

December 12, 2018

United States Senate
Washington, DC 20510

Subject: Reauthorization of Medicaid Money Follows the Person Program and Extension of Medicaid's Spousal Impoverishment Protections to HCBS

Dear Senator:

We, the undersigned members of the Leadership Council of Aging Organizations (LCAO) and the Consortium for Citizens with Disabilities (CCD), are writing to urge you to pass legislation to continue two key Medicaid policies before the end of this year:

- Reauthorization of the Medicaid Money Follows the Person Demonstration Project
- Extension of the guarantee that Medicaid's married spousal impoverishment protections will apply to home and community-based services (HCBS)

Beyond the potential harms to persons with disabilities and older adults that could occur if these provisions expire, we also anticipate disruption, confusion, and new administrative burdens on states.

LCAO is a coalition of 69 national nonprofit organizations concerned with the well-being of America's older population and committed to representing their interests in the policy-making arena. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

As the nation mourns the loss of President George H.W. Bush, we remember him for championing the Americans with Disabilities Act (ADA) to end, in his words, "the shameful wall of exclusion" so that "every man, woman, and child with a disability can now pass through once-closed doors into a bright new era of equality, independence, and freedom."

While Congress has made great bipartisan strides in ensuring persons with disabilities can be integrated into their communities and that seniors can age in place, systematic biases still exist that favor more costly institutional care over home and community-based services (HCBS). Both of these policies follow in that proud bipartisan history of passing bipartisan legislation to ensure older adults and people with disabilities have the option to remain at home and in the community.

Reauthorization of Money Follows the Person

First authorized in the Deficit Reduction Act of 2005, with strong bipartisan support and signed into law by President George W. Bush, the Medicaid Money Follows the Person Demonstration Program (MFP) has helped more than 88,000 older adults and people with disabilities (CMS, 2018) transition out of nursing and other facilities back to living in their communities.

MFP has also helped 43 states and the District of Columbia develop the needed infrastructure to enhance people's access to home and community-based services (HCBS), while helping states shift more of their resources to HCBS and reduce expenditures on institutional services.

According to CMS, 12 states have already exhausted their allotted MFP funding and the remaining state MFP programs will do so as well by December 31st of this year. As a result, states are transitioning fewer individuals and the progress we have made due to MFP in serving older adults in their communities is at risk, including key staff layoffs and loss of infrastructure.

Guaranteeing Spousal Impoverishment Protections for HCBS

This common-sense policy will ensure that married couples can stay together when dealing with the struggles that come with caring for loved ones with disabilities and conditions such as dementia, multiple sclerosis, or traumatic brain injury.

Medicaid's "spousal impoverishment protections" make it possible for an individual who needs a nursing home level of care to qualify for Medicaid while allowing their married spouse to retain a modest amount of income and resources to pay for rent, food, and medication while the other spouse receives long-term services and supports. Congress extended this protection to eligibility for HCBS in all states beginning in 2014, so that married couples have the same financial protections whether or not care is provided in a facility or in the community.

Allowing the policy to expire now could force people who are now eligible for HCBS into more costly institutional care against their wishes and stall or even reverse progress states have made in helping older adults and people with disabilities remain and home and in the community.

For these reasons, we urge you to pass legislation to continue Medicaid Money Follows the Person and HCBS spousal impoverishment protections as outlined in H.R. 7217. Thank you for your consideration.

Sincerely,

AARP
Alliance for Retired Americans
AMDA: The Society for Post-Acute and Long-Term Care Medicine
American Association of People with Disabilities
American Association on Health and Disability
American Geriatrics Society
American Psychological Association
American Therapeutic Recreation Association
The Arc of the United States
Association of University Centers on Disabilities (AUCD)
Autism Society of America
Autistic Self Advocacy Network

Center for Medicare Advocacy
Center for Public Representation
Community Catalyst
Disability Rights Education and Defense Fund (DREDF)
Easterseals
Epilepsy Foundation
Families USA
The Gerontological Society of America
The Jewish Federations of North America
Justice in Aging
Lakeshore Foundation
LeadingAge
Lutheran Services in America
Meals on Wheels America
Medicare Rights Center
National Academy of Elder Law Attorneys
National Adult Day Services Association (NADSA)
National Association for Home Care and Hospice
National Association of Area Agencies on Aging (n4a)
National Association of Councils on Developmental Disabilities
National Association of State Directors of Developmental Disabilities Services
National Association of State Head Injury Administrators
National Association of State Long-Term Care Ombudsman Programs
National Committee to Preserve Social Security and Medicare
National Consumer Voice for Quality Long-Term Care
National Council on Aging
National Council on Independent Living
National Disability Rights Network
National Respite Coalition
PHI
Program to Improve Eldercare, Altarum
Service Employees International Union (SEIU)
WISER