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September 27, 2021

Daniel Tsai
Deputy Administrator and
Director of the Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-2444-P
P.O. Box 8016
Baltimore, MD 21244-8016

Re: CMS-2444-P

Dear Deputy Administrator Tsai:

On behalf of Advancing States, I am writing you in support of the Reassignment of Medicaid Provider Claims proposed regulation (CMS-2444-P). 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 work 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 people with disabilities, including overseeing Medicaid long-term services and supports (LTSS). Together with our members, we work to design, improve, and sustain state systems delivering LTSS for people who are older or have a disability and for their caregivers.

We are writing to express our support for the flexibilities contained within this proposed regulation. As you know, this rule would allow states to make payment to a third party other than the provider for certain costs, such as health insurance, skills training, and similar benefits that are often provided to employees. We want to emphasize that that this regulation would create an option and not a requirement for states. Furthermore, such reassignment could only occur with consent of the provider.

Presently, states are dealing with a wide range of workforce-related issues that preexisted COVID but were exacerbated by the pandemic. In a recent survey of Medicaid agencies, the



Kaiser Family Foundation concluded that a majority of states struggled with provider shortages and permanent closures during the pandemic.¹ While we do not believe that this regulation will solve the shortage issues, we believe that opportunities to provide group insurance coverage and pool resources for trainings and other benefits will have a positive impact on state recruitment and retention initiatives. Given the significance of the workforce challenge, we encourage CMS to use every tool available to support states address this issue.

In previous comments on reassignment regulations, we recommended that the provision be retained as an option and not a mandate.² We appreciate that this regulation aligns with our prior recommendations and thank CMS for addressing some of our concerns. We look forward to continued partnership on this, and other, HCBS related issues. If you have any questions regarding this letter, please feel free to contact Damon Terzaghi at dterzaghi@advancingstates.org or 202-898-2578.

Sincerely,

A handwritten signature in blue ink that reads "Martha Roherty".

Martha Roherty
Executive Director
ADvancing States

¹ <https://www.kff.org/coronavirus-covid-19/issue-brief/state-medicaid-home-community-based-services-hcbs-programs-respond-to-covid-19-early-findings-from-a-50-state-survey/>

² <http://www.advancingstates.org/policy/federal-advocacy/advocacy-alerts/advancing-states-submits-comments-medicaid-payment>