congress, Courts?

## Housing Supply, Renter Protections and Election Outcomes

### Red Wave

De-emphasis on rental protection measures.

Likely focus on legislative and regulatory reforms to HUD and the GSEs, along with an Administrative effort to move the GSEs out of conservatorship.

Hyper-focus on HUD and GSE mission to provide “affordable housing” likely at 80 AMI level.

Potential for changes to HUD and FHFA rules promulgated during the Biden Administration (i.e. FFB).

Potential for legislative changes to CRA, HMDA and other regulations.

Focus on private sector and in particular bank financing.

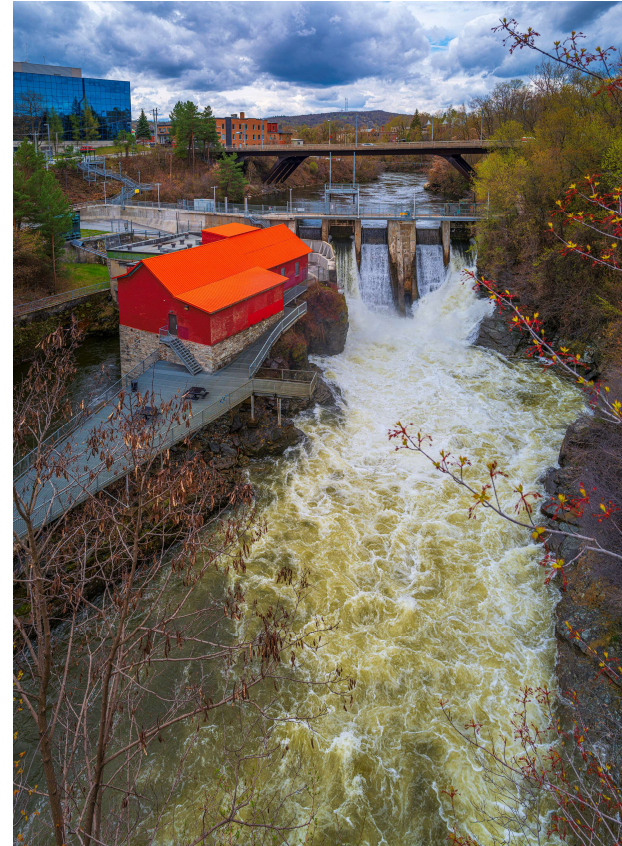
## Climate Change and Election Outcomes

Government	Red Wave
Federal	<p>Aggressive de-emphasis of climate related regulations.</p> <p>Potential for adjustments to climate related legislation and regulation.</p>
State	<p>Progressive states move to enact aggressive standards. Conservative states focus on status quo.</p>
Local	<p>Progressive cities and counties likely to consider implementing aggressive laws like NYC LL97.</p>



# MBA Advocacy Outlook

- FFRMS – Jan 1, 2025
- OGC Decision
- Queue
- Expansion of 232
  - Mental health
  - Addiction
  - Independent Living?



# Questions?



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