

MEMORANDUM

A.11569 (De Los Santos)/ S.9573 (Rivera)

AN ACT to amend the social services law, in relation to authorizing the commissioner of health to establish nursing facility transition and diversion Medicaid waiting lists per designated waiver region

LeadingAge New York supports this legislation, which would direct the State Department of Health to provide for waiting lists per designated waiver region for enrollment in the State's Nursing Home Transition and Diversion program.

The Nursing Home Transition and Diversion (NHTD) Program is a home and community-based program that helps New York's Medicaid-eligible seniors and people with physical disabilities receive comprehensive services they need while they live in a community-based setting, rather than in a nursing home, congregate care setting, or other institution.

The Fiscal Year (FY) 2025-26 State Budget and corresponding waiver amendment placed a participant enrollment cap on the NHTD Waiver due to a requirement by the Centers for Medicare and Medicaid Services (CMS) that the program maintain a budget-neutral status which ensures that total care costs per participant do not exceed the cost of institutional nursing home care. Despite that enrollment cap being approved and in place, the State Department of Health (DOH) has not established a process to allow applicants to be added to a waitlist after the cap is reached.

This bill would authorize the development of a wait list, rather than the current process which requires all interested applicants to check the waiver on a regular basis for available slots. A formal process for accessing the waiver would offer a more rational and consumer-friendly way to manage access to the program and needed services. It would also ensure that openings are made available efficiently and on a regional basis. This process would enable the DOH to ensure equitable access to the waiver for participants from all counties of the state, particularly as overutilization of the waiver in downstate counties was a significant contributor to the program exceeding its budget parameters. LeadingAge New York also supports the legislation's prioritization of NHTD waiver applicants transitioning from nursing facilities, which would enable individuals to live at home and in their communities when possible.

The NHTD Waiver is an important option for individuals seeking supports and services to age in place. It is one of the only home and community-based programs that offers supervision as a benefit, which is often most critical for individuals with dementia and other cognitive diagnoses and impairments.

LeadingAge New York supports efforts by the State to create efficiencies, curb spending, and access new technology and care models within this program to bring it into budget neutral compliance so that more individuals can once again access this important program.

For the above reasons, we urge the passage and enactment of this important legislation.

LeadingAge New York represents more than 350 not-for-profit and public long term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long term care.

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