



## Medicaid HCBS and PACE Weekly Recap

April 14, 2023

**No LeadingAge Policy Updates calls on April 17 and 19, the week of the Leadership Summit.** On **Monday, April 24**, Mark SooHoo, Health Lead at Meteorite and Health Action Alliance, will join us to talk about the recent publication, "[Three Years of COVID-19: Lessons Learned and Next Steps for Employers](#)". You can also find previous call recordings of every 3:30 LeadingAge call [here](#). Note that to access recordings of the calls you need a LeadingAge password. Any staff member of any LeadingAge member organization can set up a password to access previous calls and other members-only content.

**CMS Releases 2023 Medicaid and CHIP Enrollment Profile.** The full [profile](#) and [infographic](#) illustrate how the more than 91 million current Medicaid enrollees are spread geographically and demographically across the country. The profile contains interesting state level data on dual eligibles and housing insecurity.

**MACPAC Discusses Status of Medicaid Unwinding.** The Medicaid and Chip Payment Advisory Commission (MACPAC) is monitoring state activities related to the end of continuous Medicaid coverage. Commissioners voiced support for elevation of best practices, including small changes to call center processes that share wait times or add call-back options. Materials from the full meeting are available [here](#). Best practices were noted in some states including targeted outreach to populations like dual eligibles that are likely to remain eligible but could be at risk of disenrollment for administrative reasons like failure to complete and return eligibility forms. For populations receiving Medicaid for access to Medicaid funded services like nursing home or home and community-based services, there may be delays on state asset verification systems causing disenrollments; providers should remain aware of these timeframes and your state's plan for unwinding. It is important that all people who remain eligible for Medicaid complete their eligibility packets and we urge providers to have conversations with any staff or residents who may be Medicaid eligible about their forthcoming eligibility redetermination packets. All questions on Medicaid Unwinding are welcome, email [Georgia](mailto:Georgia@leadingage.org). Additional information from LeadingAge is available [here](#); you can access a high level QuickCast on the topic [here](#).

**LeadingAge Seeking Experiences/Stories on HCBS Settings Rule Implementation** We know the Settings Rule simply isn't a good fit in a number of ways for our members. We may soon have an opportunity to talk about this with policy makers in CMS. We have discussed specific challenges with a number of providers and state partners in addition to reviewing statewide transition plans and heightened scrutiny documents. One state just recently reported that the state Medicaid agency denied a request to apply for an assisted living waiver because of the barriers created by the Settings Rule. Others have told us about adult day programs serving individuals with advanced dementia having to document why they are not helping participants find employment. More stories would be great. Georgia ([ggoodman@leadingage.org](mailto:ggoodman@leadingage.org)) would appreciate your insights or a quick discussion.

**Recent Survey Illustrates Voter Perceptions Toward Medicaid Programs.** More than 1,000 voters were surveyed by Hart Research, in partnership with Caring Across Generations, to better understand how political party affiliation influenced knowledge and attitudes around Medicaid. Findings indicate

bipartisan support for Medicaid and limited understanding of the populations receiving services, healthcare, and benefits from Medicaid programs. Visuals from the findings are available [here](#).

**National Stakeholder Call with the CMS Administrator.** On April 25, 1- 2pm ET, CMS Administrator Chiquita Brooks-LaSure and her leadership team will provide an update on CMS' recent accomplishments and how CMS' cross-cutting initiatives are advancing [CMS' Strategic Plan](#). **RSVP for the call [here](#).**

**Congressional Nursing Caucus Relunched.** On April 10, Representatives David Joyce (R-OH), Suzanne Bonamici (D-OR), Lauren Underwood (D-IL) and Jen Kiggans (D-VA) announced the [relaunch](#) of the Congressional Nursing Caucus for the 118<sup>th</sup> Congress. Representatives Joyce and Bonamici will serve as the Caucus co-chairs and Representatives Underwood and Kiggans will serve as the Vice Chairs. The Nursing Caucus is an important partner on many of LeadingAge's workforce priorities and we look forward to working with the Caucus to advance solutions for aging services providers.

**HHS Establishes Transition Period for Post-PHE Telehealth Compliance.** The Department of Health and Human Services, Office of Civil Rights [announced](#) the expiration of COVID-19 Public Health Emergency HIPAA Notifications of Enforcement Discretions. With the announcement of the end of the PHE in January, using HIPAA non-compliant communications platforms for telehealth will expire with the PHE on May 11, 2023. OCR stepped in to clarify their regulatory enforcement discretions will give health care providers utilizing noncompliant telehealth a 90-day transition period to come into compliance with the HIPAA rules around telehealth provision. Instead of the waiver for non-compliant telehealth services ending May 12, 2023 with the end of the PHE, non-compliant telehealth services can be used until August 9, 2023. This is with the expectation that providers are working to come into compliance with HIPAA expectations. During this time, from May to August, OCR will not impose penalties on covered providers for noncompliance in connection with good faith provision of telehealth services. OCR stated they will have additional resources for providers during the transition period. Resources for compliance support:

- [HIPAA and Telehealth](#)
- [HHS Releases Guidance on Audio-Only Telehealth Services](#)

**JAMA Publication Outlines Health Disparities Associated with Loss of Supplemental Medicaid Coverage** The paper reviewed whether loss of Medicaid eligibility for individuals with incomes above 100% of the federal poverty level exacerbated health disparities already prevalent across racial identities. The study found that loss of coverage had an outsized affect on black and Hispanic populations when compared with their white counterparts. Utilization and access to prescription drugs and outpatient services were reviewed for the report. There was no meaningful effect on utilization for individuals identifying as white within the research. Read the findings [here](#).

**CMS Opens Registration for User Group.** PACE organizations should consider registering for the user group on April 27 from 2:00 – 3:00 ET. CMS will review the 2024 Rate Announcement, recent HPMS Memos, demonstrate risk score calculations, and answer questions. More information and how to register is available [here](#). Register early; before it closes on April 20.

**Save the Date: ERC Office Hours.** Calling all LeadingAge members who have decided to pursue the Employee Retention Credit; we are hosting a panel of experts from Venable law firm, CliftonLarsonAllen and Forvis to answer your questions about the complexities you've encountered in navigating the ERC. ERC Office Hours will be held on Tuesday, April 25th from 3:30 - 4:30 PM ET; please email Dee

([DPekruhn@leadingage.org](mailto:DPekruhn@leadingage.org)) to register and receive the Zoom link. All members are welcome; this session is specifically tailored to those who have already pursued and/or filed for the ERC.

**LeadingAge Advises OSHA – Don’t Duplicate Existing Requirements and Avoid Overly Prescriptive Rules.** On April 7 LeadingAge submitted a comment letter to the Occupational Safety and Health Administration, with feedback on a possible future rule related to incidents of workplace violence perpetrated by patients/residents/clients and visitors toward employees in health care and social assistance settings. LeadingAge’s letter specifically said that OSHA should not duplicate existing requirements and must be general rather than overly prescriptive since aging services organizations differ vastly according to size, setting, and the population served. At this stage OSHA has not issued a proposed regulation. Rather, the agency has developed a framework that shows its current thinking about provisions a future rule could include, which it recently brought forward for review and discussion through a [Small Business Advocacy Review \(SBAR\) Panel](#). An article about this OSHA initiative, with a link to our comment letter, [is available here](#).

**Upcoming Healthcare Workforce Hearing.** On April 19, 10am ET, House Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-WA) and Health Subcommittee Chair Brett Guthrie (R-KY) will hold a legislative hearing examining current federal government programs to support health care work force and improve primary care. Ms. Carole Johnson, the Administrator of the Health Resources and Services Administration, is among the witnesses scheduled to testify at the two-panel hearing. [More information can be found here](#). [The hearing can be streamed here](#).

**FY 2024 Appropriations: House Geriatrics Dear Colleague Letter.** Congressional leaders are generating letters of support for their FY 2024 funding priorities. Representative Jan Schakowsky (D-IL) has once again initiated a Congressional Dear Colleague letter to the Chair and Ranking Member of the House Subcommittee on Labor, Health and Human Services Education and Related Agencies (Labor-HHS), urging them to provide adequate funding for programs designed to increase the number of health care workers prepared to care for the growing senior population and to support family caregivers in the essential role they play. In total, 26 Members of Congress signed the letter.

The Dear Colleague ask for increased funding for programs administered by ACL, which includes strengthening their demonstration on direct care workforce initiatives, and strategies for recruitment, retention or advancement. Additionally, support for the geriatric’s programs in Title VII of the Public Health Act, which includes the Geriatric Academic Career Awards and the Geriatrics Workforce Enhancement Programs. Several other programs are noted in the Dear Colleague, including: ACL’s Family Caregiver Support and Lifespan Respite Care for family caregivers; NIH’s National Institute on Aging and research specific to Alzheimer’s disease and related dementias, and the BOLD Infrastructure for Alzheimer’s Act of 2018. You can access the letter here: [House Geriatrics Dear Colleague](#).

**Last Week’s Recap: Medicaid HCBS and PACE Weekly Update for April 7, 2023.** Here is your weekly [HCBS and PACE Weekly Update](#).