



National Policy Updates: Aging and Disability

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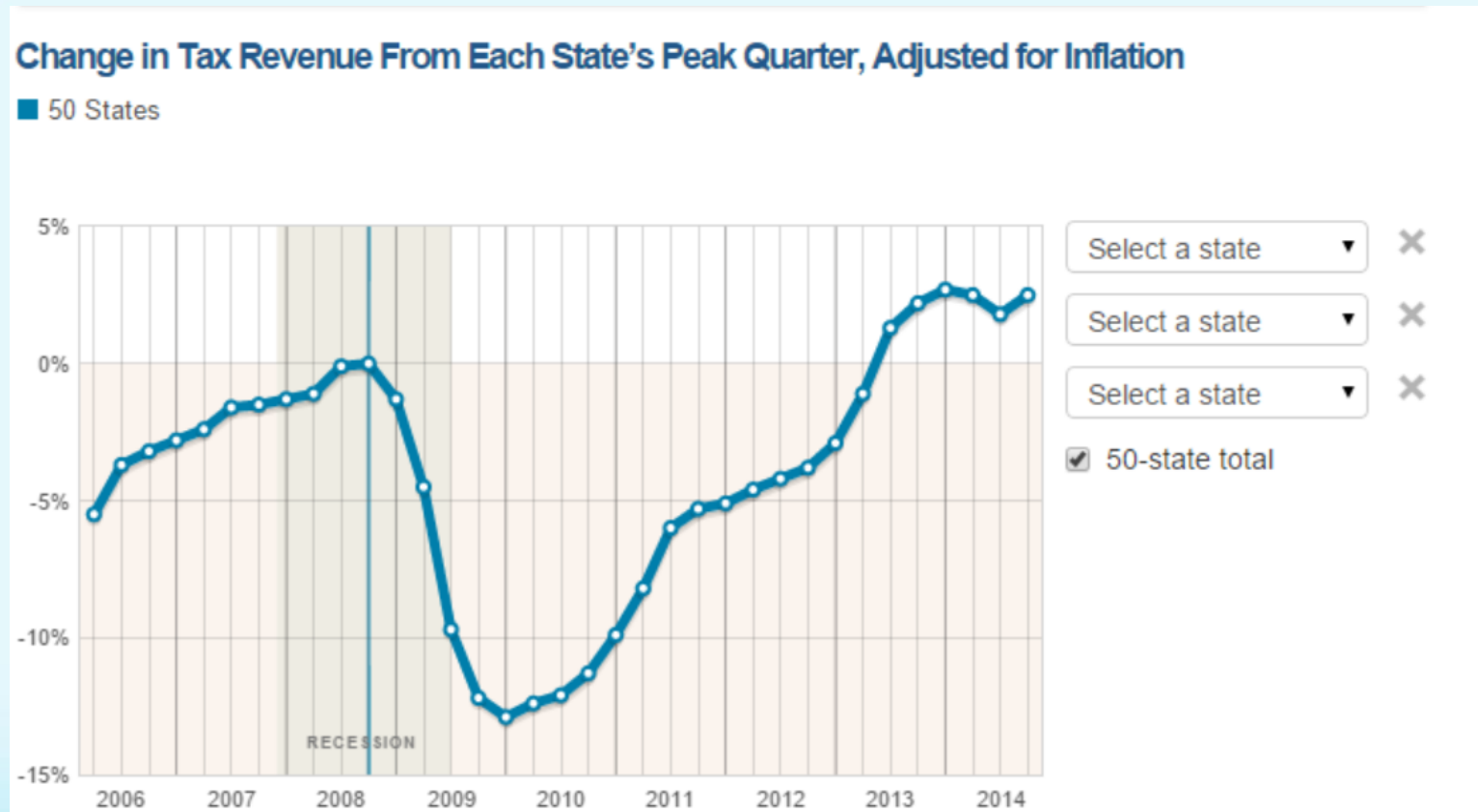
State of the States

Please stand back. My head is exploding.



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State Fiscal Conditions: Challenging



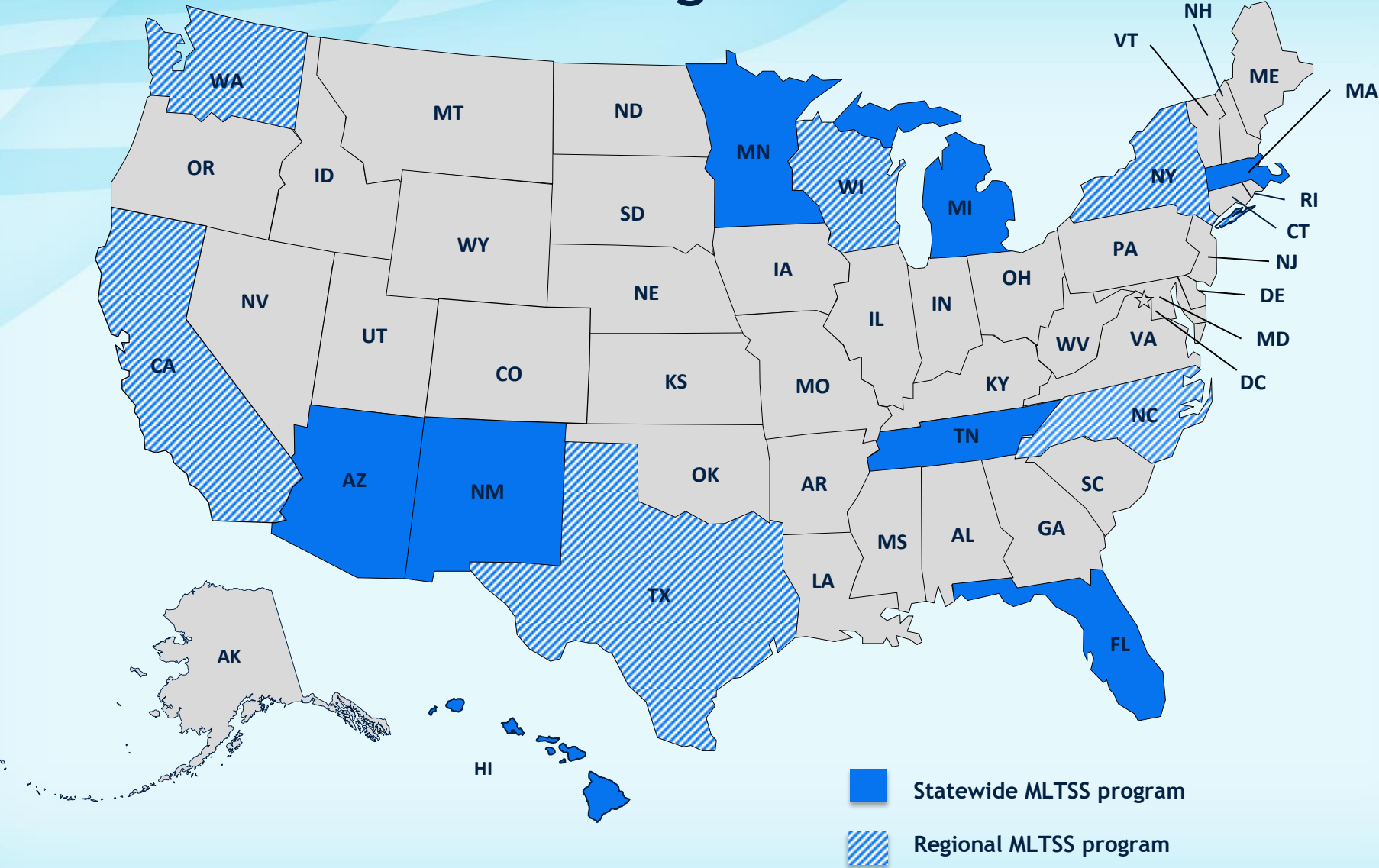
State Leadership Challenges



State Agency Strategic Alignments

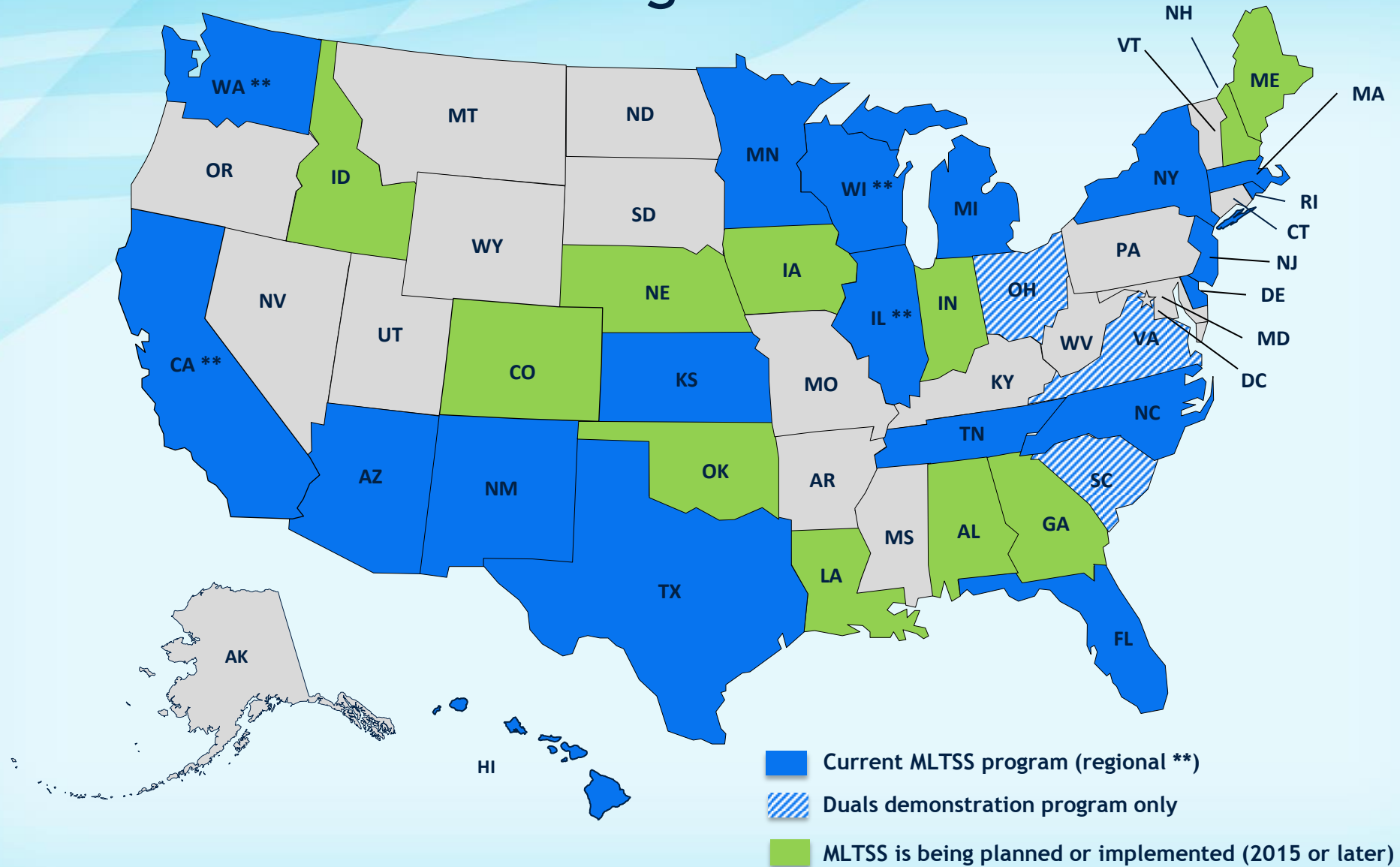


MLTSS Programs - 2010



Source: Truven Health Analytics, 2012

MLTSS Programs - 2014



Source: NASUAD 2014 State of the States; CMS

Federal Budget Update



Federal Budget: FY2016

- Current Status:
 - President's Budget released in February;
 - House and Senate have passed their respective budget resolutions;
 - House released 302(b) allocations on Friday (none from Senate yet);
 - Labor-HHS: from \$156.8 billion to \$153 billion
 - Senate has expressed NIH as funding priority under L-HHS
- Next Steps:
 - Senate and House pass appropriations bill(s)
 - Democrats can potentially filibuster appropriations in the Senate
 - Senate and House come to resolution
 - President signs/vetoes
- Likely Outcome: Continuing Resolution

Federal Regulations



DOL FLSA Regulations

- DOL released regulations changed the definition of “companionship” and limited the ability of third-party employers to claim exemption from FLSA
- Regulations were scheduled to become effective January 1, 2015; however, a Federal Judge placed the major portions of the rule under injunction
- DOL has appealed the decision; the appeals court has agreed to an “expedited review”
 - Unlikely to see a decision before the end of summer: after most state legislatures adjourn
- DOL has asserted that states should be preparing for implementing the rule, and that they will not delay the effective/enforcement dates if the ruling is overturned

CMS HCBS Regulations

- Background: In January 2014, CMS released regulations that create new requirements for the provision of Medicaid HCBS services
 - The most significant provision is the requirement that all settings of HCBS services be “integrated into the community”
- The regulations required states to submit “transition plans” that discuss how they will come into compliance with the rule
 - March 17th was the CMS deadline for submission of statewide transition plans
 - 45 states and DC had submitted plans
 - CMS has indicated that they will not take punitive action at this time, and are instead working with states to facilitate final submission

Current Status

- Many of the transition plans were process-oriented and did not include substantive information on setting compliance;
 - The next step(s) involve assessment of whether residential and non-residential services meet the rule requirements
 - CMS has indicated that they intend to issue further guidance on how compliance will be assessed/demonstrated
- States have no transition period to come into compliance with conflict-free case management rules that were set out first in the BIP rules but were clarified in this regulation
- NASUAD continues to work with CMS regarding concerns about existing services, including Adult Health, Assisted Living, and Dementia Care

Medicaid Managed LTSS

- Regulation was released this week
- 600 pages
- Watch for review of the regulation by NASUAD by next week



For more information, please visit: www.nasuad.org

Or call us at: **202-898-2583**