



# Argentum Advocates

## January 2024 Member Briefing

# Thank You for Joining Us!



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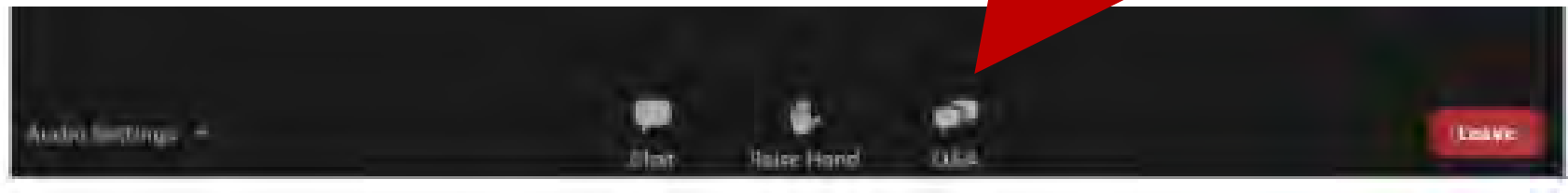
**Michael Keegan**

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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.



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# Agenda

- **Senate Aging Hearing**
  - *Recap & Takeaways*
  - *Lawmaker Action Items*
  - *Advocate Action Items*
- **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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# Senate Aging Committee Hearing

## Recap & Takeaways:

- No direct call for legislation and no announcements for a subsequent or series of hearings on assisted living. Argentum remains vigilant in our efforts to mitigate any additional Congressional activities, to include hearings, inquiries, and legislation.
- Elopements were not a prominent feature of the hearing, with one senator calling them “mercifully rare.” No witnesses described a personal connection to a fatality from an elopement or inadequate care.

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# Senate Aging Committee Hearing

## Recap & Takeaways:

- National Standards “to Promote Quality, Safety, and Integrity in Assisted Living”
- Centralized database: Staffing (levels and competencies), ownership, charges for residential and care services, and citation history (including how those citations were corrected and any penalties that were imposed)
- Role of private equity and REITs in assisted living
- Government oversight, particularly for those who accept federal funding
- Workforce development: need for more caregivers, investments in careers

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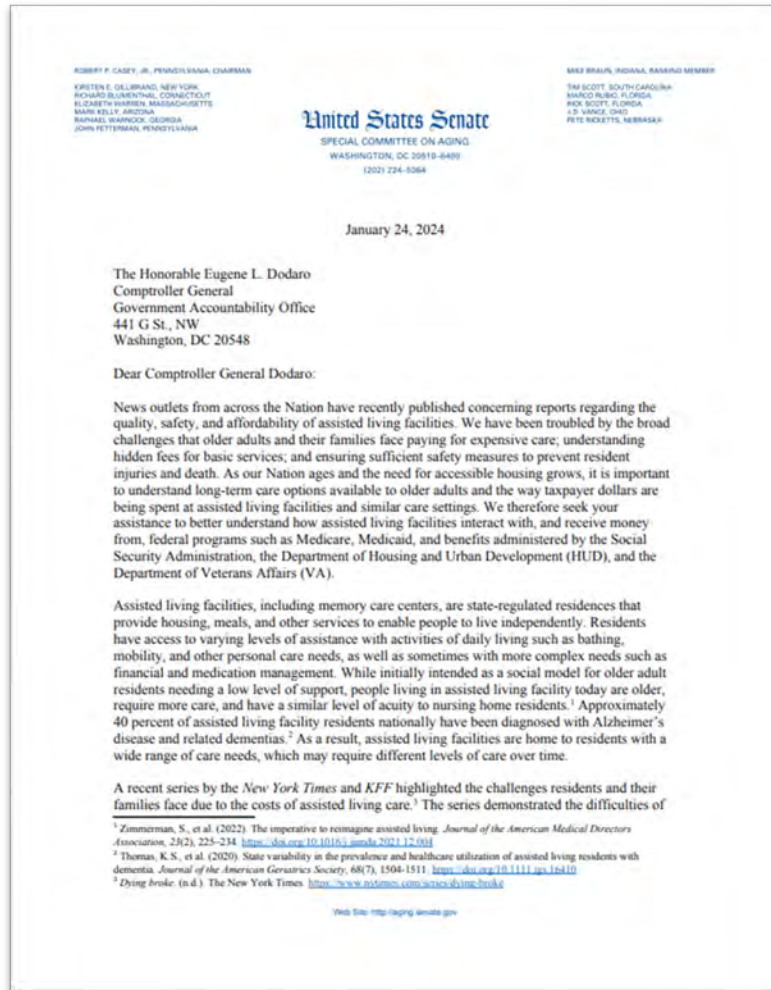


# Senate Aging Committee Hearing

## Action Items:

1. A request for the GAO to issue a study on assisted living costs and transparency for consumers;
2. A call for stories from families on their experiences in finding care and understanding and affording the costs of care.

# Senate Aging Committee Hearing



## Proposed GAO Study

All Democratic members of the Aging Committee signed letter requesting the GAO to study:

- How much the federal government spend on assisted living programs
- The cost of assisted living services
- The transparency and availability of assisted living cost information to consumers

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# Senate Aging Committee Hearing

UNITED STATES SENATE SPECIAL COMMITTEE ON AGING

ABOUT HEARINGS PRESS ROOM RESOURCES CONTACT

Q FRAUD HOTLINE

## SHARE YOUR ASSISTED LIVING STORY

With an estimated one million older adults and adults with disabilities residing in assisted living facilities, it is critical to ensure families have accurate and timely information about the costs and quality of assisted living services. I want to hear from you about your experiences as you navigate assisted living facilities for yourselves and your loved ones. Use the form below or email [AssistedLivingBills@aging.senate.gov](mailto:AssistedLivingBills@aging.senate.gov) to share your stories and bills.

FIRST NAME\*

LAST NAME\*

CITY

STATE\*

SHARE YOUR ASSISTED LIVING STORY\*

CHECK THIS BOX IF YOU ARE COMFORTABLE WITH THE COMMITTEE USING YOUR STORY PUBLICLY.

SUBMIT

## Call for Stories

Aging Committee seeking personal experiences on navigating assisted living, including issues/concerns with the cost of care and billing.

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# Senate Aging Committee Hearing

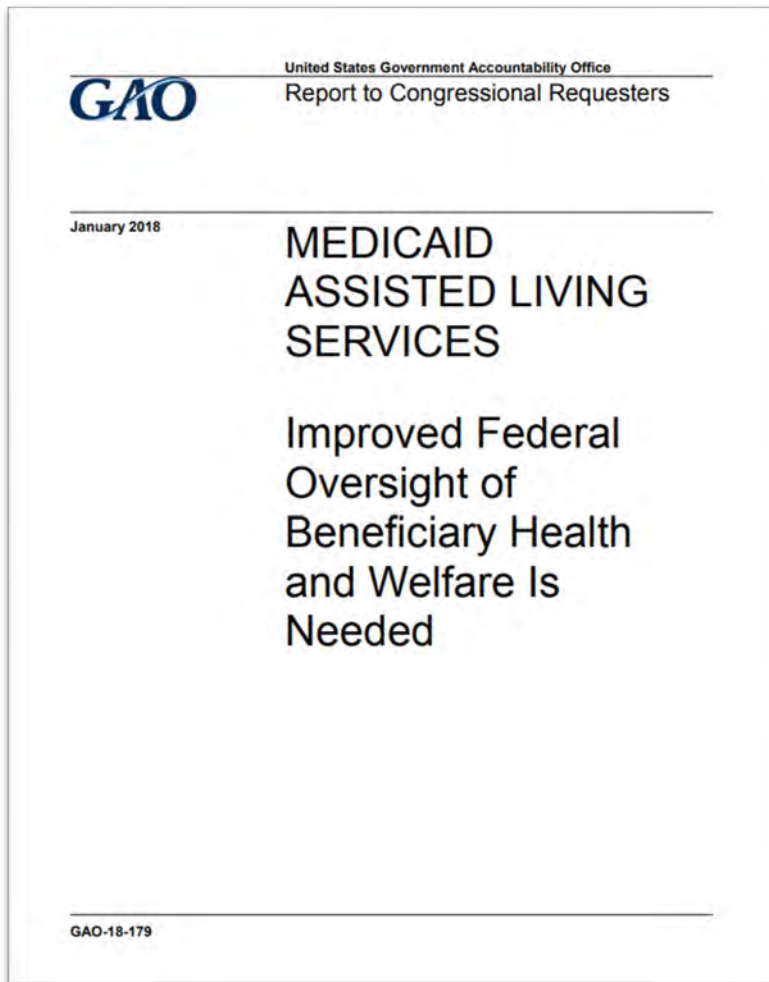
*"Assisted living facilities are governed by a patchwork of state laws without any meaningful federal oversight," the senator said, adding her belief that it is time to require additional reporting on problems at such communities, which she said was a priority recommendation from the 2018 GAO report. "This has gone on long enough without oversight, and Congress must look at ways to improve accountability, transparency and quality of care in assisted living facilities."*



**Senator Elizabeth Warren (D-MA)**

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# Senate Aging Committee Hearing



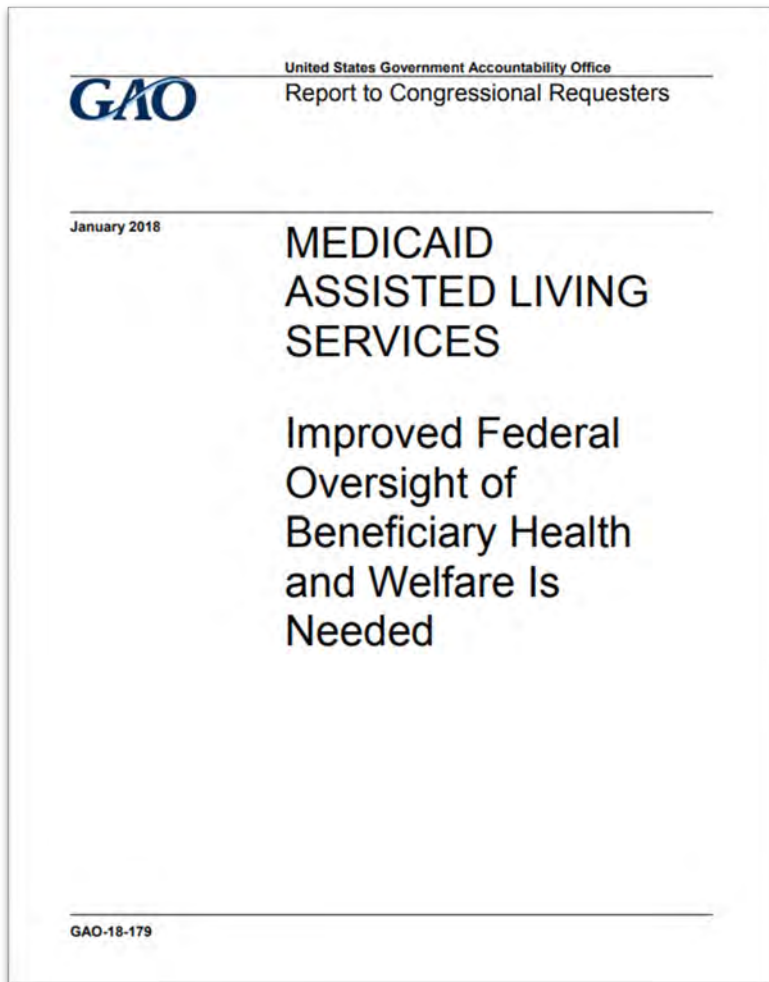
## GAO Report: Medicaid Assisted Living Services

- Released in 2018 largely at the request of Senator Elizabeth Warren (D-MA)
- Twenty-six state Medicaid agencies could not report to GAO the number of critical incidents that occurred in assisted living facilities, citing reasons including the inability to track incidents by provider type (9 states), lack of a system to collect critical incidents (9 states), and lack of a system that could identify Medicaid beneficiaries (5 states).
- State Medicaid agencies varied in what types of critical incidents they monitored. All states identified physical, emotional, or sexual abuse as a critical incident. A number of states did not identify other incidents that may indicate potential harm or neglect such as medication errors (7 states) and unexplained death (3 states).

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# Senate Aging Committee Hearing



## GAO Report: Recommendations

- The Administrator of CMS should provide guidance and clarify requirements regarding the monitoring and reporting of deficiencies that states using home and community-based services (HCBS) waivers are required to report on their annual reports.
- The Administrator of CMS should establish standard Medicaid reporting requirements for all states to annually report key information on critical incidents, considering, at a minimum, the type of critical incidents involving Medicaid beneficiaries, and the type of residential facilities, including assisted living facilities, where critical incidents occurred.
- The Administrator of CMS should ensure that all states submit annual reports for HCBS waivers on time as required.

# Senate Aging Committee Hearing

*"We have an obligation to ensure that all Americans have access to the quality care they need to age with dignity," ...*

*"Unfortunately, what I heard today makes clear that we have a long way to go when it comes to guaranteeing the level of care that older Americans in assisted living facilities deserve. We must do better by the residents of these facilities and their families and ensure that safe and affordable care are widely available."*

*"Dramatic" growth of assisted living in recent decades makes it long past time for Congress to re-examine the model to ensure that it is meeting the nation's needs. The United States, he added, must have the best long-term care system in the world.*

*"We're not there yet,"*



**Senator Bob Casey (D-PA)**

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# Senate Aging Committee Hearing

*"Some of my colleagues may be tempted to call for shifts in increased federal involvement and regulation. I'd say be careful," "Help us get best practices out there. Help us have an environment to get it done more efficiently, more affordably at lower levels of government. I believe that states are best positioned to meet that growing need."*

*"Operators should support transparency and data-sharing."*



**Senator Mike Braun (R-IN)**

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# Senate Aging Committee Hearing

## Next Steps & How to Help:

- Argentum staff are continuing outreach to Aging Committee members and their staff to share state-specific data and to tell the story of assisted living.
- We are working collaboratively with our State Partners and other industry partners to coordinate messaging and outreach.
- We will monitor developments on Capitol Hill for interest in additional hearings, inquiries, or other activities related to assisted living.

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# Senate Aging Committee Hearing

## Next Steps & How to Help:

### 1. Send at least one member of your leadership team to the Argentum Public Policy Institute.

Join us March 11-13 in Washington, D.C. We'll have the chance to connect with policymakers, share success stories, and demonstrate the vital role our industry plays in supporting seniors' well-being.

### 2. Share Your Story: Why I Love My Assisted Living Community!

- Argentum campaign: <https://www.votervoice.net/Argentum/Campaigns/110564/Respond>
- Senate Aging Committee portal: <https://www.aging.senate.gov/assistedlivingbills>

### 3. Support the Advocacy Fund.

With recent media coverage and increased attention from lawmakers, it's more important than ever for us to tell our story. Corporate contributions to the Advocacy Fund provide Argentum with resources to implement a robust public policy strategy at both the Federal and state levels on behalf of the senior living industry.

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Issue	Bills	Primary Sponsor	+ Cosponsors
Care Across Generations Act	HR 6835	Rep. Marilyn Strickland (D-WA)	7 (6 Democrat, 1 Republicans)
SENIOR Act	*pending		
Veterans Assisted Living Pilot Program	HR 1815	Rep. Elissa Slotkin (D-MI)	22 (16 Democrats, 6 Republicans)
	S 495	Sen. Jon Tester (D-MT)	7 (3 Democrats, 4 Republicans)
Better Care Better Jobs Act	HR 547	Rep. Debbie Dingell (D-MI)	95 (95 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)	11 (11 Democrats)
Workforce: 529 Savings Plans	S 722	Sen. Amy Klobuchar (D-MN)	15 (8 Democrats, 7 Republicans)
	HR 1477	Rep. Rob Wittman (R-VA)	108 (40 Democrats, 68 Republicans)
Opportunity Zone Tax Credits	HR 4520	Rep. John James (R-MI)	3 (3 Republicans)
WOTC Improvement	HR 6833	Rep. Lloyd Smucker (R-PA)	5 (2 Democrats, 3 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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# Other Legislative Items:

## **H.R. 7024: Tax Relief for American Families and Workers Act of 2024**

\$78 billion tax package negotiated by House Ways and Means Chairman Jason Smith (R-MO) and Senate Finance Chairman Ron Wyden (D-OR).

## **Government Funding / Appropriations**

Continuing resolution signed into law to fund the government on a staggered basis through March 1 and March 8.

## **Immigration Negotiations**

Bipartisan legislation negotiated in Senate.

# 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

## CMS HCBS Proposed Rule

The Medicaid Access rule is under final review at the White House Office of Management and Budget (OMB), the final review stage before a rule is finalized, which may happen as early as this week.

The rule includes the proposal for home and community-based services (HCBS) to require 80% of state payments be allocated to compensation for direct care workers.

Argentum submitted comments last July, expressing concern that due to existing workforce shortages, **the proposal would make it very difficult, if not impossible, for communities to continue current Medicaid operations.** We recommended CMS to withdraw the proposal and also address the inadequacy of state Medicaid reimbursement rates for assisted living and similar residential communities participating in HCBS programs



# 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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# 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](mailto: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

March 11-13, 2024

**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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# Connect With Us:



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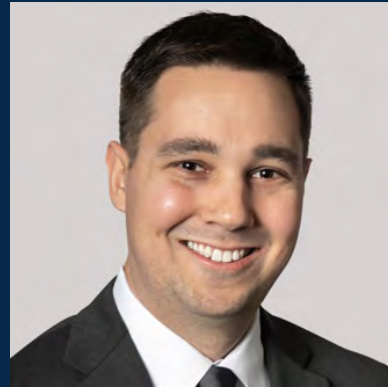
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