

## July 1, 2024 Weekly Clinical Update

This week I want to share great new resource from AHCA. The State Affiliate Team received information from Courtney Bishnoi, the Vice President, Quality & Program, AHCA related to a new webinar series focused on workforce matters.

“This year, AHCA/NCAL will hold a [webinar series](#) focused on workforce-related matters impacting long term care (LTC) providers across the country. This series will focus on issues including:

- Career ladders
- Getting more youth interested in the LTC field
- Hiring immigrants and refugees

During this series, attendees will hear directly from provider members – including AHCA/NCAL workforce committee members – and other experts on these matters and best practices from their experiences. It will also be an opportunity to get pressing questions answered. The next webinar in this series will occur on Thursday, August 1<sup>st</sup> at 2pm ET and is entitled "Career Upskilling: Creating Opportunities to Level Up." Be sure to [register today!](#)

For questions about this webinar series, please contact AHCA's AVP of Workforce and Constituency Services, [Dana Ritchie](#) and AHCA's Senior Director of Quality Improvement, [Urvi Patel.](#)”

Just a reminder, OSHA prohibits consumption of food and drink at nurses’ stations or clinical areas. Here is the verbiage from the OSHA standard:

### **“No Personal Items/Food/Drinks Allowed**

**OSHA's bloodborne pathogens standard prohibits the consumption of food and drink in area in which work involving exposure or potential exposure to blood or other potentially infectious material takes place, or where the potential for contamination of work surfaces exists[29 CFR 1910.1030(d)(2)(ix)].**

**Also, under 29 CFR 1910.141(g)(2), employees shall not be allowed to consume food or beverages in any area exposed to a toxic material. Beverages at the nursing station might have a lid or cover, the container may also become contaminated, resulting in unsuspected contamination of the hands.**

**No staff's personal items/food/drinks are allowed on the medication cart or on the hallway.”**

On June 28, 2024 CMS released the latest enrollment figures for Medicare, Medicaid & CHIP. It is pretty interesting because, once again, Medicare Advantage exceeds the number of Original Medicare.

33,318,644 are enrolled in Original Medicare.

33,859,974 are enrolled in Medicare Advantage or other health plans. This includes enrollment in Medicare Advantage plans with and without prescription drug coverage.

54,119,128 are enrolled in Medicare Part D. This includes enrollment in stand-alone prescription drug plans as well as Medicare Advantage plans that offer prescription drug coverage.

On Friday, June 28, 2024, the Supreme Court posted a ruling that may very well affect CMS certified facilities significantly...with the potential to significantly affect the Mandated Staffing rule...maybe...with fingers crossed. Per McKnight’s “The Supreme Court this morning threw out a long-standing doctrine

that has given regulatory agencies, including the Centers for Medicare & Medicaid Services, broad discretion to set rules for the entities they cover. Abandonment of the so-called Chevron doctrine will likely have implications for nearly every US industry and could even affect the outcome of a [lawsuit](#) challenging CMS' authority to issue a nursing home staffing mandate."

Per the ruling: ..."Existing practice requires courts to give federal regulators deference when a statute is unclear or could be interpreted two ways, but experts have predicted a change will embolden more lawsuits seeking to unravel "ambiguous" federal statutes." "...This will have impact across the entire regulated economy, including Medicare, Medicaid and other healthcare legislation," he said. "If overruled, I would expect there to be serious consideration in some quarters to reverse prior decisions made in reliance on Chevron in the healthcare industry, particularly those involving complex Medicare reimbursement methodologies." "...In the long-term care sector, Reagan said the Centers for Medicare & Medicaid Services [might have to change](#) how it approaches its Requirements of Participation and reimbursement rules."

Time will tell if this Supreme Court ruling will affect the law suit filed by AHCA and other entities to get the Staffing Mandate overruled...cross your fingers.

On a more practical note, CDC has now issued new guidance on RSV vaccines & now recommends that all older adults in nursing homes receive the RSV vaccine. CDC "strongly advises" that adults aged 75 and older adults receive the RSV vaccine and adults aged 60-74 who are at heightened risk of severe RSV due to chronic medical conditions like lung or heart disease, particularly nursing home residents, should also get vaccinated, per CDC. Now would be a good time to set up your clinics. Note that RSV vaccine does not require yearly administration and individuals eligible for the vaccination should ideally receive it in late summer or early fall before RSV typically spreads in communities.