



ADVANCING STATES

Leadership, innovation, collaboration
for state Aging and Disability agencies

Policy Roundup: Key LTSS issues for I&R/A Professionals

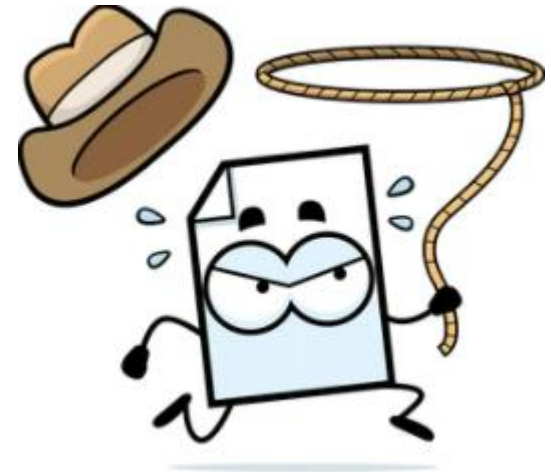
December 16, 2021

Agenda

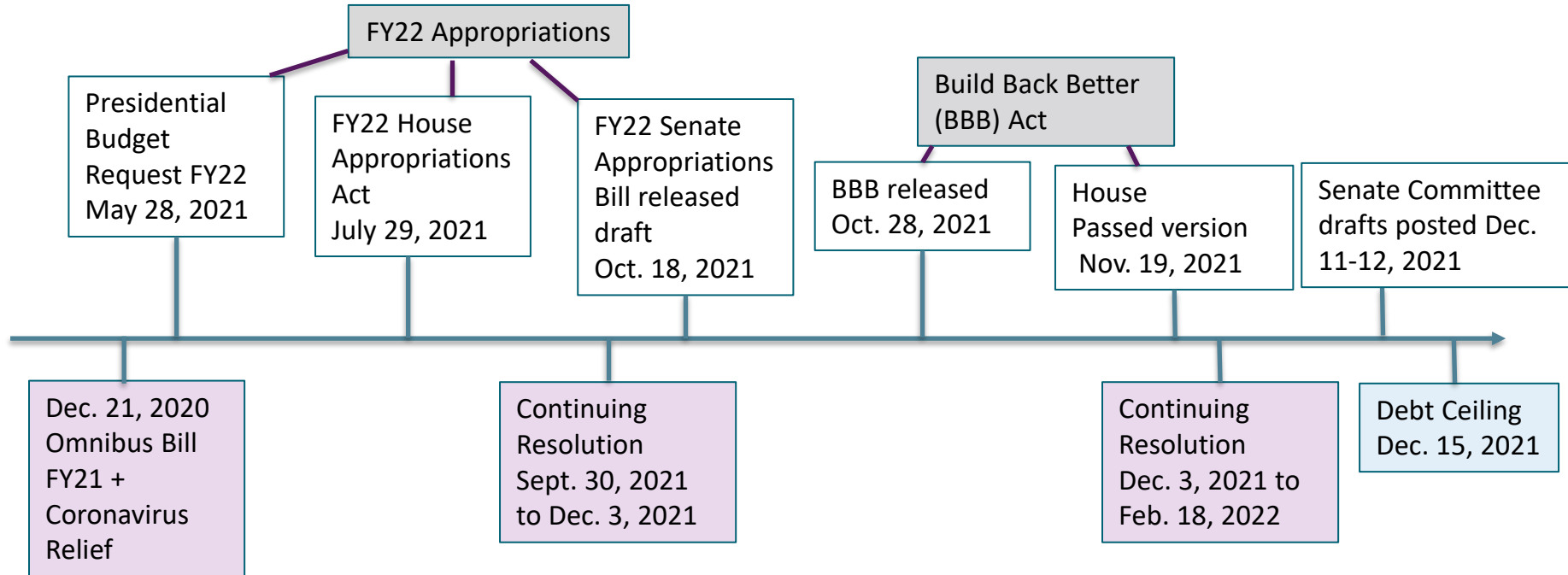
Key Funding Issues

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



<http://www.advancingstates.org/sites/nasud/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

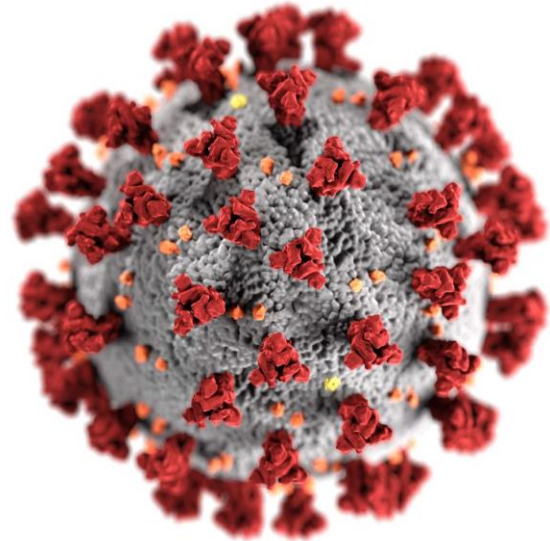
COVID
Response

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

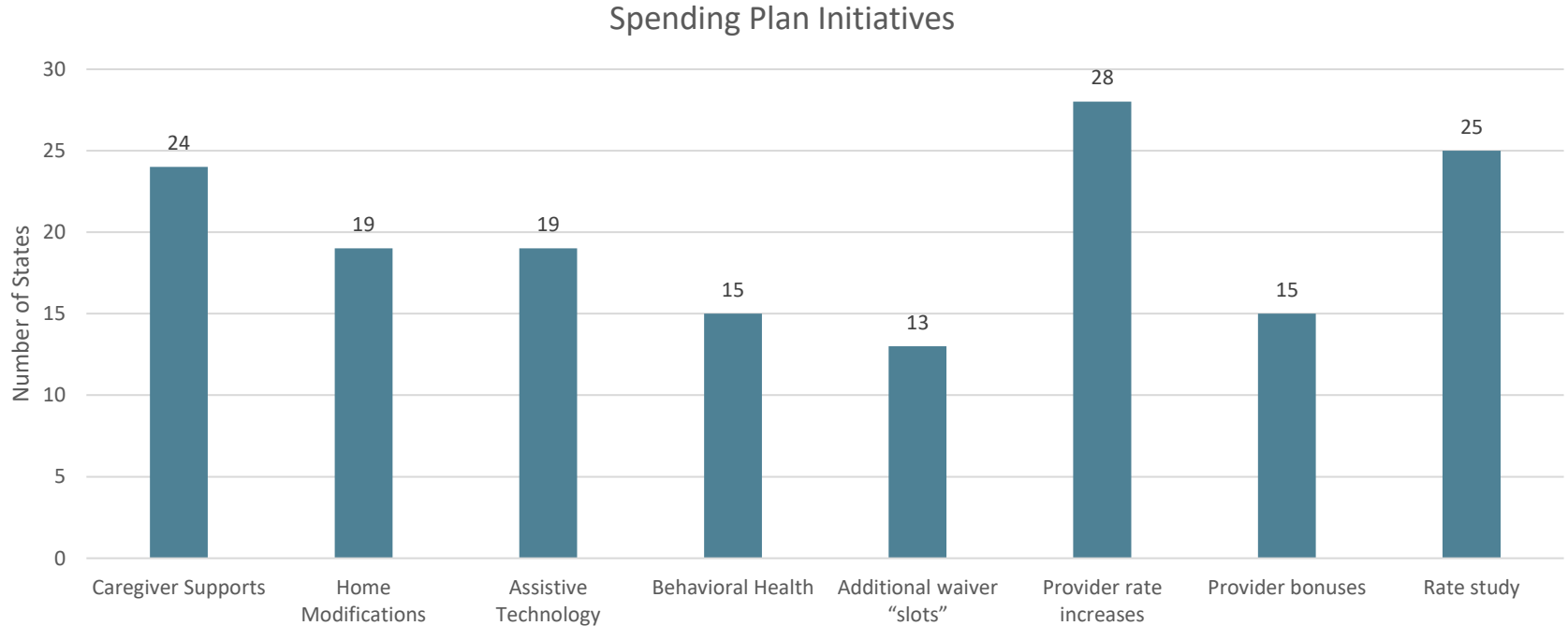
Current Status

- 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

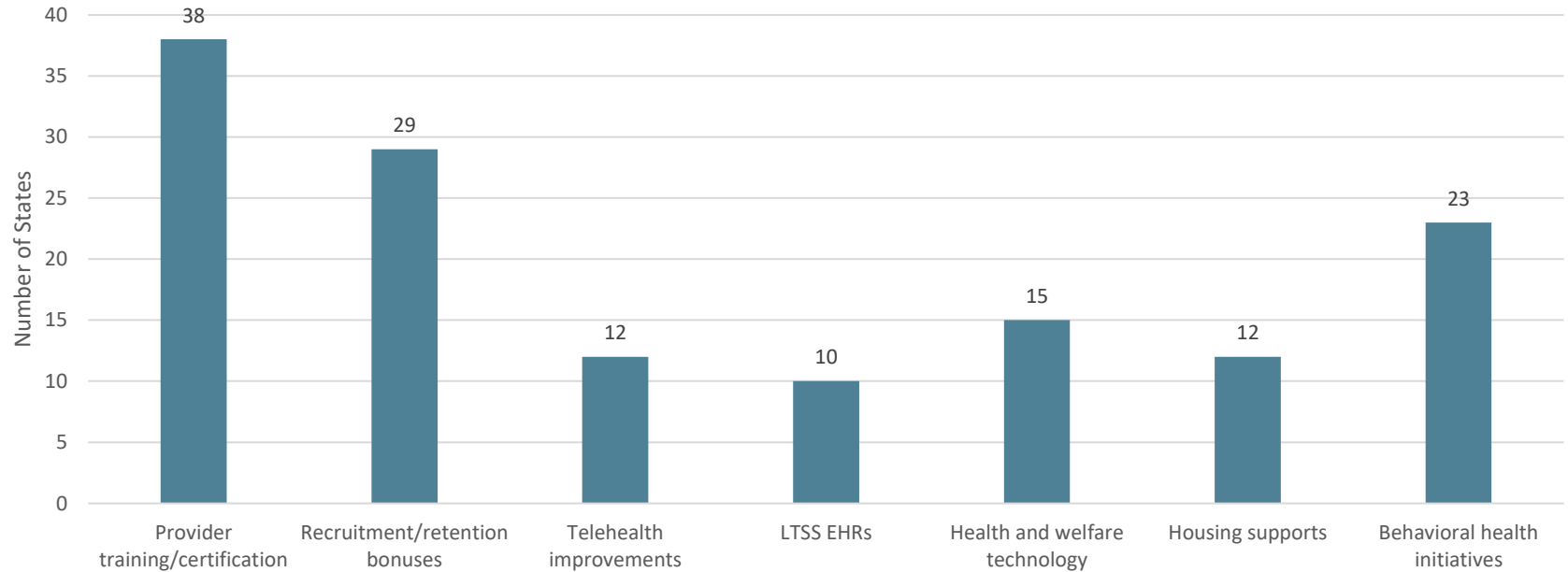
- Compilation of all plans:
<https://www.medicaid.gov/medicaid/home-community-based-services/guidance/strengthening-and-investing-home-and-community-based-services-for-medicaid-beneficiaries-american-rescue-plan-act-of-2021-section-9817-spending-plans-and-narratives/index.html>
- Analysis of plans available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

Summary of Plans



Summary of Plans

Spending Plan Initiatives



In Store for 2022?



2022 Issues

Unwinding
COVID
Flexibilities

ARPA HCBS

Build Back
Better??

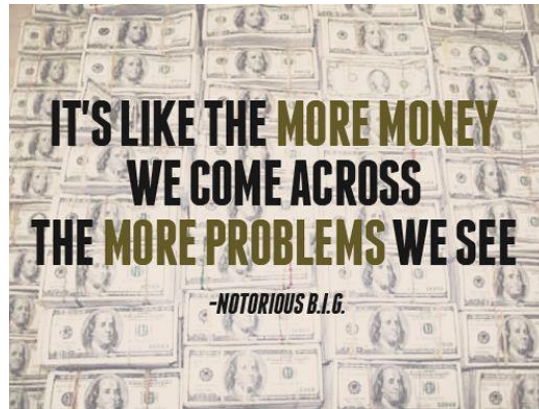
Unwinding COVID Flexibilities

- 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



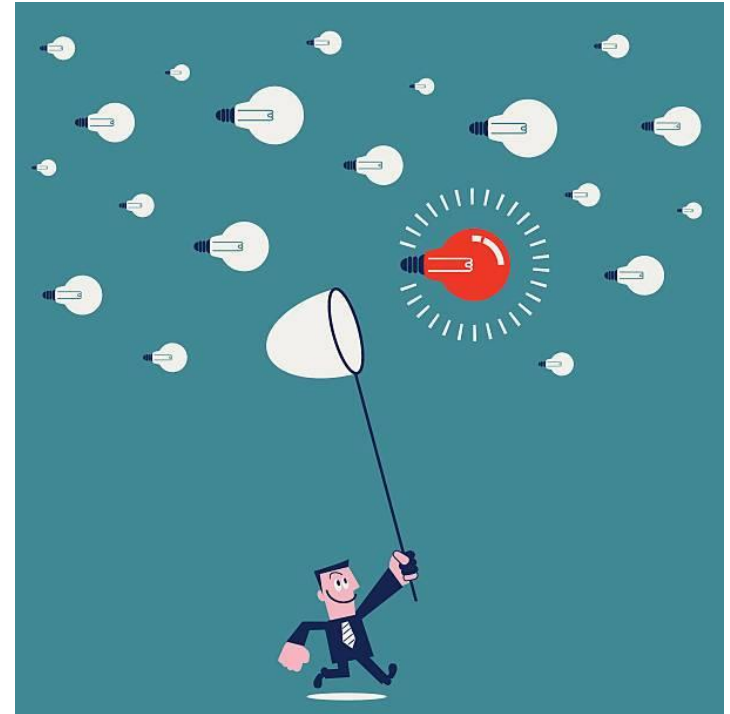
Build Back Better

- 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??

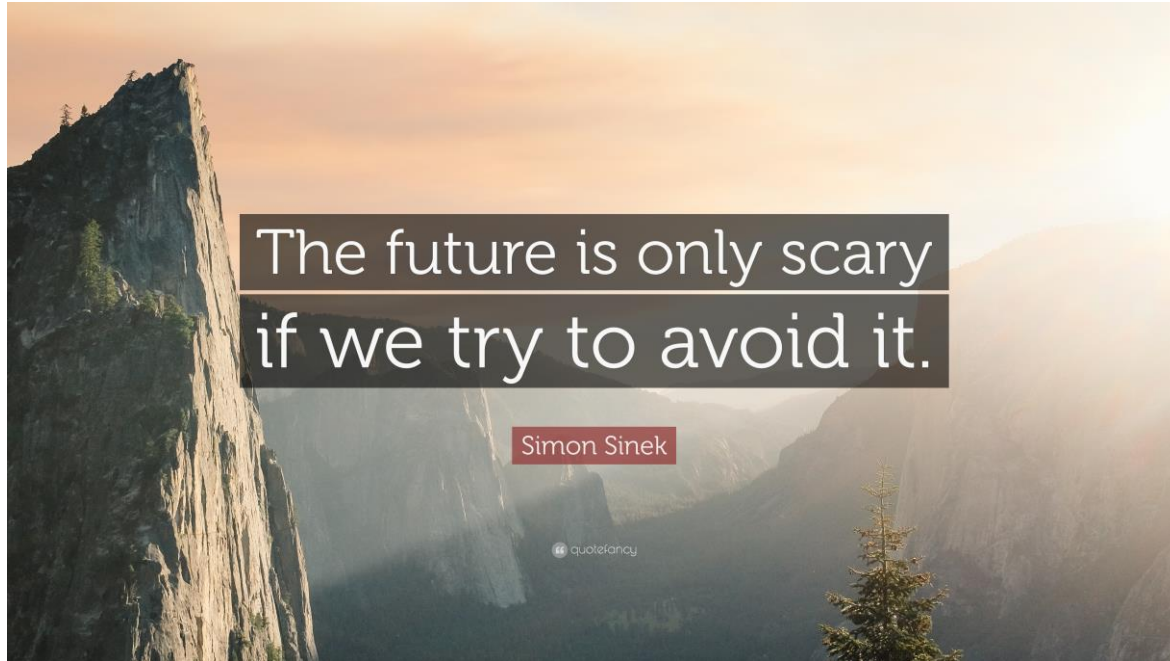


Other Future Medicaid Issues

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



Bring on 2022!





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