

Hindsight is 2020: ADvancing States 2021 Public Policy Update

Who We Are

- **ADvancing States Policy Team**
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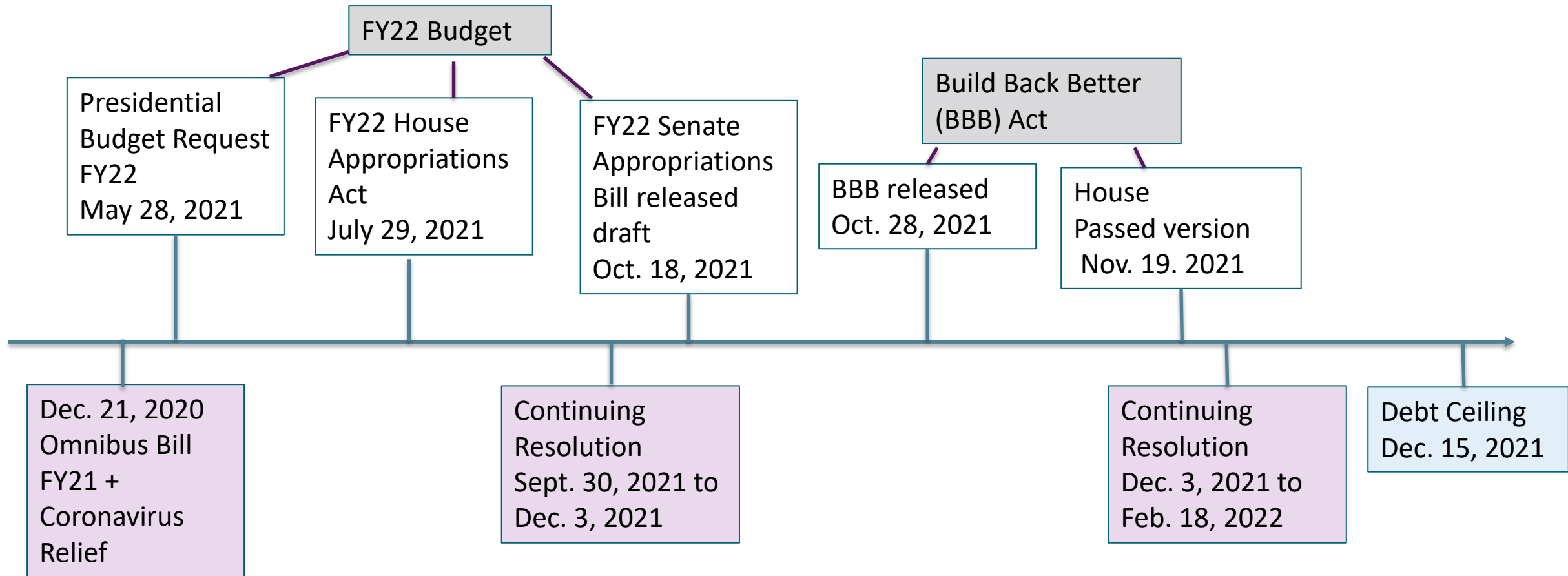
Agenda

- Key funding proposals and issues
- Significant events in aging policy and programs
- Medicaid HCBS

Key Funding Proposals and Issues

- Budget
- Build Back Better (BBB)
- Continuing Resolution (CR)
- Debt Ceiling

Timeline



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

FY22 Budget

- FY2022 Senate Appropriations Bill released Oct. 18, 2021
 - Unlikely to pass as drafted
 - Next steps:
 - Pass Senate
 - Reconcile House/Senate differences
 - President sign
- Trends to growth in funding for HCBS/OAA
 - Discussed in following slides

Program	FY19 Final	FY20 Final	FY21 Final	FY22 President's Budget	FY22 House Proposal	FY22 Senate Proposal
Administration for Community Living						
Health and Independence						
HCBS Supportive Services	385	390	392.574	551	550.5	500
Nutrition Services	Included below	Included Below	Included Below	1,341	Included Below	Included Below
Congregate Nutrition	495.3	510.3	515.342	Included Above	515.34	468.95
Home-Delivered Nutrition	251.3	266.3	276.342	Included Above	703.43	576
Nutrition Services Incentive Program	160	160	160	Included Above	169,000	169
Preventive Health	24.8	24.8	24.8	26	31	26.34
Chronic Disease Self-Management	8	8	8	8	8	8
Elder Falls Prevention	5	5	5	5	5	5
Native American Nutrition and Supportive Services	34.2	34.7	35.2	70	70	65
Caregiver Services						
Family Caregiver Support Services	181.1	185.9	188.9	250	250	230
Native American Caregiver Support Services	10.05	10.3	10.8	16	16	15.8



Program	FY19 Final	FY20 Final	FY21 Final	FY22 President's Budget	FY22 House Proposal	FY22 Senate Proposal
Alzheimer's Disease Program ¹	23.5	26.5	27.5	30	34.7	30
Lifespan Respite Care	4.1	6.1	7.1	14	14	14.2
RAISE Family Care Act Advisory Council			0.4	Included in Caregiver Support Services	Included in Caregiver Support Services	0.4
<i>Protection of Vulnerable Adults</i>						
Elder Rights Support Activities	15.87	15.87	17.87 ²	19	19	19.4
Protection of Vulnerable Older Americans ³	21.6	22.6 ⁴	23.6	Included Below	Included Below	34.9
Prevention of Elder Abuse & Neglect	Included Above	Included Above	Included Above	5	5	Included Above
Long-Term Care Ombudsman Program	Included Above	Included Above	Included Above	30	30	Included Above
Senior Medicare Patrol Program	17.6	18	20	20	30	30
<i>Programs for Individuals with Disabilities</i>						
National Institute on Disability, Independent Living, and Rehabilitation Research	108.97	111.97	112.97	119	124.8	119
Paralysis Resource Center	8.7	9.7	9.7	10	10	10
Independent Living	Included Below	116.1	116.1	148	Included below	138
Independent Living State Grants	25.37	Included above	Included above	Included above	28.4	Included above

Program	FY19 Final	FY20 Final	FY21 Final	FY22 President's Budget	FY22 House Proposal	FY22 Senate Proposal
Independent Living (CILs)	90.8	Included Above	Included Above	Included Above	119.8	Included above
Assistive Technology	36	37	37.5	44	44	44
Voting Access for People with Disabilities	6.96	7.4	7.9	10	12.9	9.96
Limb Loss Resource Center	3.5	4	4	4	4.2	4.2
Traumatic Brain Injury	11.3	11.3	11.3	12	15.3	13.2
State Councils on Developmental Disabilities	76	78	79	89	88.5	88.5
Consumer Information, Access, and Outreach						
Aging and Disability Resource Centers	8.1	8.1	8.1	23	23	23.4
State Health Insurance Assistance Program	49.1	52.1	52.1	55	57	55.24
Aging Network Support Activities	7.46	7.46	7.46	19	27.44	19.4
Holocaust Survivor Assistance Fund ⁵	5	5	5	Included Above	10	4.2
Care Corps Grants		5	4	Included Above	Included Above	6
Direct Care Workforce Demonstration					3	-
Administration						
ACL Program Administration	41	41	41	47	47	47
Administration for Children and Families						
Community Services Block Grant	753.8	740	745	754	800	800



Program	FY19 Final	FY20 Final	FY21 Final	FY22 President's Budget	FY22 House Proposal	FY22 Senate Proposal
Low Income Home Energy Assistance Program	3,690	3,740	3,750	3,850	3,900	3,925
Social Services Block Grant	1,700	1,700	1,700	1,700	1,900	1,700
Department of Education						
IDEA Grants to States	12,364	13,885	14,070	15,537	15,537	17,154
Vocational Rehabilitation Grants to States	3,522	3,610	3,675	3,719	3,719	3,719
Supported Employment State Grants	22.54	22.54	22.54	22.54	22.54	22.54
Independent Living State Grants for Older Persons who are Blind	33.3	33.3	33.3	33.3	33.3	33.3
Department of Labor						
Office of Disability Employment Policy	38.2	38.5	38.5	43	42.7	42.7
Senior Community Service Employment Program	400	405	405	405	450	410
Department of Agriculture						
Supplemental Nutrition Assistance Program	74,013	67,886	114,035	105,797	105,796	105,829
Department of Housing and Urban Development						
Section 202 Supportive Housing for the Elderly	678	793	855	928	1,168	956
Section 811 Housing for Persons with Disabilities	230	202	227	272	352	227
National Institutes of Health						
National Institute on Aging	3,083	3,543	3,899	4,036	4,258	4,180
Centers for Disease Control						
Heart Disease and Stroke Prevention Formula Program	140	142.1	143.1	143.1	148	148
Diabetes Prevention Formula Program	148	148	148	148	153	153

Program	FY19 Final	FY20 Final	FY21 Final	FY22 President's Budget	FY22 House Proposal	FY22 Senate Proposal
Corporation for National and Community Service						
National Senior Volunteer Corps	Included Below	Included Below	Included Below	Included Below	Included Below	244.537
Foster Grandparents Program	110.89	118.79	118.79	130.914	130.914	Included above
Senior Companion Program	46.86	50.86	52.86	58.518	58.518	Included above
Retired Senior Volunteer Program	50.35	51.35	53.355	55.105	55.105	Included above
Department of Veterans Affairs						
Veterans Caregivers Programs	865	710	1,195.48	1,353	1,353	Not specified
LTSS: Home & Community Based Services	2,855	3,310	3,477	3,676	Not specified	Not specified
LTSS: Institutional Services	6,168	6,471	7,082	8,095	Not specified	Not specified

BBB Reconciliation Act

- Introduced Oct 28, 2021
 - House passed version Nov. 19, 2021
- \$1.7 Trillion package
- \$150 billion for Medicaid HCBS, which includes:
 - 6% FMAP increase to states that meet all the applicable requirements;
 - Temp. 2% FMAP bump for states that implement a self-direction program*;
 - Reauthorization of the Money Follows the Person program - funded at \$450 billion a year; and
 - Extension of the Affordable Care Act's Medicaid spousal impoverishment protections
- \$1.2 billion for OAA;
- Retro waiver OAA of the state/local match contained in ARPA;
- Adds hearing (not dental nor vision) benefit to the Medicare program;
- New funding and reauthorization for the Elder Justice Act (incl. additional APS funding);
- \$1 billion to ACL for HCBS workforce development, training and retention grants;
- \$900 million housing supports to older adults and people with disabilities

Continuing Resolution

- CR is temporary measure to fund govt. activities for limited amount of time, usually at existing level
 - Avoid govt. shutdown if budget not passed by Oct. 1
 - Interim measure until budget is passed
 - CR Sept. 30, 2021 – Dec. 3, 2021
 - CR Dec. 3, 2021 – Feb. 18, 2022
- FY 1998 – 2022, 125 CRs have been enacted

Source: <https://www.pgpf.org/blog/2021/09/what-is-a-continuing-resolution>

Debt Ceiling

- Debt limit is the amount US is authorized to meet existing legal obligations
- Dec. 15, 2021
- Potential impacts if ceiling not raised
 - Unable to meet obligations such as:
 - SSA
 - Medicare
 - Interest on national debt
 - Tax refunds
 - Others

Source: <https://home.treasury.gov/policy-issues/financial-markets-financial-institutions-and-fiscal-service/debt-limit>

Aging/OAA Updates

Significant Events of 2021 Impacting Aging Programs

- Passage of the American Rescue Plan Act (ARPA)
- ADvancing States publishes OAA flexibilities letter
- Promulgation of new State Plan Guidance (SPG) for OAA State Plans on Aging
- Release of 2020 U.S. Census Bureau data
- Older Americans Act Performance System (OAAPS) go-live

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 as prior packages 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/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

OAAPS Go-Live

- Process that has been in the works for a number of years
- Transition from state reporting tool/state program report to OAAPS/state performance report
- Changes included new data elements, revision of current data elements, and removed data elements

Title III New SPR/OAAPS Timeline for States



Looking Ahead to 2022

- 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

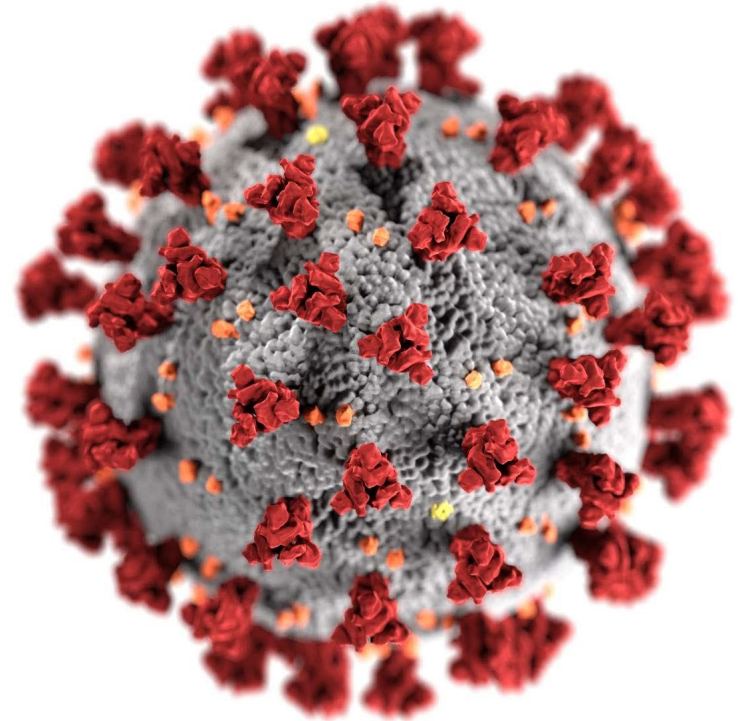
COVID
Response

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
 - 56 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

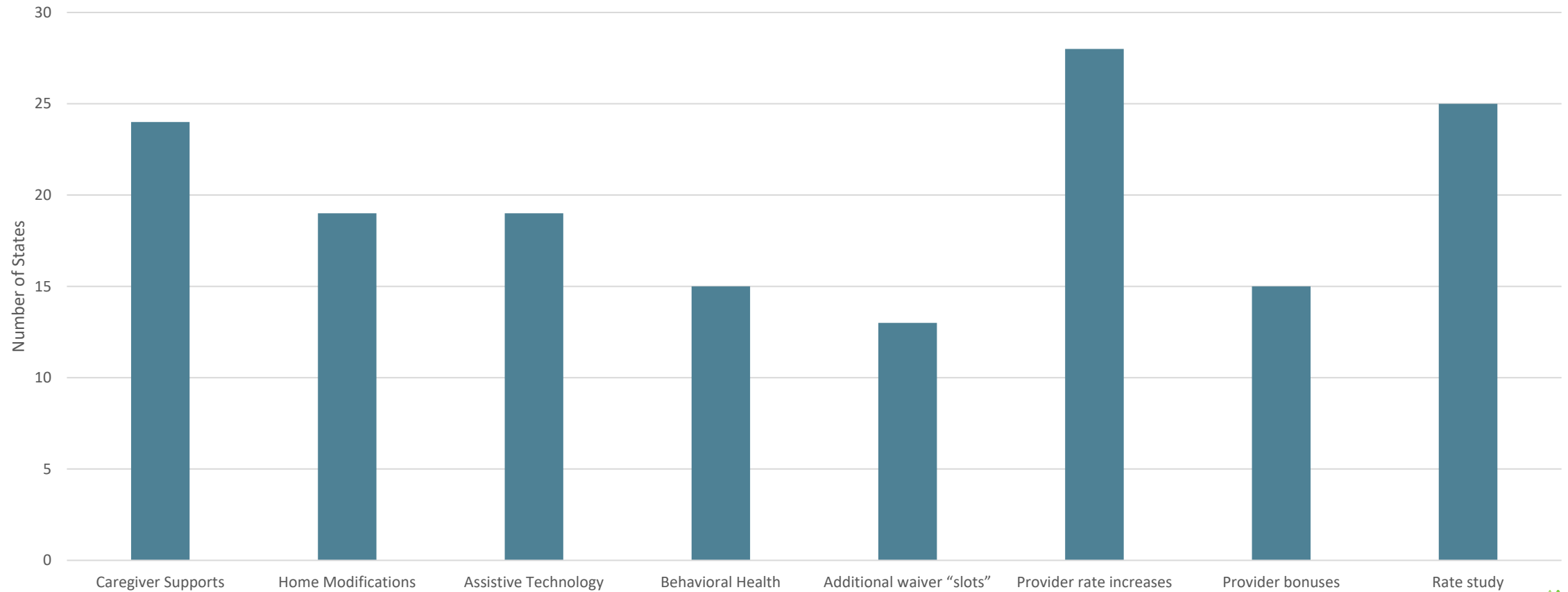
- 51 plans submitted (50 states + DC)
- 41 states with “partial approval”
- 7 states with “conditional approval”
- 3 states with requests for more information

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>

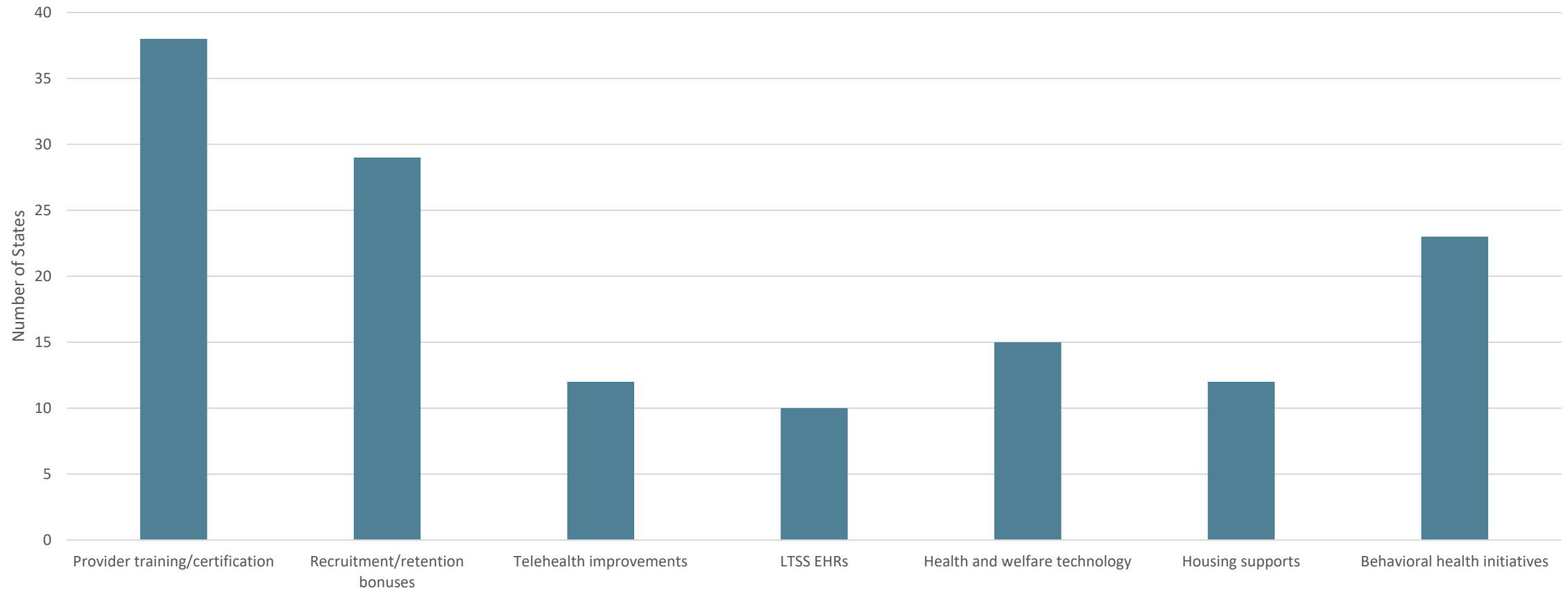
Summary of Plans

Spending Plan Initiatives



Summary of Plans

Spending Plan Initiatives



In Store for 2022?



2022 Issues

Unwinding
COVID
Flexibilities

ARPA HCBS

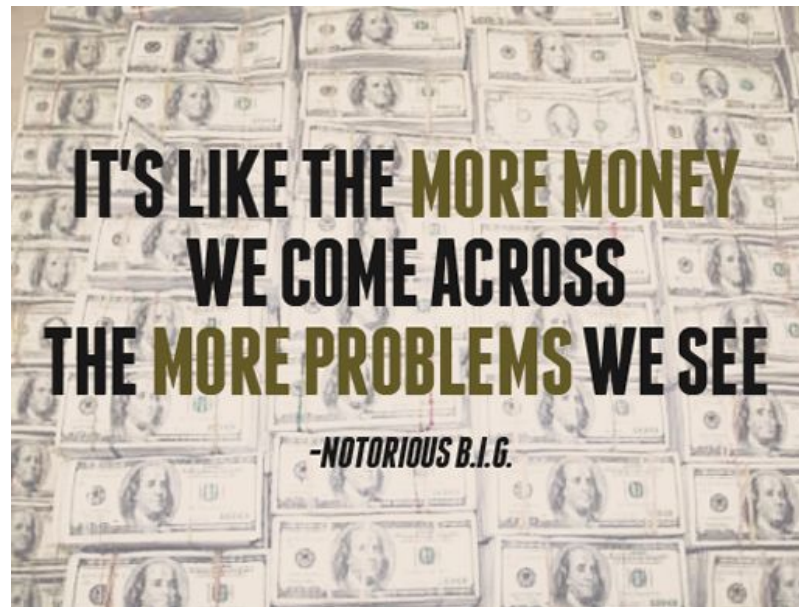
Build Back
Better??

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

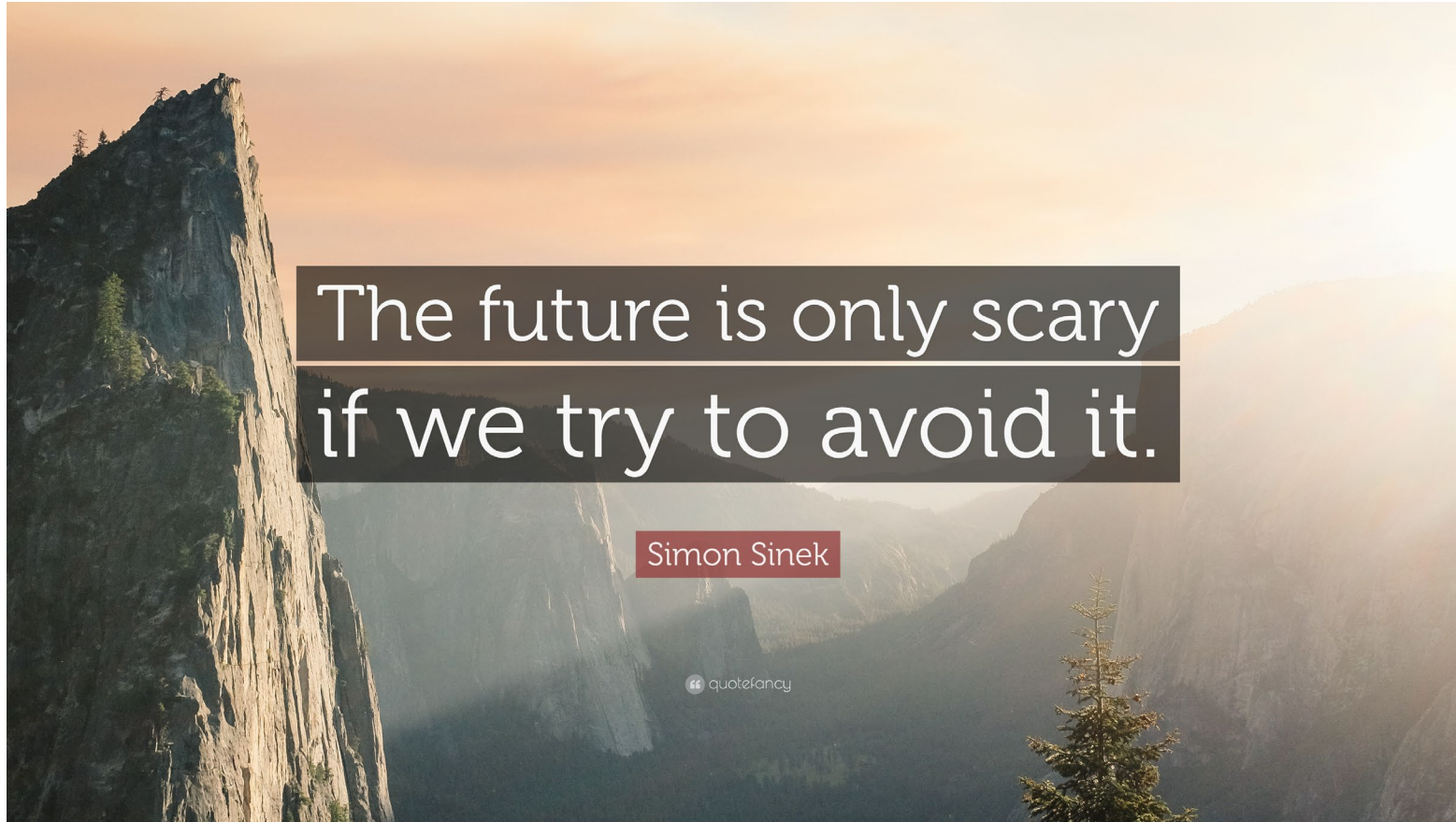
- The Spending Plans are extremely broad and ambitious
- CMS still hasn't approved everything
- Only have until March 31, 2024 to spend it all
- A lot of planning, collaboration, and program development remains to be done



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??

Bring on 2022!



THANK YOU!

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