

Leadership, innovation, collaboration for state Aging and Disability agencies

Policy Roundup:

Key LTSS issues for I&R/A Professionals

December 16, 2021

Agenda

Key Funding Issues

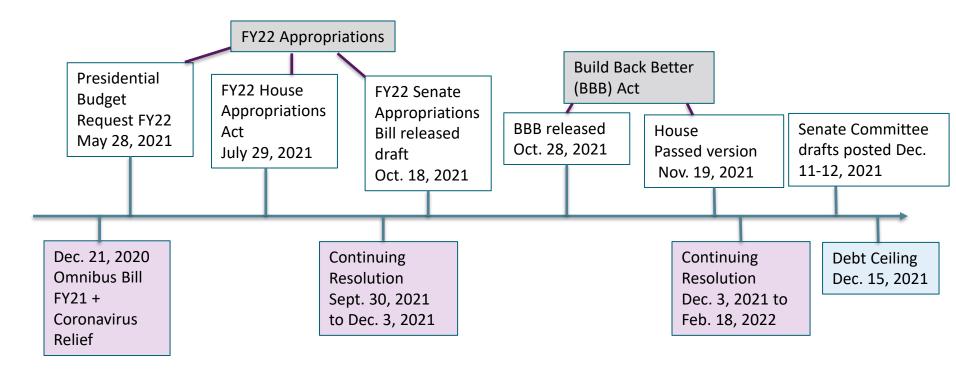
Aging Policy and Programs

Medicaid HCBS





Key Funding Proposals and Issues: Timeline



Source: https://crsreports.congress.gov/AppropriationsStatusTable



FY22 Appropriations

- FY2022 House Appropriations:
 - Contained substantial increases to many aging & disability programs
 - Passed the full House July 2021
- FY2022 Senate Appropriations:
 - Released Oct. 18, 2021
 - Contained similar increases to A&D programs
 - Unlikely to pass as drafted





Current Status

- Instead....Continuing resolutions
 - Fund government programs at existing levels
 - Two CRs
 - October 1 to December 3
 - December 3 through February 18
- Next steps:
 - House & Senate majority/minority agree on topline numbers and allocations
 - Compromise bill released
 - Pass the House and Senate





American Rescue Plan Act

- Signed into law March 11, 2021
- \$1.9 trillion dollar package
 - \$1.43 billion for OAA programs, including
 - \$750 million for nutrition services
 - \$460 million for supportive services
 - \$145 million for caregiver supports
 - Did not provide a waiver for state/local match (other bills did)
 - \$85 million for Adult Protective Services (APS)
 - Combined with APS funding from the Dec. 2020 Supplemental Appropriations Act, equates to the largest federal infusion in state/local APS programs in history





ADS OAA Flexibilities Letter

- Developed with direct state feedback in the spring of 2021
- Asked for retroactive waiver of OAA ARPA match
- Allow for maximum state flexibility to transfer nutrition allotments between congregate and HDMs
- Consider allowing ongoing flexibility similar to what states have had under the MDD and PHE



The Honorable Mitch McConnell

The Honorable Kevin McCarthy

Minority Leader

United States Senate

Washington, DC 20510

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Duane May PAST PRESIDE June 24, 2021

The Honorable Charles Schumer Majority Leader United States Senate Washington, DC 20510

The Honorable Nancy Pelosi Speaker United States House of Representatives Washington, DC 20510

Minority Leader
United States House of Representatives
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pelosi and Minority Leader McCarthy:

On behalf of ADvancing States, I am writing you in support of continuation of certain in feebililities given to state agencies during the COVID-2 pandemic. ADvancing States is a nonpartisan association of state government agencies that represents the nation's 56 state and territorial agencies on aging and disabilities. We write to support visionary state leadership, the advancement of state systems innovation, and the development of national policies that support home and community-based services for older adults and persons with disabilities. Our members administer a wide range of services and supports for older adults and persons in runding overseeing Older Americans Act (DAA) adults and persons in runding overseeing Older Americans Act (DAA) assumed to the control of the c

We are writing to you to strongly encourage you to make permanent key flexibilities that were given to state aging agencies to manage their OAA programs during the ongoing COVID-19 pandemic. These flexibilities allowed states to serve thousands of additional older Americans during the pandemic—and states to not foresee a decrease in demand in the near future. COVID-19 significantly increased demand for services due to the challenges with shelter—inject orders and the disproportional impact on older addits. It also shown with shelter—inject orders and the disproportional impact on older addits. It also show concerns before the pandemic. This includes inflexibility of service delivery, social isolation, the digital divide, and unment needs of older adults across the country.

http://www.advancingstates.org/sites/nasuad/files/u33914/ADvancing%20States%20Letter%20to%20the%20House%20%20Senate%20on%20OAA%20Flexibilities.pdf



New State Plan Guidance

- Released August 5, 2021 by the Administration for Community Living
 - Supersedes October 2019 guidance
 - Implements provisions from the March 2020 OAA Reauthorization
 - Social isolation, caregiving, nutrition/malnutrition
 - Incorporates priorities from the Biden Administration
 - Five State Plan Key Topic Areas
 - OAA Core Programs
 - COVID-19
 - Equity
 - Expanding Access to HCBS
 - Caregiving



2020 U.S. Census Bureau Data

- In 2021 the U.S. Census Bureau released the first tranche of data from the decennial Census, which takes place every 10 years
 - Detailed age breakdowns are anticipated sometime in early 2022
- American Community Survey (ACS), another common data source used by states, 1-year and 5-year updates are still in the works
- Impacts states with State Plans on Aging due in 2022
- States looking at updating their intrastate funding formulas (IFFs) may face challenges





Looking Ahead to 2022: Aging

- A long-term CR would have downstream effects on OAA programs
- BBB passage & whether OAA provisions will be included
- Support states with implementing new SPG, updating IFFs
- The COVID-19 wildcard: unwinding
 when, how, planning for future
- State agency collaboration between aging & disability with Medicaid







Medicaid Updates

2021 Issues

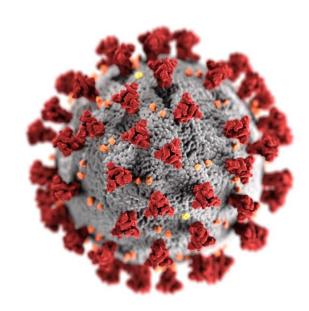
COVID Response Electronic Visit Verification

ARPA HCBS



Covid Response: Flexibilities

- Expedited eligibility for HCBS
- Provider reimbursement:
 - Retainer payments
 - Hazard pay
 - Funding for COVID mitigation
- Expanded services
- Flexibility on Service Planning
 - Electronic Signatures
 - Telehealth for assessments/plan of care
- Flexibility on Service Delivery
 - Telehealth
 - Transportation
 - Devices/internet access
- State Administration Flexibilities
 - Delayed reporting





Electronic Visit Verification

- Status of Implementation:
 - 40 states/territories are compliant
 - 16 are not compliant
- Status of IT Systems
 - 3 states have received certification.
 - 10 states have been reviewed and certification is pending
- Issues:
 - Fragmentation of systems
 - Low utilization
 - Ongoing concerns from providers and participants





ARPA and HCBS

ARPA HCBS Funding

- 10% increase to HCBS FMAP (federal share of Medicaid)
- States must use increased funds to enhance/strengthen HCBS
- CMS required states to submit spending plans describing how the funding will be used

Current Status

- 51 plans submitted (50 states + DC)
- 43 states with "partial approval"
- 7 states with "conditional approval"
- 1 state with request for more information



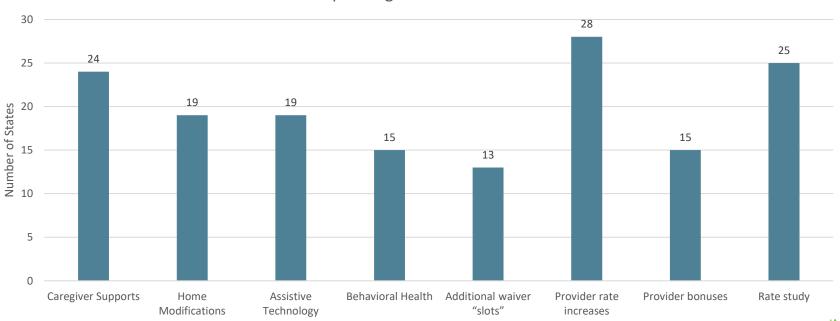
Summary of Plans

- Compilation of all plans: https://www.medicaid.gov/medicaid/home-community-based-services/guidance/strengthening-and-investing-home-and-community-based-services-for-medicaid-beneficiaries-american-rescue-plan-act-of-2021-section-9817-spending-plans-and-narratives/index.html
- Analysis of plans available at: <u>http://www.advancingstates.org/policy/federal-advocacy/advocacy-alerts/advancing-states-releases-analysis-state-hcbs-spending-plans</u>



Summary of Plans

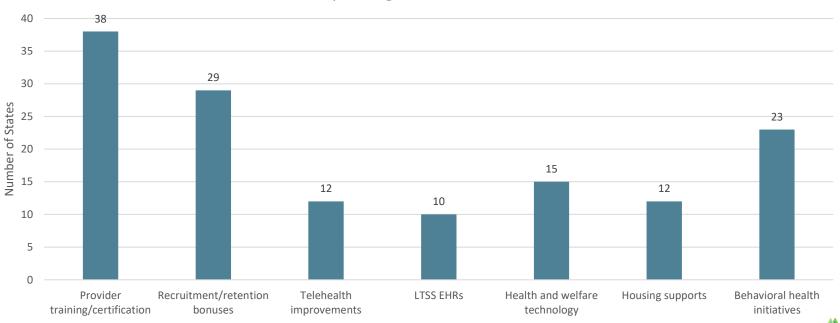
Spending Plan Initiatives





Summary of Plans

Spending Plan Initiatives





In Store for 2022?





2022 Issues

Unwinding COVID Flexibilities

ARPA HCBS

Build Back Better??



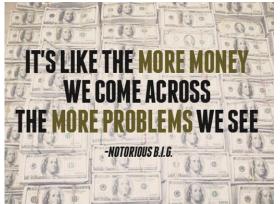
Unwinding COVID Flexibilities

- Key Decisions:
 - What has been used and should continue?
 - What hasn't been used?
 - What wasn't effective?
- Key Issues:
 - What CAN stay?
 - How to balance different timing of authorities



ARPA HCBS

- The Spending Plans are extremely broad and ambitious
- CMS still hasn't approved everything
- Only have until March 31, 2024 to spend it all
- A lot of planning, collaboration, and program development remains to be done





Build Back Better

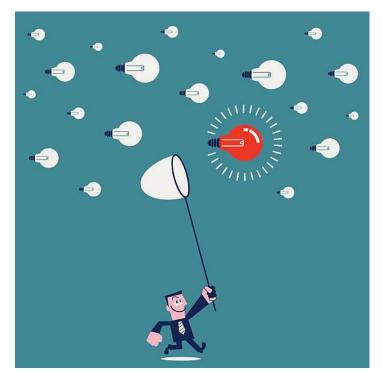
- Biden "Build Back Better" proposal included \$400 billion for HCBS
- Build Back Better reconciliation bill has reduced the funding to ~\$150 billion
- Provides 6% FMAP increase to all HCBS in perpetuity
- Significant requirements placed on states to qualify for the funds
- Will it pass??





Other Future Medicaid Issues

- Mitigating institutional biases
- Re-engaging on HCBS settings
- Assuring Health and Welfare for Participants





Bring on 2022!







Leadership, innovation, collaboration for state Aging and Disability agencies

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