



# Public Policy Update

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# Outline for Today

- ▶ Emergency preparedness
- ▶ Next phase of COVID response
- ▶ Federal funds reporting
- ▶ Health maintenance activities
- ▶ New voting rules
- ▶ TALA Legislative Champions
- ▶ Elections with Jaime Capelo

We're going to try out the in-app polling feature and see how it goes! So, get your phones out because...

Who are you? Who-Who? Who-Who?

Poll Results

Check your  
emergency  
preparedness  
and response  
plans!

## 8 Core Functions

Direction and control

Warning

Communication

Sheltering arrangements

Evacuation

Transportation

Health and medical needs

Resource management



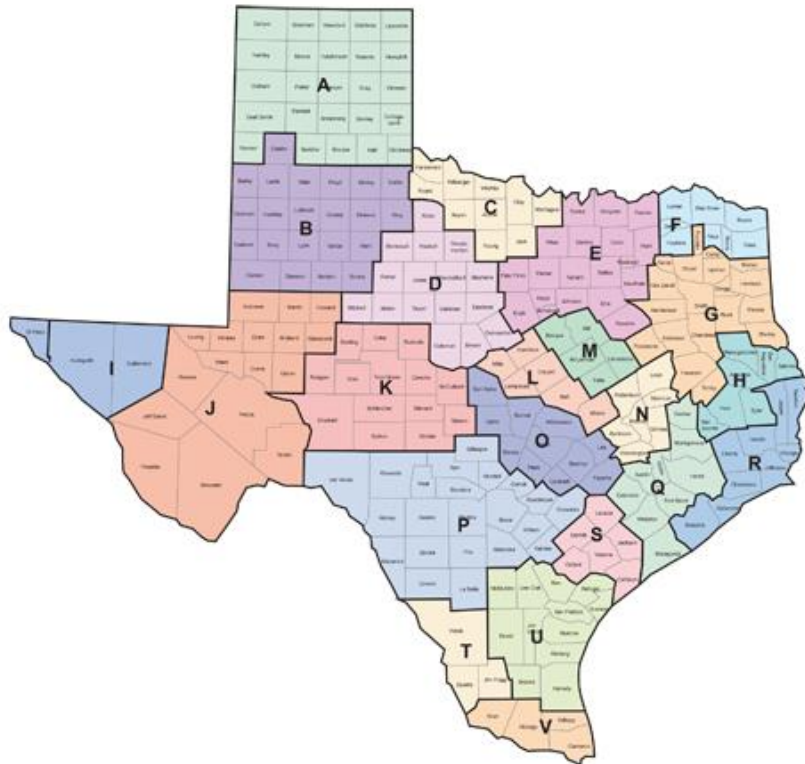
**Yes, it's hurricane season — but it's  
also wildfire, tornado, flood and  
volcano season, too**

BY MICHAEL D. BROWN, OPINION CONTRIBUTOR — 06/11/18 07:30 AM EDT  
THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

27 COMMENTS

# Pre-Emergency Prep

**Trauma Service Area Map**



- ▶ Does your power company know about your assisted living community?
- ▶ Other services? Water? Transportation or mobility authority? Fire/EMS?
- ▶ What about your Regional Advisory Council?
- ▶ And, your local Emergency Management Coordinator?

# Emergency Power/ Backup Electricity

- ▶ Per the Texas Administrative Code section on Emergency Preparedness (§553.275), all assisted living communities are required to have a plan to address common and potential risks to the community, which should include loss of electricity/loss of water/loss of a portion of the building ([link here](#) for the language)
- ▶ The Life Safety Code also requires communities to be able to provide emergency illumination in the event of power outages, though how the community meets that requirement is up to the community ([link here](#) for the language)
- ▶ For communities which decide to purchase and install a generator on-site, the community must adhere to appropriate fire and safety codes.
- ▶ Hurricane Harvey and Winter Storm Uri each led to filed bills to mandate generators in all AL communities in Texas. We expect to see a third attempt in 2023.

# Flexible COVID Response

“But what does endemic mean?”

## Community/Company Choice

- Mask policies
  - Both who wears them and what kind
- Vaccine policies
  - Cannot require residents to be vaccinated
  - Must allow for some staff exceptions
- Activities
  - Can be inside or outside
  - Must keep some distance

## State Requirements

- General visitation (different from Essential Caregivers)
  - Visitation must be allowed for all residents
  - Communities can designate visitation areas and schedule if needed
- COVID testing
  - Need to test residents/staff who have been exposed
- COVID reporting
  - Must report new outbreaks
  - Regional offices may request additional information

# Work Restrictions for HCP With SARS-CoV-2 Infection and Exposures

“Up to Date” with all recommended COVID-19 vaccine doses is defined in [Stay Up to Date with Your Vaccines | CDC](#)

For more details, including recommendations for healthcare personnel who are immunocompromised, have severe to critical illness, or are within 90 days of prior infection, refer to [Interim Guidance for Managing Healthcare Personnel with SARS-CoV-2 Infection or Exposure to SARS-CoV-2](#) (conventional standards) and [Strategies to Mitigate Healthcare Personnel Staffing Shortages](#) (contingency and crisis standards).

## Work Restrictions for HCP With SARS-CoV-2 Infection

Vaccination Status	Conventional	Contingency	Crisis
Up to Date and Not Up to Date	10 days OR 7 days with negative test <sup>†</sup> , if asymptomatic or mild to moderate illness (with improving symptoms)	5 days with/without negative test, if asymptomatic or mild to moderate illness (with improving symptoms)	No work restriction, with prioritization considerations (e.g., types of patients they care for)

## Work Restrictions for Asymptomatic HCP with SARS-CoV-2 Exposures

Vaccination Status	Conventional	Contingency	Crisis
Up to Date	No work restrictions, with negative test on days 1 <sup>‡</sup> and 5–7	No work restriction	No work restriction
Not Up to Date	10 days OR 7 days with negative test <sup>†</sup>	No work restriction with negative tests on days 1 <sup>‡</sup> , 2, 3, & 5–7 (if shortage of tests prioritize Day 1 to 2 and 5-7)	No work restrictions (test if possible)

<sup>†</sup>Negative test result within 48 hours before returning to work

<sup>‡</sup>For calculating day of test: 1) for those with infection consider day of symptom onset (or first positive test if asymptomatic) as day 0; 2) for those with exposure consider day of exposure as day 0





# Federal Funds Reporting

## BACKGROUND

- ▶ Senate Bill 809 requires “health care institutions”, which includes assisted living communities, to report to HHSC monthly regarding any received federal funds.
- ▶ The agency requires all communities to report any federal funds received; communities which have not received any federal funds must report \$0

## FAQs

- ▶ Yes, your community must report
- ▶ It's monthly till Sept. 2023
- ▶ Every Friday, HHSC publishes a list of health care providers who it believes have not reported
- ▶ Provider Finance is handling the reporting requirement, so your regional office may not know much
- ▶ Additional information here:  
<https://pfd.hhs.texas.gov/long-term-services-supports>

# Health Maintenance Activities (HMAs)

- ▶ Best guidance from HHSC is in Provider Letter 2021-41:  
<https://www.hhs.texas.gov/sites/default/files/documents/providers/communications/2021/letters/pl2021-41.pdf>
- ▶ An HMA is a specific task for a specific resident that requires a higher level of skill to perform than personal care services and that the resident could perform for themselves but for a functional disability that prevents it.
- ▶ The condition must be stable and predictable.
- ▶ There is a process for allowing HMAs for residents with Alzheimer's or dementia, but the resident's LAR or other chosen adult must be willing and able, and has agreed in writing, to participate in directing the personal care staff's actions in carrying out the HMA.
- ▶ Communities decide whether they want to allow HMAs, and an RN is required to complete an assessment for the resident for that specific HMA and for that specific resident.
- ▶ Only an RN can determine if a task is an HMA and is appropriate for that specific resident.

# Elections, Run-Offs, and Impact on You

- ▶ Run-Off Early Voting:  
Monday, May 16<sup>th</sup>
- ▶ Run-Off Election Day:  
Tuesday, May 24<sup>th</sup>
- ▶ General Election Early  
Voting: Monday, October  
24<sup>th</sup>
- ▶ General Election Day:  
Tuesday, November 8<sup>th</sup>



# Does your community help your residents to vote?

Sec. 13.003. APPLICATION BY AGENT. (a) An applicant may appoint, either orally or in writing, an agent to perform one or more of the following acts for the applicant:

- (1) complete and sign a registration application;
- (2) submit an application;
- (3) act on the applicant's behalf in the process of approving the application, including a challenge of the applicant;
- (4) receive a registration certificate in person; and
- (5) submit a notice or other applicable document for correcting registration information.

(b) To be eligible for appointment as an agent, a person must:

- (1) be the applicant's spouse, parent, or child; and
- (2) be a qualified voter of the county or have submitted a registration application and be otherwise eligible to vote.

There are new rules and guidelines for assisting voters in Texas. The Secretary of State is currently releasing additional information, the Long-Term Care Ombudsman says they are putting together a voting guide, and the <https://www.votetexas.gov/index.html> has resources and information.

# New Voting Rules

## Mail-In Ballots

- Your residents are likely eligible
- Ballot envelopes must include the identification number used to register to vote.
- The Secretary of State says: "If you need help filling out the form or mailing it, ask someone you trust to help you. Your helper's name and address must be written next to your signature, and they must sign the application."



## Curbside Voting

- Still allowed, but not available in all locations
- Follow guidance from your local elections officials
- Drivers will have to fill out at least one but possibly two forms



## In-person Voting

- The least complicated for AL communities
- Early voting tends to avoid long lines
- Driver will have to fill out a form if they take >6 people to vote

On the  
road  
again...



# TALA Legislative Champions for 87<sup>th</sup> Legislative Session

Chair Stephanie Klick



Chair Charles Perry



# Can you name these guys?

Please answer in the conference app



Poll Results



# Run-Offs and Big Races

## TEXAS POLITICS

**At least 20 races head to runoff elections, see which candidates advanced**

This primary season saw lots of challengers for incumbents. As a result, both the Democratic and the Republican tickets have a slate of run-offs with significant implications.

Once the primaries have fully wrapped in May, the electoral conversation will shift to the general election.

The governor's race leads the "top of the ticket" for the 2022 general election, and local races and ballot propositions will round out ballots.





Any Legislative Ideas?  
("If you had a magic wand...")



**TALA**

Assisted Living's Voice in Texas

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Thank  
you!