



OLTL Updates Medical Assistance Advisory Committee (MAAC)

September 22, 2022

Agenda

- FY 22-23 State Budget for OLTL and Act 54 Updates
- OBRA & CHC Waiver Updates
- HCBS Final Rule
- Pre-Transition Priorities

FY22-23 State Budget Update and Act 54 for OLTL

➤ FY22-23 Budget/Act 54

- Act 54 of 2022 appropriated new American Rescue Plan Act (ARPA) funding
- \$250,000,000 for Long-Term Living Programs –
 - Must be in operation of July 1, 2022
 - Funding cannot be reimbursed by another funding source
 - One-time payments to use for COVID-19 related expenses
 - Report in a form and manner prescribed by DHS

FY22-23 Budget/Act 54

- \$131,157,000 – Nursing Facilities – county and nonpublic
 - \$104,926,000 – MA days – 3rd quarter of 2021
 - \$26,231,000 – licensed beds as of July 1, 2022
- \$4,283,000 – MA ventilator or tracheostomy nursing facilities
 - based on the payment made through Act 56 of 2021 – quarter ending March 31, 2022
- \$74,946,000 – Personal Assistance Services –
 - \$59,957,000 home health and home care agencies – 3rd quarter of 2021
 - \$14,989,000 participant directed PAS – 3rd quarter 2021

FY22-23 Budget/Act 54

- ARPA for Long-Term Living Programs – cont.
 - \$26,767,000 – Assisted living and PCHs
 - \$24,090,000 – occupancy based on July 1, 2022 or earlier
 - \$2,677,000 – SSI population in March 2022
 - \$6,959,000 – Adult day services – payments for the 3rd quarter of 2021
 - \$535,000 – Residential Habilitation – payments for the 3rd quarter of 2021
 - \$5,353,000 – LIFE programs – based on payments 3rd quarter of 2021.

FY22-23 Budget/Act 54

- Nursing Facility Rates
 - BAF reauthorized
 - NF Assessment Reauthorized
 - Minimum fee schedule for NF Rates in CHC through 2025 – no less than the FFS rates
 - NF must devote 70% of their rate to resident care and related costs –
 - Reported through cost-reports
 - Penalty goes into new fund for NF quality improvement
 - Funding for a 17.5% rate increase starting 1/1/2023
- LIFE
 - 3% increase in rates starting January 1, 2023
 - Information materials must include description of LIFE program
 - Statement that eligible individual has option to enroll in LIFE or CHC
 - Contact information for LIFE program
 - Must train IEB on LIFE
 - Report of documentation of compliance

FY22-23 Budget

- State Supplemental Assistance – PCH and ALRs increased
 - Personal Care Home – individual - \$639.30 and couple \$1,357.40 –
 - \$20 million approx.

➤ Act 54 Spending Plan

- A ListServ was posted on August 19 and updated August 30th providing guidance on instructions and timelines for Personal Care Homes and Assisted Living Residences to receive payments
- An Act 54 Facility Acceptance Form must be completed by September 2, 2022 for PCH/ALRs.
- Information posted on the Long-Term Care providers DHS website regarding Act 54.
- A ListServ posted on August 30th for NF not enrolled in MA.
- Information should be available this week on Act 54 ARPA payments for other providers.
- MA enrolled providers will receive their payments via gross-adjustments.

OBRA & CHC Waiver

OBRA & CHC Waiver

- OBRA Waiver Amendment
 - On August 15th, CMS approved an OBRA waiver amendment increasing PAS rates by 8%.
 - This increase has been in effect since January 1, 2022 through our Appendix K flexibility and amendment.
 - The approval of the OBRA waiver amendment makes the rate increase permanent in the base waiver application.
- OLTL is working on OBRA and CHC waiver amendments for submission to CMS in December.
 - We anticipate that the draft waiver amendments will be released for public comment sometime in early October. If we hit our target date of publishing in early October, OLTL's Bureau of Policy will be presenting the proposed changes during the October MLTSS meeting.

HCBS Final Rule

➤ HCBS Final Rule

- CMS published the HCBS Rule, which amends the Medicaid regulations for HCBS waivers under section 1915(c) of the Social Security Act. The HCBS Rule supports enhanced quality of programs and services and adds protections for individuals receiving services.
- The HCBS Rule includes a provision requiring states to develop a transition plan to ensure that services will meet federal requirements by March 2023.
 - A ListServ was released on August 22nd announcing the 30-day public comment period
 - Comments will be accepted no later than 11:59 pm on September 22, 2022.

Pre-Transition Priorities

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- ARPA funding
 - Funds sent out
 - Reporting
- Adult Protective Services Regs
- BHSL Support
- DCW Support
- NF Funding

Questions?

