

ADVOCACY AT A GLANCE

Skilled Nursing Facilities

ISSUE/TOPIC	POSITION	OUTCOME	NOTES
Medicaid Funding: 17.5% Medicaid nursing home funding increase (in line with LeadingAge PA's \$294 million budget ask), effective Jan. 1, 2023.	Support		Enacted as part of the 2022-2023 state budget
ARPA Funding: \$131.2 million in American Rescue Plan Act (ARPA) funds allocated for nursing facilities.	Support		Enacted as part of the 2022-2023 state budget
ARPA Funding: \$4.3 million in ARPA funding allocated for Medicaid ventilator or tracheostomy qualified nursing homes.	Support		Enacted as part of the 2022-2023 state budget
Medicaid Funding: \$500,000 in additional Medicaid funding allocated for eligible nursing facilities providing ventilator and tracheostomy care.	Support		Enacted as part of the 2022-2023 state budget
Medicaid Day One Incentive Funding: \$16 million allocated for the nonpublic Medicaid day one incentive program for nursing facilities.	Support		Enacted as part of the 2022-2023 state budget
Notice of Right to Legal Representation: HB 1693, PN 3460 - requires long-term care nursing facility operators to provide a resident of the facility, or designated representative, at the time of admission notice of the resident's right to have legal representation when applying for Medicaid long-term care benefits. This includes having the notice displayed in the office/admission area and making the notice available at the same time and in the same manner as the resident agreement.	Oppose <i>(Places an undue administrative burden on providers and could result in improper utilization of Medicaid funds by individuals who still have the ability to privately pay, placing added strain on a woefully underfunded Medicaid system.)</i>		The bill was not enacted before the 2021-2022 Legislative Session expired on Nov. 30, 2022
Minimum Nurse Staffing Ratios: HB 106, PN 547 - establishes minimum nurse staffing ratios in hospital settings without clearly defining potential applicability to other post-acute settings such as skilled nursing facilities and rehabilitation units. The bill also introduces the possibility for further increased ratios based on a new patient classification and acuity tool without accounting for the fiscal constraints on providers and lack of available staff due to the workforce crisis.	Oppose		The bill was not enacted before the 2021-2022 Legislative Session expired on Nov. 30, 2022
Allow LPNs to Train Nurse Aide Students: update Pennsylvania Department of Education (PDE) policy to allow LPN instructors to perform all or most of the training of nurse aide students to help get more individuals trained.	Support		Policy change adopted by PDE earlier this year
Health Care Facilities Act Amendment: HB 1428, PN 1790 - amends the Health Care Facilities Act to permit a nursing facility resident or their guardian to authorize the installation and use of video surveillance devices in the resident's room. The bill includes notification, timing, and financial obligations of residents or their guardians seeking to have video monitoring installed in a resident room.	Oppose <i>(Creates privacy concerns and could lead to other unintended consequences)</i>		The bill was not enacted before the 2021-2022 Legislative Session expired on Nov. 30, 2022
Virtual CNA Instruction: SB 729, PN 831 - would permit virtual instruction for certified nurse aide training programs.	Support		Signed into law as Act 98 of 2021
Temporary Nurse Aides: Extension of the October 6, 2022 certification deadline for temporary nurse aides due to testing capacity issues.	Support		Statewide waiver approved by CMS on Oct. 5, 2022 and deadline extended through April 5, 2023 or until the end of the public health emergency, whichever dates comes first.
Graduates of International Professional Nursing Education: HB 889, PN 880 - amends the Professional Nursing Law to allow the State Board of Nursing to approve graduates of international professional nursing education programs to sit for the RN licensure examination, provided that such programs are determined to be equivalent to that which is required in PA without having been previously licensed in the international program.	Support		Signed into law as Act 22 of 2022
Med Techs: Allow for the additional training and certification of qualified nurse aides to become medication administration technicians.	Support		<i>Desired outcome:</i> Introduction of legislation, passage, and adoption into law
PA Department of Health (DOH) Regulatory Packages & Staffing Requirements: LeadingAge PA successfully negotiated to reduce the proposed staffing requirements from 4.1 nursing hours per patient day (NHPPD) and associated ratios down to 2.87 NHPPD (effective July 1, 2023) and 3.2 NHPPD (effective July 1, 2024) with associated ratios. LeadingAge PA also advocated against several other overly burdensome regulatory changes within each package, many of which were mitigated in the final form. In response to comments from LeadingAge PA and other stakeholders, DOH has committed to continuing a collaborative approach with associations and providers throughout implementation to address remaining issues.	Support and oppose various provisions within the packages <i>(Requested DOH to withdraw final-form regulations to address new and existing concerns)</i>		DOH did not withdraw the final-form regulations and the Independent Regulatory Review Commission (IRRC) approved them unanimously on Oct. 28, 2022, with an effective date of July 1, 2023. In response to LeadingAge PA's comments as well as direction from the IRRC, DOH has committed to collaborating with LeadingAge PA to address issues where possible as they now move towards implementation.

Independent Living

ISSUE/TOPIC	POSITION	OUTCOME	NOTES
Improper Survey of Independent Living Facilities: Address the improper survey of independent living facilities as personal care homes by the Pennsylvania Department of Human Services (DHS).	Support		<i>Desired outcome:</i> Introduction of legislation, passage, and adoption into law

Personal Care Homes (PCH)/Assisted Living (AL)

ISSUE/TOPIC	POSITION	OUTCOME	NOTES
ARPA Funding: \$26.8 million in ARPA funds allocated for PCHs and AL residences.	Support		Enacted as part of the 2022-2023 state budget
Monthly State Supplemental Assistance: Increasing the monthly state supplemental assistance amounts for residents of PCHs from \$439 to \$639 for individuals and from \$957 to \$1,357 for couples.	Support		Enacted as part of the 2022-2023 state budget
Improving Regulatory Clarity/Issues: Provide consistency in the application and enforcement of PCH regulatory requirements by updating interpretative guidelines, the regulatory compliance guide, etc. to improve clarity and address new issues.	Support		<i>Desired outcome:</i> Changes implemented by DHS in partnership with LeadingAge PA
Medicaid for Assisted Living: SB 1198, PN 1618 - amends the Human Services Code to direct DHS to take all necessary actions to include assisted living and supplemental health care services as covered Medicaid services in the Community HealthChoices Program and provide for pre-licensure waiver requests of physical site requirements for personal care homes interested in converting to assisted living.	Support		The bill was not enacted before the 2021-2022 Legislative Session expired on Nov. 30, 2022
Medicaid for Assisted Living: Some of the Community HealthChoices managed care organizations (MCO) have expressed interest in pursuing assisted living as an in lieu of service for purposes of Medicaid reimbursements, with one MCO looking to launch a pilot program in 2023.	Support		<i>Desired outcome:</i> Implementation w/ appropriate structuring

Housing

ISSUE/TOPIC	POSITION	OUTCOME	NOTES
Housing Options Grant Program Funding: \$100 million allocated for the Housing Options Grant Program, which provides grants for the development of affordable housing units.	Support		Enacted as part of the 2022-2023 state budget
ARPA Funding: \$150 million in ARPA funds allocated for the Development Cost Relief Program to support the production of affordable multifamily rental developments by addressing financial deficiencies attributable to the effects of the COVID-19 pandemic and other economic factors.	Support		Enacted as part of the 2022-2023 state budget
Expanding the Commercial Property Assessed Clean Energy Program: SB 635, PN 1125 - expands the Commercial Property Assessed Clean Energy Program to include indoor air quality projects and resiliency improvement projects and adds multi-unit residential housing of at least 5 units to the definition of a qualifying commercial property.	Support		Signed into law as Act 43 of 2022

Home and Community-Based Services (HCBS)

ISSUE/TOPIC	POSITION	OUTCOME	NOTES
ARPA Funding: \$7 million in ARPA funds allocated for adult day care services.	Support		Enacted as part of the 2022-2023 state budget
ARPA Funding: \$60 million in ARPA funds allocated for personal assistance services for home health and home care providers.	Support		Enacted as part of the 2022-2023 state budget
Home Health Care Regulatory Expansions: HB 2401, PN 3331 - allows allow non-physician practitioners (e.g., nurse practitioners and physician assistants) to order and oversee home health care services and extends the countersignature requirement to 30 days, as well as extends certain COVID-19 regulatory waivers.	Support		Signed into law as Act 30 2022

Living Independence for the Elderly (LIFE)

ISSUE/TOPIC	POSITION	OUTCOME	NOTES
Medicaid Rate Increase: 3% Medicaid rate increase for LIFE Program providers, effective Jan. 1, 2023.	Support		Enacted as part of the 2022-2023 state budget
ARPA Funding: \$5.4 million in ARPA funds allocated for LIFE Program providers.	Support		Enacted as part of the 2022-2023 state budget

Multiple Settings

ISSUE/TOPIC	POSITION	OUTCOME	NOTES
Extending Temporary COVID-19 Regulatory Suspensions: SB 1019, PN 1524 - extends existing temporary COVID-19 related regulatory suspensions from March 31 to June 30, 2022.	Support		Signed into law as Act 14 of 2022
Liability Protections: SB 273, PN 255 - provides liability limitations for health care providers and other businesses from lawsuits that arise from the COVID-19 pandemic during the PA Proclamation of Disaster Emergency.	Support		The bill was not enacted before the 2021-2022 Legislative Session expired on Nov. 30, 2022
Photo I.D. Requirements: HB 2604, PN 3255 - amends the Health Care Facilities Act to clarify requirements pertaining to photo I.D. badges by allowing the name of a health system or the fictitious name (that is registered with the Department of State) of a health care facility, health system, or employment agency to be recognized as an acceptable name on a photo ID badge.	Support		Signed into law as Act 79 of 2022
Educational Resources for Alzheimer's: HB 1082, PN 2714 - provides for educational resources to assist in the early detection and diagnosis of Alzheimer's disease or related disorder.	Support		Signed into law as Act 9 of 2022
Changes to the Older Adult Protective Services Act: HB 1681, PN 1896 - amends the Older Adult Protective Services Act (OAPSA) to make various changes. LeadingAge PA opposes the bill as currently drafted as it includes problematic provisions that limit the ability to provisionally hire, requires recurring background checks, does not provide liability protections, etc.	Oppose		The bill was not enacted before the 2021-2022 Legislative Session expired on Nov. 30, 2022
Reporting Abuse Allegations: HB 2425, PN 3567 - requires that all abuse allegations made to Pennsylvania Departments of Health (DOH) or Human Services (DHS) involving a resident of a long-term care facility must be reported to the appropriate investigation entity. The bill also requires that DOH, DHS, and the Pennsylvania Department of Aging (PDA) must establish ongoing communication to determine the most effective and efficient manner to share allegations of abuse.	Neutral <i>(This bill does not directly impact providers but is commonsense public policy that should already be occurring.)</i>		The bill was not enacted before the 2021-2022 Legislative Session expired on Nov. 30, 2022
Reforming PA's Guardianship Laws: SB 1333, PN 1894 - makes several reforms to Pennsylvania's guardianship laws, including the appointment of legal counsel if none has been retained by the alleged incapacitated person, requiring professional guardians to be certified, requiring that petitions for guardianship demonstrate that less restrictive alternatives (i.e., advance directives, living wills, health care representatives, etc.) were considered/tried and the reasoning why they were insufficient, and ensuring courts first consider alternatives to guardianship.	Support w/ recommendations <i>(LeadingAge PA urges the Supreme Court, tasked by the proposed amendments with prescribing the rules and forms necessary to effectuate a certification, to develop a certification process that ensures adequate protections but is not overly burdensome such that it creates a barrier to accessing qualified guardians in rural areas.)</i>		The bill was not enacted before the 2021-2022 Legislative Session expired on Nov. 30, 2022
Venue Shopping: HB 2660, PN 3194 - amends the state constitution to grant the state legislature the authority to create statutes establishing the venue of a civil lawsuit. This legislation is needed in response to the Pennsylvania Supreme Court's recent decision to rescind a 2003 rule prohibiting venue shopping in medical liability cases. The rule was put in place to address skyrocketing premiums and the corresponding impact on access to needed care and services.	Support		The bill was not enacted before the 2021-2022 Legislative Session expired on Nov. 30, 2022 (It must pass two consecutive legislative sessions in order to go before voters for approval)
Nurse Licensure Compact: SB 115, PN 473 - authorizes Pennsylvania to join the Nurse Licensure Compact, which provides licensure reciprocity for registered or licensed/vocational nurses in participating states.	Support		Signed into law as Act 68 of 2001
Study of Long-Term Care Facilities' Impact relating to Medicaid Funds: SR 288, PN 1629 - directs the Joint State Government Commission to conduct a study of long-term care facilities' impact relating to Medicaid funds in the commonwealth, including, among other things, the rates charged by contract staffing agencies.	Support		Adopted by the Senate on June 21, 2022 (awaiting release of report)
Protecting Elders and Care-Dependent Persons from Sexual Assault: HB 975 - establishes the offense of institutional sexual assault of a care-dependent person.	Neutral		Signed into law as Act 61 of 2022
Oversight of Temporary Staffing Agencies: HB 2293, PN 3344 - would require temporary staffing agencies who provide employment in nursing facilities, personal care homes, and assisted living residences to register annually with DOH and pay an annual registration fee of at least \$500. The bill was amended to remove language setting caps on the rates that these entities can charge.	Neutral <i>(LeadingAge PA was neutral on the bill as enacted as it is a good first step but more protections are needed.)</i>		Signed into law as Act 128 of 2022. LeadingAge PA continues to advocate for appropriate rate cap protections and to expand the settings covered by the act to ensure that it has the intended effect.