

# Kentucky's Vision for Long Term Care 2007

Access, Quality, Consumer Choice

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# Federal News--It's All About SCHIP

- State Children's Health Insurance Program
  - Authorized by the Balanced Budget Act of 1997 to serve uninsured children not eligible for Medicaid
  - \$40 billion allocated over ten years to states
  - More than 6 million children served in ten years

# The SCHIP Battle

- President: \$5 billion for five years
- Senate: \$35 billion for five years
- House: \$47 billion for five years

# CMS Weighs in on SCHIP

- Guidance letter issued on August 17 dictates the following:
  - States have to enroll 95% of Medicaid- or CHIP-eligible children below 200% of FPL in order to raise CHIP eligibility above 250% of FPL
  - Cannot “crowd out” private insurance by more than 2% over five period
- More than 20 states affected

# CMS and Nursing Home Enforcement

- GAO Reports that CMS allows “yo-yo” compliance with federal nursing home quality of care standards

# CMS on HCBS and Asset Transfers

- “. . .the date on which the individual is eligible for medical assistance . . . *and would otherwise be receiving institutional level care* . . . but for the application of the penalty period. 42 U.S.C. §1396p(c)(1)(D)(ii)
- The date on which the individual is eligible for medical assistance . . . *and is receiving institutional level of care services* . . . that, were it not for the imposition of the penalty period, would be covered by Medicaid.” CMS, July 27, 2006 (“Dear State Medicaid Director”)

# GAO Again on CMS

- Agency not providing an adequate “public process” at federal level in processing Medicaid waiver proposals

# Policy v. Statute

- “Public process” requirement pertaining to waivers is CMS *policy*
- “Public process” requirement of Money Follows the Person program is *statutory*:
  - The MFP application must contain “an assurance that the State has engaged, and will continue to engage, in a public process for the design, development, and evaluation of the MFP demonstration project . . .”



# How will it be enforced?

- CMS Policy on waivers based on understanding that people “have a legitimate interest in learning about proposed projects and having input into decision-making process”
- Discussion with CMS

# Making our own “Public Process”

- Ownership of the process

# The Strength of Coalitions

- Medicaid Matters Maryland
  - <http://medicaidmattersmd.com/>

# Coalitions, continued

- Medicaid Matters New York

- <http://www.medicaidmatters.org/index.shtml>

# Advocates to Reform Medicaid Services

- Where ARMS has been
- Where it is going

# Money Follows the Person just the beginning

- Rebalancing now and in the future
  - Other programs
  - Other possibilities

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