Agenda

Key Funding Issues

Aging Policy and Programs

Medicaid HCBS
Key Funding Proposals and Issues: Timeline

- **Presidential Budget Request FY22**
  - May 28, 2021

- **FY22 House Appropriations Act**
  - July 29, 2021

- **FY22 Senate Appropriations Bill released draft**
  - Oct. 18, 2021

- **Build Back Better (BBB) Act**
  - BBB released Oct. 28, 2021
  - House Passed version Nov. 19, 2021

- **FY22 Senate Appropriations Bill released draft**
  - Oct. 18, 2021

- **Continuing Resolution**
  - Sept. 30, 2021 to Dec. 3, 2021

- **FY22 Appropriations**

- **Continuing Resolution**
  - Dec. 3, 2021 to Feb. 18, 2022

- **Senate Committee drafts posted Dec. 11-12, 2021**

- **Debt Ceiling**
  - Dec. 15, 2021

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
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
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


Summary of Plans

Spending Plan Initiatives

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Number of States</th>
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<tr>
<td>Caregiver Supports</td>
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<tr>
<td>Home Modifications</td>
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<tr>
<td>Assistive Technology</td>
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<tr>
<td>Behavioral Health</td>
<td>15</td>
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<tr>
<td>Additional waiver “slots”</td>
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<tr>
<td>Provider rate increases</td>
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<td>Provider bonuses</td>
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<td>Rate study</td>
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<td>Recruitment/retention bonuses</td>
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<td>Telehealth improvements</td>
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<td>LTSS EHRs</td>
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<td>Health and welfare technology</td>
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<tr>
<td>Housing supports</td>
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In Store for 2022?

There’s nothing as scary as the future.

John Irving
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!

The future is only scary if we try to avoid it.

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