

What Argentum's Silver PAC Does for Senior Living

Federal Overview

The COVID-19 public health crisis presents unique challenges to the senior living industry, but also offers an opportunity to highlight the needs of the industry, meet directly with a wide range of policymakers who are specifically seeking to learn more about how residents and staff are faring in senior living, and how they can help support our priorities.

Argentum's federal priorities as a result of COVID-19 include priority access to PPE and test kits, financial relief for the industry, and reasonable liability protections. As legislation is considered in the House and Senate, Silver PAC will provide another ability for Argentum members, staff, and lobbyists to meet directly with lawmakers to raise issues that are being faced in senior living and ask for support of our priorities.

COVID-19 Related Federal Priorities

Priority Access to PPE: We support proposals that will prioritize senior living communities to receive the necessary personal protective equipment (PPE) to properly protect against the spread of the virus, including respirators, facemasks, eye protection, medical gown, and gloves. Having the resources to protect residents and staff, whether symptomatic or asymptomatic, is absolutely critical to containing the spread of COVID-19 in these communities and avoiding an increase in hospital admissions, straining already limited healthcare resources.

Priority Access to Test Kits: Protecting healthy residents and staff requires timely and accurate testing on suspected cases of the virus. We support policies that will ensure senior living communities will have adequate access to COVID-19 tests that will enable expeditious initiation of escalated infection control protocols. Communities need support to access rapid testing to be able to test those in the community as often as necessary to keep the community safe. Mandatory testing of employees and/or residents should be based on scientific evidence and consistent guidance, and costs for mandated testing should be reimbursable.

Financial Relief: Senior living providers are facing immediate financial pressures, with estimated increased costs and lost revenue over the next 12 months at \$40 – \$57 billion. Costs for infection control, dietary, and PPE expenses have quadrupled. In the abundance of caution, new admissions have been halted. Labor costs have increased as more staff are needed to care for frail seniors during this challenging time. A specific allocation to the Public Health and Social Services Emergency Fund should be made for senior living communities to help safeguard the current and future financial health of the industry.

Reasonable Liability Protections: The nationwide shortages of tests, critical care equipment, protective gear, and constantly changing laws and guidance federally and in the states have exacerbated the crisis. We are concerned for what this could mean for staff and residents who suffer negative outcomes, and that it could make senior living communities vulnerable to legal attacks. To protect the front-line health care workers during these extraordinary circumstances, numerous states have acted to ensure that reasonable liability protections are in place.

We support reasonable liability protections to be extended nationwide to all front-line health care professionals and health care institutions, including senior living communities. Such protections would be limited to actions taken in good faith, and not apply to actions involving gross negligence and willful or criminal misconduct. Additionally, liability protections should be time-limited to the duration of this public health emergency.

Overarching Federal Priorities

- Supporting the state regulatory model – maintaining strong state oversight balancing resident safety and choice
- Find and retaining a qualified workforce – attract 1.4 million compassionate individuals to the industry by 2025 to take care for our aging population
- Retirement security crisis – ensure that more Americans set aside money for long-term care services and supports (LTSS)
- Educating lawmakers – this evergreen activity is critical so that policymakers are familiar with Argentum’s public policy priorities and key strategic initiatives as well as senior living as whole

Recent Federal Victories

- Throughout the pandemic, Argentum has been actively working with Congress and the Trump Administration on support for senior living, resulting in the following:
 - We led an ambitious 50-state initiative to protect providers and staff through executive orders or legislation, developed based on our model executive order. More than a dozen states have already passed protections for senior living workers and/or operators, and we’re continuing to seek federal protections.
 - As part of the Families First and Coronavirus Response Act, we were granted an exclusion we specifically requested from the Department of Labor to include senior living workers among the essential healthcare workers exempt from the paid leave provisions, as a means to ensure our nation’s seniors would still be able to get the care they need during this crisis.
 - Included senior living as eligible for funding through the \$175 billion Public Health and Social Services Emergency Fund (PHSSEF).
 - Ensured eligibility of funds for mid-size and small business operators through various funds. In forthcoming legislation, we are seeking changes to the small business loan eligibility to expand the scope for all communities with fewer than 500 employees to be eligible, regardless of the total corporate size.
- The December 2019 spending package included numerous federal priorities sought by Argentum, including:
 - A two-year extension of the medical expense deduction at the 7.5% threshold.
 - Increased the minimum age for mandatory fund withdrawals from retirement accounts from 70 ½ to 72.
 - An additional \$350 million has been earmarked for the National Institutes of Health (NIH) to study Alzheimer’s disease and fund research for treatment, prevention and ultimately a cure.



ARGENTUM
EXPANDING SENIOR LIVING

SILVER PAC

- We supported the final passage and enactment of [H.R. 4334](#), the Supporting Older Americans Act. This iteration will reauthorize the act for five years with increased funding, improving elder abuse prevention, promoting multigenerational opportunities, expanding the availability of services for those living with younger onset Alzheimer's disease, and supporting age-friendly communities.
- We opposed efforts to pass [H.R. 2474](#), the Protecting the Right to Organize (PRO) Act, that is now essentially dead in the Senate. The legislation would effectively repeal right-to-work provisions currently used in 27 states, strip workers of essential rights, and violate employees right to privacy.
- We were active in protesting a regulatory change to CCRCs that could have significant financial impacts. We submitted formal comments in opposition to the Medicaid Fiscal Accountability Regulation (MFAR) that could increase provider taxes by six- or seven-figures annually. We requested the rule be withdrawn or to eliminate the provisions relating to CCRCs.