



Argentum Advocates

December 2023 Member Briefing

Thank You for Joining Us!



Maggie Elehwany

Senior Vice President
Public Affairs



Paul Williams

Vice President
Government Relations



Dan Samson

Director
Government Relations



Kyle Loeber

Manager
Public Policy



Michael Keegan

Manager
Media & Public Affairs

Argentum is the leading national association representing 75 percent of professionally managed assisted living, independent living, memory care, and continuing care retirement communities. These communities offer choice, dignity, security, and comfort in the final years of life to nearly two million vulnerable seniors.

Have a Question?

Ask your question at any time in the Q&A box, accessible from the bottom of your attendee panel.

Please note that due to time limitations on today's briefing, all questions submitted will be answered via email following the conclusion of the session.



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Agenda

- **Media Coverage of Assisted Living**
 - *Washington Post*
- **2023 Year in Review**
- **Legislative & Regulatory Update**
 - Priority Legislation
 - Regulatory Update
- **Telling Our Story**
 - Tools and Resources to Take Action
- **Public Policy Institute**
 - March 11-13, 2024

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Media Coverage of Assisted Living

The Washington Post series on assisted living “Memory, Inc.”:

- “Dozens of Assisted-Living Residents Died After Wandering Away Unnoticed”
- “Senior Homes Left Dangerously Understaffed Amid Assisted-Living Boom”
- “Facilities Where Seniors Died After Walking Away or Being Left Unattended”
- “How Your State Regulates Assisted-Living Facilities”
- “Questions to Ask Before Choosing an Assisted Living Facility”

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Media Coverage of Assisted Living

Argentum's Actions:

- Before publication, challenging validity of data and shifting focus from systemic issue to anecdotal
- Coordination with State Partners, sister trade associations, industry partners
- Preparing our response: resident safety data, satisfaction surveys
- Three areas of focus:
 1. Sympathy for residents/families mentioned in reporting
 2. Resident experience/context
 3. Provider accountability

2023 Year in Review

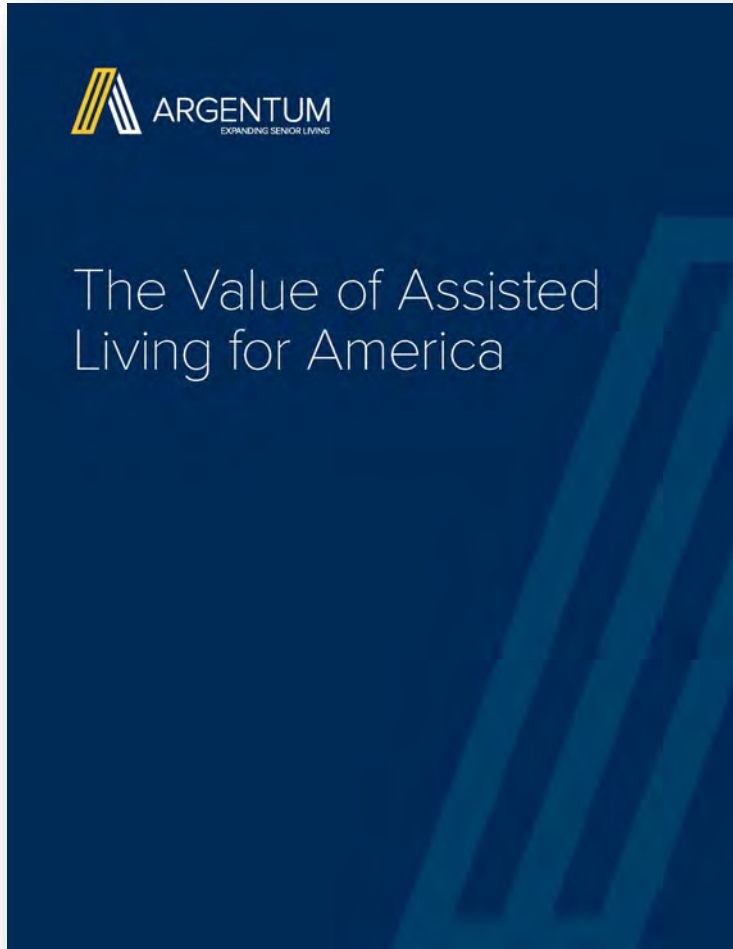
Value of Senior Living

- **Educated lawmakers on the value of senior living**, including the release of the *Value of Assisted Living Report*, so lawmakers can better understand and represent our priorities in Congress.
- **Introduction of Care Across Generations Act**, legislation to foster intergenerational activities between assisted living and childcare settings.
- **Grew the 21st Century Long-Term Care Caucus** to 18 bipartisan members of the House and hosted briefings for Congressional staff on our priorities.

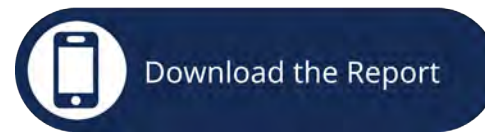
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2023 Year in Review



The Value of Assisted Living for America makes clear that assisted living provides more of what matters when it comes to helping seniors stay as healthy, happy, and independent as possible.

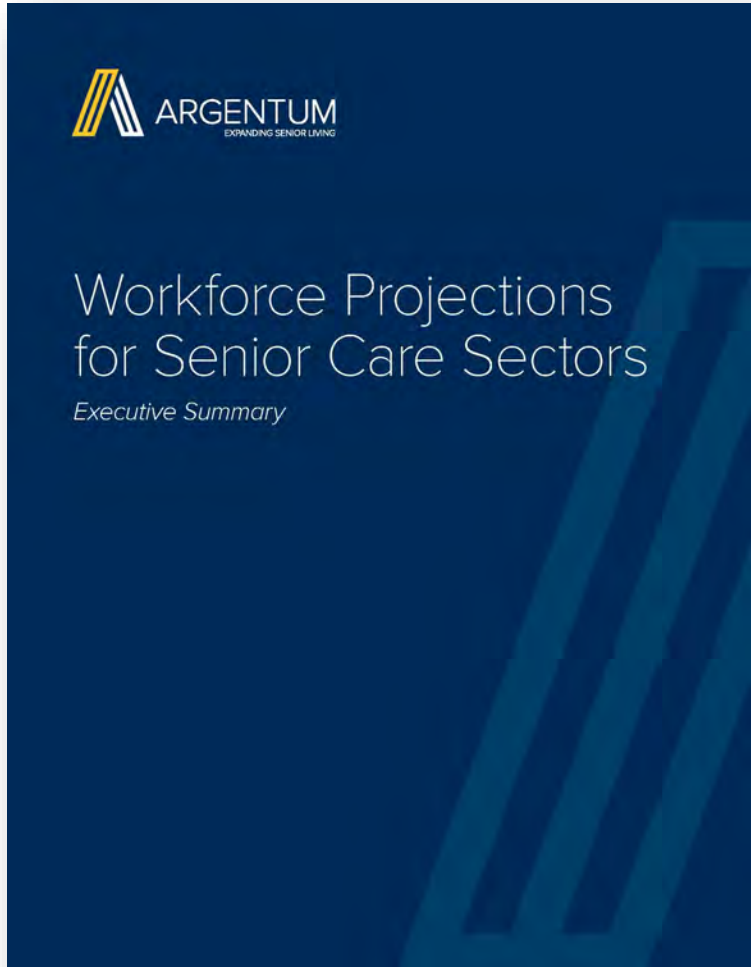


2023 Year in Review

Workforce

- **Drafted the SENIOR Act**, legislation to include senior care options in federal workforce training programs like Job Corps and American Job Centers.
- **Caregiver Career & Appreciation Legislation**, transforming 529 education savings plans into career savings plans to pay for continuing education and certifications, and tax incentives for assisted living workers.
- **Inclusion in Annual Appropriations**, directing federal agencies to support the caregiving workforce through education, training, and apprenticeship programs.
- **Release of industry *Workforce Projections Report***, showing estimated worker shortages across long-term care settings through 2040, with state-based data relevant for policy makers.

2023 Year in Review



The Workforce Projections for Senior Care report presents a workforce outlook for the senior care industry with a specific focus on senior living, skilled nursing, home health care, and services for the elderly and persons with disabilities sectors.



2023 Year in Review

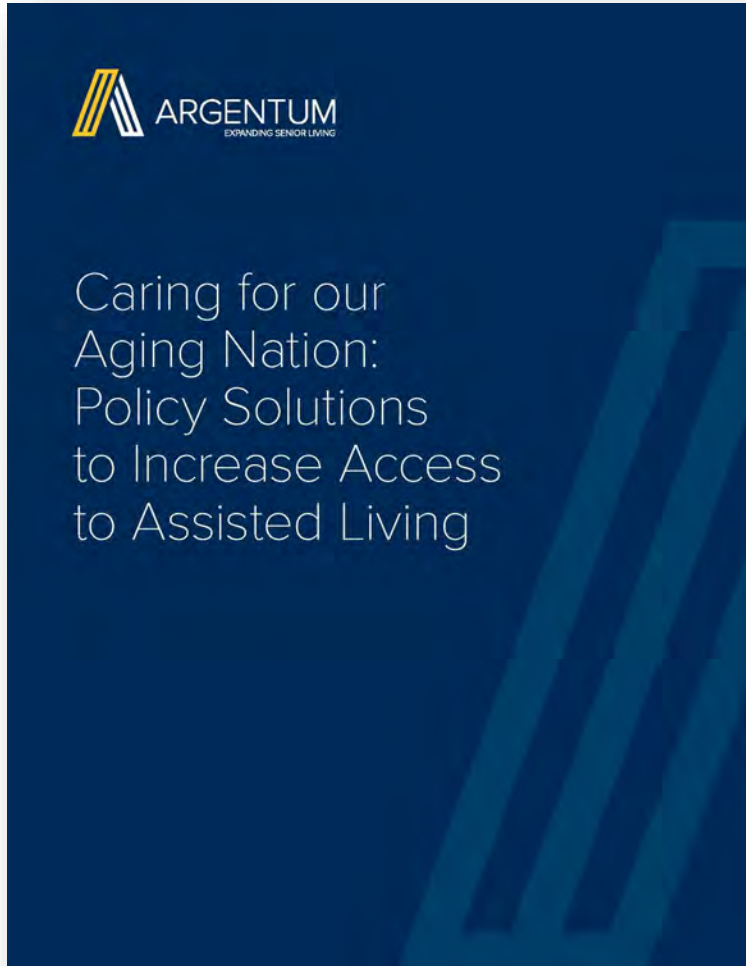
Access/Affordability

- **Veterans Assisted Living Pilot Program** to demonstrate the value of assisted living by allowing Veterans a choice in their care.
- **SENIOR Act**, legislation to expand HSA/FSA accounts for long-term care and offer tax incentives to pay for assisted living.
- **Release of policy solutions report** in support of policies to strengthen the LTC insurance market, reduce labor costs, and encourage saving for long-term care.

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2023 Year in Review



Caring for our Aging Nation: Policy Solutions to Increase Access to Assisted Living report presents recommendations for policymakers to enact that would increase access and affordability, strengthen the long-term care insurance market, and resolve the workforce shortage.



2023 Year in Review

Our Success is Because of You!

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Issue	Bills	Primary Sponsor	+ Cosponsors
Care Across Generations Act	HR 6835	Rep. Marilyn Strickland (D-WA)	3 (1 Democrat, 2 Republicans)
SENIOR Act	*pending		
Veterans Assisted Living Pilot Program	HR 1815	Rep. Elissa Slotkin (D-MI)	19 (14 Democrats, 5 Republicans)
	S 495	Sen. Jon Tester (D-MT)	6 (2 Democrats, 4 Republicans)
Better Care Better Jobs Act	HR 547	Rep. Debbie Dingell (D-MI)	94 (94 Democrats)
	S 100	Sen. Bob Casey (D-PA)	41 (41 Democrats)
HCBS Access Act	HR 1493	Rep. Debbie Dingell (D-MI)	6 (6 Democrats)
	S 762	Sen. Bob Casey (D-PA)	19 (19 Democrats)
Intergenerational Housing	HR 3153	Rep. Jim McGovern (D-MA)	1 (1 Democrats)
	S 1448	Sen. Bob Casey (D-PA)	2 (1 Democrats, 1 Republicans)
Family Caregivers	S 1298	Sen. Tim Kaine (D-VA)	9 (9 Democrats)
COVID-19 Taskforce	S 1489	Sen. Kirsten Gillibrand (D-NY)	4 (2 Democrats, 2 Republicans)
LTC IRA Increase	HR 957	Rep. Abigail Spanberger (D-VA)	12 (5 Democrats, 7 Republicans)
Healthcare Worker Bonus	HR 1215	Rep. Seth Magaziner (D-RI)	4 (4 Democrats)
PRO Act	S 567	Sen. Bernie Sanders (I-VT)	47 (47 Democrats)
	HR 20	Rep. Bobby Scott (D-VA)	214 (212 Democrats, 2 Republicans)
Healthcare Ownership Transparency	HR 1754	Rep. Pramila Jayapal (D-WA)	9 (9 Democrats)
Workforce: 529 Savings Plans	S 722	Sen. Amy Klobuchar (D-MN)	12 (6 Democrats, 6 Republicans)
	HR 1477	Rep. Rob Wittman (R-VA)	89 (32 Democrats, 57 Republicans)
Opportunity Zone Tax Credits	HR 4520	Rep. John James (R-MI)	3 (3 Republicans)
WOTC Improvement	HR 6833	Rep. Lloyd Smucker (R-PA)	4 (2 Democrats, 2 Republicans)

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Legislative Priorities:

Care Across Generations Act

H.R. 6835: Reps. Marilyn Strickland (D-WA), Bryan Steil (R-WI), and Ann Kuster (D-NH)

Legislation would provide grants to long-term care communities to establish an on-site childcare center for the purposes of intergenerational activities, or to partner with an existing nearby childcare center



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Legislative Priorities:

The SENIOR Act

“Safeguarding Elderly Needs for Innovation and Occupational Resources”

*Pending Introduction

Reps. Lori Trahan (D-MA) and Brian Fitzpatrick (R-PA)

The legislation would (1) create a cost-reduction program allowing seniors to choose assisted living care instead of costlier skilled nursing facilities that rely on Medicaid, (2) provide flexibility in Health Saving Accounts (HSA) and Flexible Spending Accounts (FSA) to pay for long-term care, and (3) allow families to be eligible for tax incentives when they help their senior loved one pay for assisted living. The SENIOR Act also addresses historic caregiving workforce shortages by re-targeting existing HHS and DOL workforce training programs like Job Corps, American Job Centers and others to offer specializations in senior care.

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Legislative Priorities:

Veterans Assisted Living Pilot Program

H.R. 1815: Reps. Elissa Slotkin (D-MI) and Bryan Steil (R-WI)

S. 495: Senators Jon Tester (D-MT) and Jerry Moran (R-KS)

Legislation would establish a three-year pilot program to allow eligible veterans to choose assisted living, instead of nursing homes, for their long-term care needs.

- House bill was passed by the HVAC Health Subcommittee in July
- Senate bill has had a legislative hearing, markup pending.

Legislative Priorities:

Freedom To Invest in Tomorrow's Workforce Act

H.R. 1477: Reps. Rob Wittman (R-VA) and Abigail Spanberger (D-VA)

S. 722: Sens. Amy Klobuchar (D-MN) and Mike Braun (R-IN)

The legislation would transform 529 education savings plans into career savings plans, by allowing individuals to use 529 plans to help cover: certification program tuition; testing fees, including practice exams; required books and equipment; continuing education and certification renewal; and other charges required to obtain and maintain a certification.

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Legislative Priorities:

Improve and Enhance the Work Opportunity Tax Credit Act

H.R. 6833: Reps. Lloyd Smucker (R-PA) and Terri Sewell (D-AL)

Legislation increases the current credit percentage from 40% to 50% of qualified wages, adds a second level of credit for employees who work 400 or more hours, and would increase the age at which SNAP recipients are eligible for WOTC, providing an incentive to hire older workers.

Argentum supports this bill with a broad coalition.

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Join the Caucus!

The House 21st Century Long-Term Care Caucus members:

Ann McLane Kuster (D-NH)*

Bryan Steil (R-WI)*

Debbie Dingell (D-MI)*

Jim McGovern (D-MA)

Henry Cuellar (D-TX)

Susan Wild (D-PA)

Nanette Diaz Barragán (D-CA)

Lori Trahan (D-MA)

Madeleine Dean (D-PA)

Jared Huffman (D-CA)

David Trone (D-MD)

Chris Pappas (D-NH)

Marilyn Strickland (D-WA)

Jeff Van Drew (R-NJ)

Terri Sewell (D-AL)

Jen Kiggans (R-VA)

Joe Morelle (D-NY)

Derek Kilmer (D-WA)

*denotes co-chair

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Regulatory Outlook

Minimum Staffing Proposed Rule

Argentum joined with a coalition of industry stakeholders to submit comments in response to the proposed rule issued in September that would establish federal staffing requirements on long-term care facilities.

- **The rule would apply only to Medicare and Medicaid-certified skilled nursing facilities (SNFs), and not senior living communities.**
- Our comments specifically called attention to potential unintended impacts of the rule on settings that are otherwise not directly impacted, due largely to the long-term care industry's workforce shortages.
- We advised CMS to focus on efforts to strengthen the long-term care workforces through policies to assist in training, recruiting and retaining staff.

Regulatory Outlook

CMS HCBS Proposed Rule

Argentum is monitoring the Administration's actions as it could relate to the [proposed rule](#) issued in May on HCBS direct care workforce and supporting recruitment and retention, which would require 80% of state payments be allocated to compensation for direct care workers.

On December 12, the Center for Medicaid and CHIP Services (CMCS) issued an [informational bulletin](#) to remind states of the availability of enhanced federal funding to develop and maintain direct care worker registries to help identify qualified direct care workers in the state, facilitate recruitment and retention, and track the supply of the direct care workforce in a particular state. The guidance also reminds stakeholders of American Rescue Plan Act (ARPA) funding was dedicated to home and community-based services (HCBS).

Regulatory Outlook

OSHA Healthcare Worker Safety Proposed Rule

Proposed rule on health care worker safety remains pending at White House Office of Management and Budget

Argentum has consistently opposed this proposal, submitting comments in August 2021, April 2022, May 2022, and November 2022, in addition to testifying in April 2022.

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AHEAD

INSIGHT, POLICY AND NEWS YOU NEED TO STAY AHEAD

BY  ARGENTUM

December 18, 2023

Argentum Advocates Monthly Policy Briefing

Join us on Wednesday, December 20 at 2:00 pm ET for the Argentum Advocates monthly policy briefing. Argentum Advocates are invited to these exclusive sessions to hear directly from Argentum's federal lobbyists on our current federal and state public policy efforts. [Register Now](#).



NATIONAL NEWS

Argentum Responds to Washington Post Series on Assisted Living

On Sunday, the *Washington Post* published a series of articles on assisted living:

- ["Dozens of Assisted-Living Residents Died After Wandering Away Unnoticed"](#)
- ["Senior Homes Left Dangerously Understaffed Amid Assisted-Living Boom"](#)
- ["Facilities Where Seniors Died After Walking Away or Being Left Unattended"](#)
- ["How Your State Regulates Assisted-Living Facilities"](#)
- ["Questions to Ask Before Choosing an Assisted Living Facility"](#)

We have anticipated the publication of these articles and have been working directly with the reporters and editors to raise significant concerns with their reporting prior to their publication. Despite our repeated requests, they refused to share their data or methodology, which we strongly believe to be flawed, and believe that the reporters did not do adequate due diligence in understanding the issues they raised. Argentum released a statement to the *Washington Post* in advance of the articles' publication, which reads in full:



[Argentum-Led Bill Introduced to Promote Socialization and Caregiver Retention](#)

By Argentum, December 15, 2023 at 10:04 AM

Argentum is thrilled to share that yesterday, U.S. Representatives Marilyn Strickland (D-WA), Bryan Steil (R-WI), and Ann McLane Kuster (D-NH) introduced [H.R. 6835](#), the Care Across Generations Act. This Argentum-led bill would help more seniors and children interact with one another, providing health and well-being benefits and addressing the epidemic of loneliness facing our nation, while also potentially helping reduce workforce shortages by improving caregiver retention.

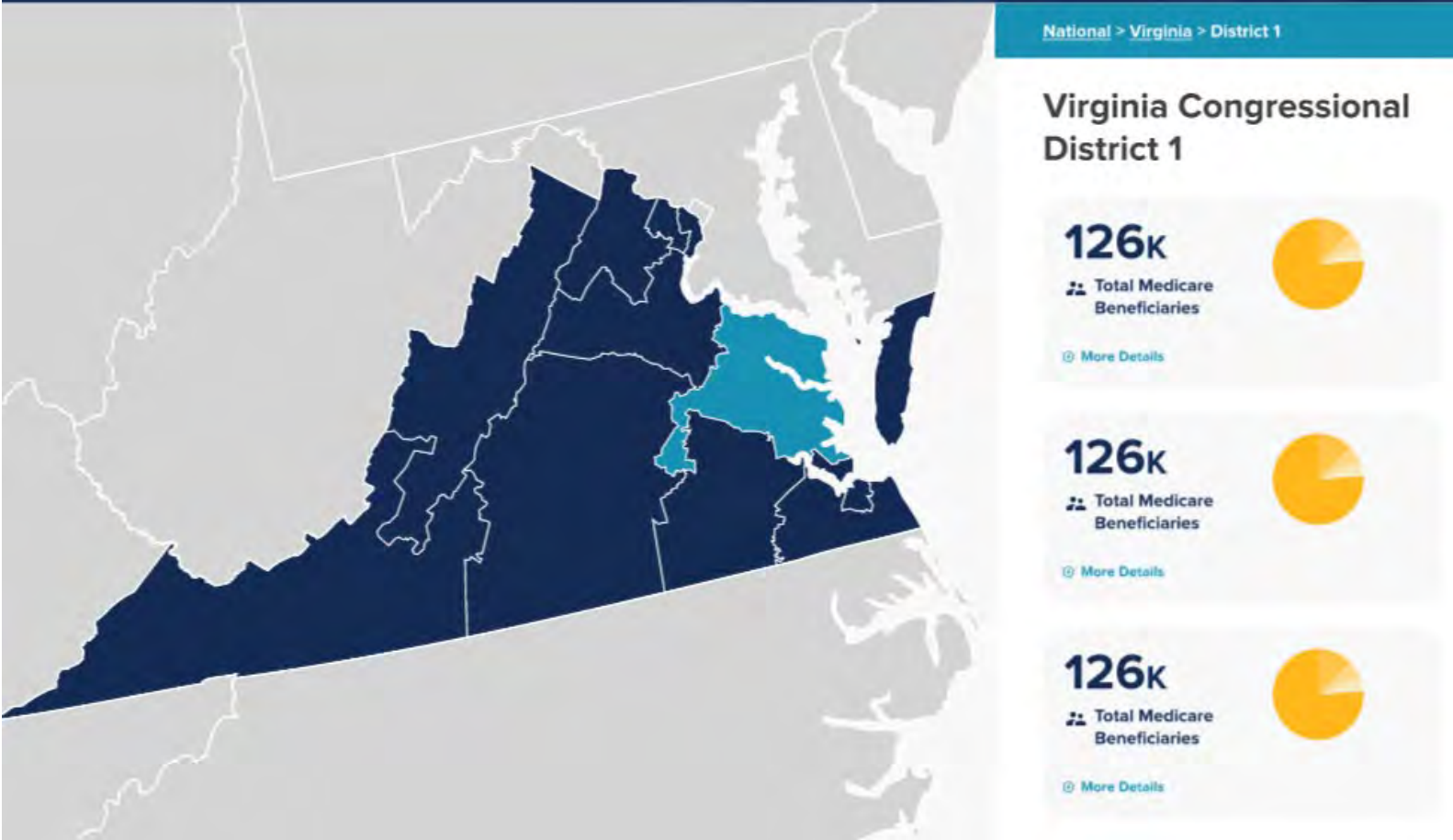
Argentum worked directly with the Congressional offices to draft the legislative language of the Care Across Generations Act. The bill would establish grants for long-term care communities to operate a child care facility within their community, coordinate multigenerational activities, or develop or expand new or existing facilities for the specific purpose of fostering intergenerational connections.

[Read more »](#)

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Coming Soon: New Resource



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Invite Your Lawmakers for a Tour!



These visits are a great opportunity for lawmakers to host a "town hall" discussion, meet with residents and staff, hear their stories, and share their priorities in Congress.

If your community is interested in hosting a visit with a lawmaker, contact Kyle Loeber at kloeber@argentum.org.

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SAVE THE DATE

ARGENTUM PUBLIC POLICY INSTITUTE

March 11-13, 2024
Washington, DC

Visit [argentum.org/ppi](https://www.argentum.org/ppi) for updates.

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Public Policy Institute

Meeting Date: March 11-13, 2024

(Moved from February 2024 due to a change in the Congressional calendar).

All senior living advocates are encouraged to attend the event and join us for our lobbying efforts on Capitol Hill.

- C-Suite officers
- Senior corporate legal, regulatory, and compliance staff,
- Community level executive directors,
- All others who offer a valuable perspective on the needs facing senior living communities and the policies that can best help our industry.

Importantly, no experience is necessary!

All attendees will receive adequate preparation and guidance.

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Public Affairs

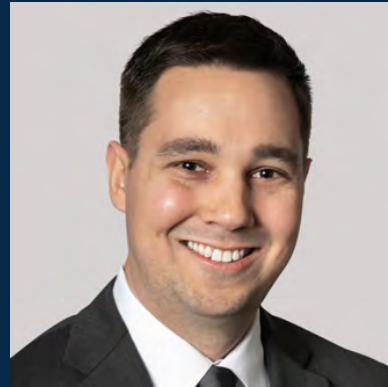
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Manager
Media & Public Affairs

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