

Home and Community Based Services Access Act

Senator Luján and Kaine

Endorsed by: Justice in Aging, National Health Law Program, PHI, Service Employees International Union (SEIU), American Federation of State, County and Municipal Employees (AFSCME), Caring Across, National Domestic Workers Alliance (NDWA), Little Lobbyists, Partnership for Inclusive Disaster Strategies, ANCOR, ADAPT

Many older adults and people with disabilities who need help with daily activities such as eating, dressing, traveling to work or school, and managing finances, are eligible for Medicaid long-term services and supports (LTSS) to support their everyday needs. These beneficiaries have immediate access to nursing homes or other institutional settings. But if they want to remain in their homes with the help of Medicaid Home and Community-Based Services (HCBS), they are often put on a wait list and can wait years or even decades for services and supports. Medicaid policy has always paid for nursing home and other institutional care for those eligible for LTSS but will not pay for home and community-based services unless a waiver has been granted. This bill would put both options on equal footing and give families a choice between home and community care or institutional care.

The current system fails to meet the needs of millions of older adults and people with disabilities. While many people want to live in their own homes and communities, they may be forced to live in an institutional setting just to access the services they need. As the 1999 Supreme Court *Olmstead* decision stated that no matter the disability everyone has the right to receive services in their community and to live in their own home.

The HCBS Access Act would also strengthen the caregiving work force, providing respite for family caregivers, creating jobs and revenue, and increasing wages for home care providers. Far too often, due to the lack of in-home care, caregiving falls on family members, in particular, middle-aged and older women provide a substantial portion of this care in the US, as they care for children, parents or spouses.

The HCBS Access Act is designed to ensure eligible older adults and people with disabilities have a real choice of care and support options between home care and institutional care. The bill would, over time, eliminate HCBS waiting lists and the need for states to repeatedly apply for HCBS waivers. Specifically, the bill would:

- Make HCBS a mandatory benefit within Medicaid and ensure eligible older adults and people with disabilities have the option to choose between home care and institutional care.
- Eliminate the need for cumbersome and administratively burdensome HCBS waivers;
- Increase Medicaid funding for home and community-based services;
- Provide grant funding for states to expand their capacity to meet the needs of people who prefer HCBS;
- Take steps to improve the stability, availability, and quality of direct care providers to help address the decades-long workforce shortage crisis;
- Provide states with resources so that caregiving workers have stable, quality jobs and a living wage;
- Provide training and support for family caregivers; and
- Create better quality assurance and oversight mechanisms to assess the quality of HCBS being provided.

118th Cosponsors: Senators Hassan, Brown, Kaine, Gillibrand, Blumenthal, Welch, Fetterman, Merkley, Sanders, Baldwin, Duckworth, Warren, Reed, Markey, Shaheen, and Murray

For more information on the HCBS Access Act or to sign on as a cosponsor, please contact Calli Shapiro at Calli_Shapiro@lujan.senate.gov or Samantha Koehler (Samantha_Koehler@kaine.senate.gov).