



# HOME AND COMMUNITY-BASED SERVICES

SENIOR HOUSING | ASSISTED LIVING | ADULT CARE FACILITIES | HOME CARE | RETIREMENT COMMUNITIES  
ADULT DAY HEALTH CARE | PACE/MLTC | NURSING HOMES | CCRC

## Protect Home and Community-based Services (HCBS)

### Invest in Workforce Recruitment and Retention – #WIN4Seniors

LTPAC providers are coping with severe workforce shortages statewide at all levels. The inability to hire sufficient aides and professionals has resulted in long waiting lists for certain community-based services, inability to fill authorized home care hours, admission of individuals to higher levels of care due to lack of access to community-based services, inability to admit nursing home residents with complex medical conditions and/or high supervision needs, and reliance on overtime and staffing agencies. Faced with current and future demographic challenges, New York must take action now and invest in the workforce, long-term services, supports, and technologies that enable individuals to remain in their homes and communities, and it must modernize regulations and provide funding to permit providers to address consumer preferences, optimize efficiencies, improve quality, and effectively deploy an increasingly scarce workforce.

***Our request: Appropriate \$50 million to support initiatives to train, recruit, and retain the LTPAC workforce. Reject the requirement that home care aides obtain NPI numbers. Fully fund, expedite, and improve the criminal history record check process.***

### Fund an Affordable Independent Senior Housing Assistance Program

Investing in affordable housing with support services will provide low-income seniors with access to safe places to live and basic supports in the community, allowing them to age in place and delaying or preventing the need for high-cost Medicaid services. Following up on passage of an historic \$125 million for senior housing capital in the 2017-18 budget, the Legislature should appropriate \$10 million for the Affordable Independent Senior Housing Assistance Program, to help senior housing providers offer an array of services that assist residents to remain independent by emphasizing wellness and healthy aging.

***Our request: Add \$10M for supportive services in affordable senior housing.***

### Utilization of Personal Care under MLTC

The Executive Budget proposes to cut \$50 million (all funds) from Managed Long Term Care (MLTC) premiums based on the assumption that yet to be published amendments to fair hearing regulations will drive reductions in personal care utilization. Personal care services, such as bathing, toileting, and dressing, allow individuals to age in their own homes and communities and maintain their independence. LeadingAge NY supports efficient and appropriate use of the various benefits offered under MLTC. We are concerned, however, that funds will be removed from the MLTC program before anticipated regulations can be assessed, adopted, and demonstrate that they can achieve savings commensurate with the rate cut. The long term care needs of seniors are growing and will continue to grow due to the aging of the Baby Boom population. Deep cuts to MLTC rates, year after year, are not sustainable and threaten to destabilize the long term care delivery system.

***Our request: Restore \$50M in cuts to personal care under MLTC.***

### Invest in NORCs/NNORCs

Naturally Occurring Retirement Communities (NORCs) and Neighborhood NORCs (NNORCs) are growing support and services programs that maximize and ensure the successful aging in place of older residents. The Executive Budget includes \$8.06 million for N/NORC programs, maintaining \$4 million in program enhancements that the Legislature added in the 2018-19 budget. This funding will support the existing 29 State-funded N/NORCs and the 13 anticipated new N/NORCs under a new RFA. This funding is vital to ensure that current programs can continue to provide services and supports expansion of the model to new areas in New York State, particularly for underserved areas with rapidly growing aging populations. The NORC

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*Inspire Serve Advocate*

framework addresses key social determinants that support quality health outcomes and result in long-term savings for the State.

***Our request: Support the Executive's proposed funding.***

#### **Consolidation of CDPAS Fiscal Intermediaries and Rate Restructuring**

The Executive Budget would cut \$150 million (all funds) from fiscal intermediary (FI) rates and significantly reduce the number of FIs by an unspecified amount. It would reduce FI reimbursement by shifting from an hours-based rate system to a per member per month system. FIs manage payroll for participants in the Consumer Directed Personal Assistance Program (CDPAP) and offer additional wrap-around services and wage structures for personal assistants. With these added benefits, the program has helped improve access to home care for aging seniors and individuals with disabilities across the state.

LeadingAge NY has serious concerns with the wholesale changes proposed to the statute authorizing FIs in the Executive Budget. A reasonable number of geographically-distributed FIs serving personal assistants is necessary to ensure the effectiveness of this program. We are concerned that a highly restrictive contracting process will inappropriately limit access to fiscal intermediary services, particularly in upstate communities, and disrupt longstanding relationships between consumers, aides, and FIs. We are also concerned that the size of the proposed cut in FI payments will adversely affect the ability of FIs to carry out their administrative functions, while continuing to supplement wages of personal assistants where appropriate.

***Our request: Restore the \$150M cut, revise the FI proposal to promote efficiency and appropriate utilization.***

#### **Funding for Criminal History Record Checks (CHRCs)**

Currently, non-professional long term care employees, including employees of certified home health agencies (CHHAs), long term home health care programs (LTHHCPs), AIDS home care providers, licensed home care services agencies (LHCSAs), nursing homes, hospice programs, and adult care facilities, must undergo criminal history record checks (CHRCs). New requirements implemented last year added new providers to this list, including hospice programs. The State has not yet developed a method of reimbursing hospice programs for CHRCs. While the number of workers subject to record checks and the cost of conducting them have increased, the funds appropriated appear to remain level.

At the same time, providers have not been reimbursed for record checks for much of the past year due to technical glitches in the data exchange process. There are also extensive delays in the fingerprinting and review processes, which have multiple negative impacts on the provider community. Providers make significant investments in trial employees through training and supervision, with no guarantee that the potential employee will pass the CHRC process. Providers also lose sorely-needed employees because of the extended delays in receiving CHRC clearance.

***Our request: Fully fund the CHRC process to cover rising costs and new providers, ensure reappropriation of past years' funding, require the implementation of a process for reimbursing hospice programs for CHRCs, and expedite and improve the process to avoid delays in clearance.***

#### **Expanded In-Home Services for the Elderly Program (EISEP)**

LeadingAge NY fully supports the Executive's additional \$15 million investment in the Expanded In-Home Services for the Elderly Program (EISEP), which supports non-medical, in-home services; case management; non-institutional respite care; and ancillary services for functionally impaired older adults. These services are critical to the aging in place of New Yorkers, and a major increase for this program is long overdue.

However, the Department of Health has suggested that up to \$68 million may be cut from MLTC rates and fee-for-service (FFS) personal care rates due to this increase in EISEP funding. We stress that New York's commitment to caring for its aging and chronically disabled must continue to grow. Adding funding to EISEP, while removing more funding from MLTC and FFS personal care, is not a reasonable or practical approach to funding a long-term health care challenge that grows more formidable every day with our rapidly changing demographics.

***Our request: Increase EISEP funding without implementing offsets to Medicaid rates that fund long term care and support for seniors.***

#### **Expand Funding for Respite Programs and Elder Abuse Education and Outreach**

The Executive Budget decreases critical funding for NYSOFA's Respite Program and Elder Abuse Education and Outreach. This is a time when supports for the elderly, especially the most vulnerable, should be expanding. LeadingAge NY supports increased funding for these programs. These programs are on the front lines supporting seniors and their caregivers.

***Our request: Increase funding for Elder Abuse Education and Outreach and Respite Programs.***