



## Regulatory Relief

The regulatory burden faced by post-acute care providers is substantial and unsustainable. Excessive and antiquated regulations must be streamlined or eliminated.

- ✓ **Civil Monetary Penalties (CMPs):**  
Restrict the application of CMPs to more specifically match deficiencies resulting in harm. Discontinue escalating caps.
- ✓ **Measures That Matter:**  
Advance post-acute care quality measures that are focused on improving health.
- ✓ **Alternative Nursing Home Oversight Processes:**  
Encourage the Centers for Medicare & Medicaid Services (CMS) to conduct pilot programs allowing states to test alternative nursing home oversight processes.

*Reduce the Burden*



## Medicare & Medicaid

Strengthen Medicare & Medicaid services which are vital to providing access to health care for our nation's seniors and those who cannot afford private insurance.

- ✓ **Certified Nursing Assistant Training Lock-Out:**  
Support legislation to modify the Certified Nursing Assistant (CNA) Training Lock-Out penalty, making the remedy discretionary rather than compulsory. Encourage joint training of state surveyors and nursing home staff to ensure consistency.
- ✓ **Value-Based Payment Program:**  
Support performance improvements through an equitable and less complex post-acute care value-based payment program.
- ✓ **Rural Access to Hospice:**  
Support legislation for hospice patients through Rural Health Clinics (RHC) to maintain their physician and allow payment for hospice care.

*Strengthen Programs*



## Legislative Actions

Ensure effective access and delivery of quality aging services. Carefully consider new legislation and payment changes for unintended consequences.

- ✓ **Affordable Housing:**  
Prioritize programs and funding for elderly housing under the Housing & Urban Development Section 202 program. Oppose rent increases and continue public housing vouchers and community support services.
- ✓ **Reimbursement:**  
Eliminate the three-day observation requirement for Medicare beneficiaries entering a nursing home.
- ✓ **Future Funding Model:**  
Encourage and support innovative approaches for funding post-acute care services.

*Focus on Improvement*

The legislative proposals identified below have significant importance toward achieving the identified priorities.



## Quality

- **Omnibus Budget Reconciliation Act of 1987 (OBRA)** - Congress must pass legislation to end the mandatory certified nursing assistant training lockout. Amendments to OBRA are needed to establish national training standards for surveyors and uniform quality standard enforcement.



## Access

- **The Community-Based Independence for Seniors Act (S 309, HR 4006)** - would establish a community-based special needs plan that would give low-income Medicare beneficiaries coverage for home- and community-based services.
- **The Home Health Planning Improvement Act (S 445)** - would facilitate Medicare beneficiaries' access to home health care by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services.
- **Rural Access to Hospice Act of 2017 (S 980, HR 1828)** - would allow Rural Health Centers and Federally Qualified Health Centers to bill Medicare for hospice care.
- **Patient Choice & Quality Care Act (S 1334, HR 2797)** - would allow Medicare beneficiaries access to multi-disciplinary advanced illness care and coordination.



## Payment

- **The Ensuring Medicaid Provides Opportunities for Widespread Equity, Resources and Care - EMPOWER Care Act (S 2227)** - would extend funding for the Money Follows the Person demonstration project to 2022.
- **The Improving Access to Medicare Coverage Act (S 568, HR 1421)** - would resolve the observation days issue by requiring that all time Medicare beneficiaries spend in a hospital counts toward the three-day stay requirement for coverage of any subsequent post-acute care.
- **The CARES Act of 2017 (HR 4701)** - would eliminate the three-day prior authorization requirement for Medicare coverage of skilled nursing facility services.



## Workforce

- **The Improving Care for Vulnerable Older Citizens through Workforce Advancement Act (HR 3461)** - would provide grants for enhanced clinical training for direct care workers to enable them to take on deeper responsibilities.

The South Dakota Association of Healthcare Organizations represents hospitals, health systems and post-acute care providers across the state who generate more than **\$9 billion in economic impact** in South Dakota.

*Data compiled from AHA, American Health Care Association and National Center for Assisted Living.*