Joint Ways and Means Subcommittee on Human Services

Aging and People with Disabilities Updates:
Eligibility & Policy Changes, Community Based Care Needs
April 18, 2019
APD presentation outline

APD Eligibility and Policy Changes
- Background and Context
- 2015 Budget Note
- Lewin Report
- Legislative Budget Direction
- Actions: Live-In, Hours, Eligibility
- Results

Community Based Care Needs
- Access to Medicaid Community Based Services
- POP 121: Community Based Care Medicaid Access
- Governor’s Proposal
APD’s Vision

Oregon’s older adults, people with disabilities and their families experience person-centered services, supports and early interventions that are innovative and help maintain independence, promote safety, well being, honor choice, respect cultural preferences and uphold dignity.
Goals

- **Well Being**: Older adults and people with disabilities feel safe and experience their best quality of life.
- **Accessibility**: Oregonians can readily and consistently access services and supports to meet their needs.
- **Quality Outcomes**: Oregonians engage in services and supports that are preventive, evidence-informed, and lead to quality outcomes.
- **Service Equity**: Oregonians experience programs, services and supports that are designed, improved and responsive to historical inequities, current disparities, and individual experiences.
- **Engagement**: Consumers are empowered by information, communication and advocacy through strong, collaborative partnerships with stakeholders and rich community dialogue.
Background and Context

Budget

- Affordable Care Act
- Community First Choice Option (K Plan)
- Department of Labor Regulations
- Home and Community Based Services Regulations
- Demographic Changes and Growth

DHS | Oregon Department of Human Services
Goal: Cap General Fund Growth at 10 Percent

Issues to Explore:

Service Eligibility

Income Eligibility

Service Array/Service Level
Lewin Report: February 2016

- Options explored:
  - Reduce the number, or the rate of increase, of LTSS consumers
  - Reduce or redistribute the services authorized
  - Change consumer cost share
  - Increase integration
  - Leverage technology
Stakeholder Feedback to Lewin Report

• Opposition to integration (managed long-term services and supports)
• Preference to limiting services over capping enrollment, with neither option desirable
• Support for:
  – Increased funding for preventive services
  – Increased program accountability and oversight
  – Enhanced programs for services outside of institutions
  – Explore number of hours associated with actual need
2017 Legislative Session – Budget Direction

- 2017: The Oregon Legislature directed APD to reduce the growth in the budget for Medicaid long-term services and supports (LTSS).
- $27 Million General Fund (GF) reduction for 2017-2019
APD Program Changes, October 2017

- **Live-In to Hourly Services:** Directed to close the live-in option to prevent an increase in cost of approximately $47 Million.
  - Worked with consumers to switch from the live-in program to services on an hourly basis.
  - The program was closed to new consumers on July 1, 2016, and the program closed permanently on October 1, 2017

- **In-Home Hours Rebalancing:** Hours for service plans were modified to balance service needs and to reflect the results of an extensive time study.
APD Program Changes, October 2017

- **Assessment changes to Activities of Daily Living (ADLs):** Changing the ADL criteria for eligibility to better reflect the need for a nursing facility level of care.

- **Extended Waiver Eligibility:** For current consumers who no longer meet eligibility criteria, but would be at risk of homelessness or returning to an unsafe situation, APD continues to pay for their services and supports.
In-Home Hour Changes

- Hours are authorized based on need.
- APD contracted with an independent contractor to study how long tasks should take.
- Study showed that in some areas we were over authorizing hours and in others were not providing enough.
- APD made changes to maximum hours for in-home consumers, and overall, these changes resulted in $10 million GF savings.
Possible Federal Litigation, and Subsequent Agreement

- February 2018: APD reaches agreement with the Oregon Law Center, Disability Rights Oregon and Legal Aid Services of Oregon to restore hours and eligibility.
  - **Key Issue:** Improving the notices to consumers to explain the changes to eligibility and hours, how it impacts them, and how they can request exceptions and appeals.

- May 2018: APD reaches agreement with advocacy groups, restores October 2017 changes, and provides more specific and person-centered communications to consumers about hours and eligibility.
### Effects of October 2017 Changes: Existing Consumers and New Assessments

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<tbody>
<tr>
<td>Individuals reassessed</td>
<td>29,692</td>
<td>29,741</td>
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<tr>
<td>Number of existing consumers no longer eligible</td>
<td>1,210 (4.1%)</td>
<td>806 (2.7%)</td>
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<td>New individuals assessed</td>
<td>15,406</td>
<td>15,466</td>
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<tr>
<td>Individuals ineligible for LTSS</td>
<td>3,512 (22.8%)</td>
<td>3,296 (21.3%)</td>
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Medicaid LTSS in 2019

- Significant changes over this biennium - impacts felt by our field staff (case managers and others) and consumers
- Long term services and supports program more fiscally sustainable and better positioned to meet future needs
- Efforts such as Extended Waiver Eligibility and agreement with advocates to minimize adverse impacts, and create more person-centered service planning
Community Based Care Needs

Access to Community Based Care

POP 121: Community Based Care Medicaid Access

Governor’s Recommended Budget
Access to Community Based Care

• New challenges to accessing community based care (Adult Foster Homes, Residential Care and Assisted Living Facilities):
  – Decline in Adult Foster Home capacity – 17% over the past four years
  – Workforce challenges – recruiting and retaining direct care staff
  – Private pay market – struggles to keep rates at a level so Medicaid consumers have access
POP 121 – APD’s Original Proposal

• A 30% increase for Adult Foster Home rates, and a 10% increase for Residential Care and Assisted Living Facilities
• A $500 per month add-on for facilities with a 75%+ Medicaid census
• 25 FTE increase in surveyors to meet oversight requirements
Governor’s Recommended Budget-Community Based Care Access

- A 14% rate increase for Adult Foster Homes
- A 10% rate increase for Residential Care and Assisted Living Facilities
- Additional staff to address the timeliness and quality of surveys/inspections of community based care providers
Protecting Community Access

- Home and community based care is the bedrock of Oregon’s system of long term services and supports.
- Maintaining access for Medicaid consumers is the cornerstone for equity.
- Adequate surveyor staff to ensure safety and compliance.
Wrap-up – Why All This Matters

Culture of Safety with values of Independence, Choice and Dignity

- System Sustainability
- In-Home & Community Care Access
Thank you

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