

Federal Update

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ANCOR's GR Team



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Our Focus: DSP Workforce Emergency



- Flexibility
- Reconciliation/BBB
- HCBS Settings Rule
- Access RFI
- SOC Legislation
- Workforce Solutions

From underestimated....



To Unstoppable



AMERICAN JOBS PLAN



AMERICAN
JOBS PLAN

AMERICAN
JOBS PLAN

CARE IS INFRASTRUCTURE: The Build Back Better Act

- **\$150 billion for Medicaid Home and Community Based Services.**
- 6 percentage-point FMAP increase over a 10-year period
- Requirement that states will review payment rates—initially 2 years after each state's HCBS improvement plans are approved and then every 3 years





Reconciliation Push! Now or never.



SUPPORT OUR DIRECT CARE WORKFORCE

#ALLINFORHCBS

An illustration of a caregiver, a woman with dark hair wearing a pink uniform, assisting an elderly man. The man is wearing a green shirt with white polka dots and white pants. The caregiver is holding a white spoon to the man's mouth. The man is sitting on a white surface, possibly a bed or a chair.

Support for the Home and Community-Based Services program will raise wages for the direct care workforce, create jobs, and expand access for individuals with disabilities to home and community-based care.

What's the Message?



Direct Care Workforce Crisis

ANCOR's The State of America's Direct Support Workforce 2021 found that due to the Direct Support Professional (DSP) workforce crisis:

- **77%** of providers are turning away new referrals;
- **58%** of providers are discontinuing programs and services, representing a 70.6% increase since the beginning of the pandemic;
- **84%** of providers are delaying the launch of new programs or services; and
- **92%** of providers continue to grapple with the impact of the pandemic on recruitment.

The high turnover rates and exodus of DSPs from the field has left individuals with I/DD without access to critical supports and services.





The HCBS Settings Rule



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First and foremost

- ANCOR has been and continues to be supportive of the Settings Rule
- ANCOR spearheaded a letter to Congress, signed by more than 40 national disability and aging organizations sent July 28, 2015
- ANCOR remains committed to successful implementation of the Settings Rule and our shared goal of meaningful community inclusion for all.
- OUR POSITION HAS NOT CHANGED.

But, workforce....



Director Tsai Spoke to ANCOR Members





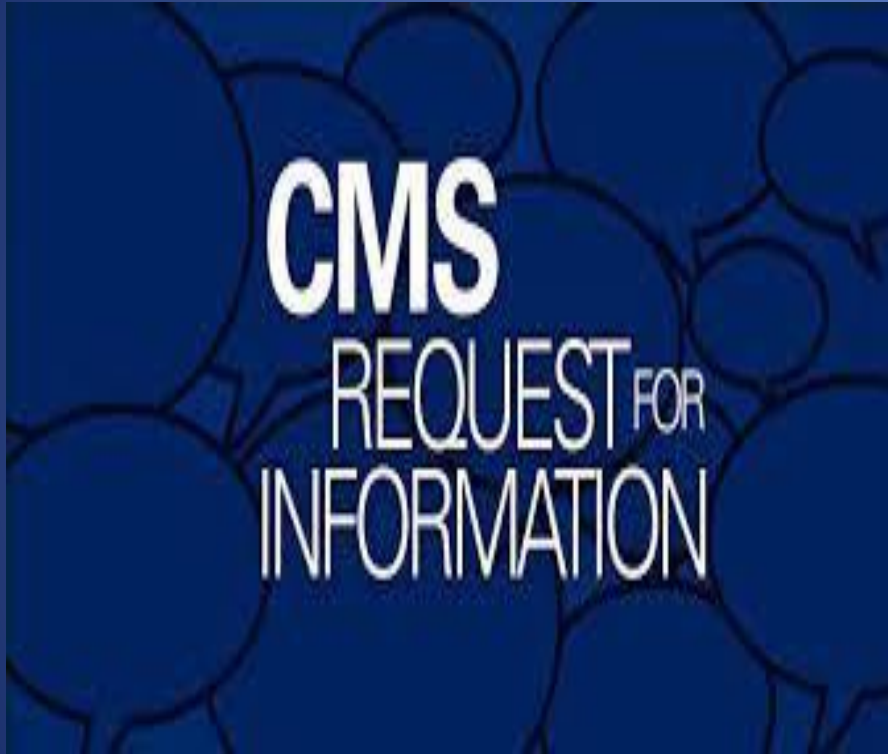
CMS is committing to collaborating on something in writing for states with the following framework:

- To identify a set of non-negotiables in the settings rule, the provisions that are considered to fall under basic civil rights (right to visitors, lock your door...) but not as directly linked to workforce
- To identify a range of provisions they want to commit to making progress on, but recognizing which parts most impacted by the workforce shortage impacts
- To find a much more nuanced approach to continuing progress and not impacting Medicaid funding to providers.

What Does Nuanced Mean?

- Provisions directly related to the workforce crisis will have the opportunity for more time.
- Examples:
 - Controlling your own schedule
 - Pursuing competitive integrated employment
 - Choice of roommate
- States will be able to request a corrective action plan as part of their 1915 application which identifies the provisions it needs more time for and a timeframe and method to reach compliance.
- No maximum time identified for length of plans – yet.

CMS Request for Information on Access



Our Recommendations included (but were not limited to):

- State reporting on direct care workforce metrics;
- Minimum standards for reimbursement rate methodology; and
- Creation of a designated access complaint process.

Direct Care Workforce Metrics

- **Workforce Volume**

- Total number of direct care workers disaggregated by each designated service

- **Workforce Stability**

- Average annual turnover rates
- Vacancy rates
- Service continuity, as measured by (a) frequency and length of services interruptions, and (b) calculating the average number of direct care workers who serve each beneficiary in a calendar year

- **Compensation**

- Average hourly wage and average annual earnings across service type;
- Proportion and accounting of HCBS reimbursement that is designated for direct care worker wages and benefits.

Minimum Standards for Rates

- Rates should be reviewed at least every three (3) years;
- There should be an automatic annual inflation adjustment;
- Cost data used to inform rates should be no more than one-year old and demonstrate inclusion of inflationary increase;
- Rates should be developed with a minimum set of separate line-items which include, but are not limited to, wages, employee related expenses, program-related expenses, and general and administrative expenses;
- Wage components of rates should transparently indicate the Standard Occupational Classifications (SOC) utilized to inform the wage.

CMS Review and Access Complaints

CMS should immediately amend the equal access rule to expressly include HCBS waivers and managed care.

CMS should provide update to its HCBS waiver application “Instructions, Technical Guide and Review Criteria” to include plans of compliance for states unable to demonstrate adequate review of rates. When a state seeks to reduce a reimbursement rate, it should necessitate an interim review from CMS prior to implementation.

CMS should open a designated access complaint process with required procedural steps of review as well as provide periodic outreach to states ensuring stakeholders have a forum to voice concerns over inadequate payment.



ANCOR Policy Summit October 11-12



So Many Ways to Be Engaged....

- Board of Representatives
- Government Relations Committee
- Grassroots Committee
- ANCOR Disability Champions Political Action Committee
- Alternate Payment Models Workgroup
- Housing Task Force
- ANCOR Global Council
- Professional & Organizational Development Committee
- ANCOR Foundation
- ANCOR Board of Directors



We're going ALL IN. Are you?



**SUPPORT
PEOPLE
WITH
DISABILITIES**
#ALLINFORHCBS

**INVEST IN HOME &
COMMUNITY-BASED
SERVICES**

Support for the Home and Community-Based Services program enables people with disabilities to live full, independent lives in their community.

 **ANCOR**

#AllinForHCBS

- If you're all in, then now is the time to **LEARN**, **SHARE** and **TAKE ACTION**:
- **LEARN** more about the importance of this legislation and the power of your advocacy by [watching this short video](#).
- **SHARE** this message with your colleagues, friends, family members and everyone else you can think of with our easy-to-use [social media toolkit](#).
- **TAKE ACTION** using our [one-click advocacy tool](#)—today and every day over the next five weeks—to tell your Senators that our services need their support.



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Watch and share video clips...



Socialize it!



Take Action!

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American Network of Community Options & Resources

Hi Shannon in Prospect, KY!

It's Time To Go All In For HCBS!

The Ask:

Use our action tool to tell your Senators that you're #AllInForHCBS and now is the time to support funding for HCBS!

The Details:

Congress has an opportunity to make an historic investment in the Medicaid Home and Community Based Services

Send Message

AA votervoice.net

12:14 5G

through the budget reconciliation process.

Write **Tweet** **Call**

Compose Your Message

- Senator Mitch McConnell Jr.
- Senator Rand Paul

Tell your Senators to support an investment in the Medicaid HCBS program.

Subject

Support the Medicaid HCBS Program

Message Body

As your constituent, I urge you to support a budget reconciliation bill that includes \$150 billion in funding for the Medicaid Home and Community Based Services (HCBS) program. This funding is critical for investing in the direct

Review Your Profile [Not Shannon?](#)

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Send Message

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Thank you!

