

## **LCAO Health Committee Meeting Minutes**

### **March 27, 2018**

- Omnibus bill for FY18 funding passed last week with a lot of helpful increases for seniors programs. Our advocacy worked-- although Congress has not been highlighting these wins.
  - Some highlights for seniors health include \$2 million increase in funding for State Health Insurance Assistance Programs (SHIPs) to \$49.1m (which is still \$3 million below FY16 funding); a 25% increase in the OAA Title IID health promotion and disease prevention funding (\$19.8m to \$24.8m); and an increase in family caregivers support programs from \$158.2m to \$190.2m.
  - The bill did not include changes to Part D donut hole coverage that Pharma was seeking, nor did it include the EMPOWER Care Act to extend Medicaid HCBS Money Follows the Person or the BENES Act.
- Next steps on Medicaid HCBS
  - Money Follows the Person—House version of EMPOWER Act (HR 5306) was introduced earlier in March by Reps. Guthrie and Dingell. It's been difficult to find champions on the Hill (even among the bill sponsors) and now the issue is finding a vehicle. We will keep having meetings and pushing on it. House Energy & Commerce is not focused on Medicaid at all. On the Senate side—there may be an interest in burnishing Sen. Hatch's legacy. Possible vehicles include some sort of health package that would move through regular order this spring, opioids legislation, a CR for FY19, or waiting for a lame duck session.
  - Spousal Impoverishment—The ACA's extension of spousal impoverishment protections to individuals who receive HCBS expires at the end of 2018. Rep. Dingell has expressed interest in sponsoring a bill to reauthorize.
  - Balancing Incentives 2.0—The BIP expired in September 2015. Provided enhanced funding to states to increase HCBS infrastructure and services. There is interest among aging and disability community to discuss improvements and reauthorize this program.
- Next steps on BENES Act—Medicare Rights Center is thinking through a post-omnibus strategy and hope to have a game plan by the time Congress gets back.
- Opioid legislation—Congress is expected to try to move legislation to address the opioid epidemic in the coming months.
  - We should be thinking about what the Health Committee might want to ask for in an opioid bill. It's also an opportunity to reiterate the importance of Medicaid
  - Supporting Grandparents Raising Grandchildren Act (S.1091) passed the Senate last week. Calls for creating a federal task force to support the rising number of grandparents who are raising grandchildren due to the opioid epidemic. The task force would include a grandparent raising a grandchild and another older relative caregiver of children, the Secretary of HHS, the Administrators of ACL and CMS, the Attorney General, and other HHS officials. Companion House bill has been introduced but not voted on.

- Public Charge issue—The Trump Administration is expected to release a proposed rule greatly expanding who could be considered a “public charge” for purposes of denying immigrants entry to the US or lawful permanent residence status (Green Cards). We will hear more on this issue and how it affects older immigrants from the Center on Law and Social Policy (CLASP) and the National Immigration Law Center (NILC) at the full LCAO meeting.
  - Fact sheet on the [draft proposed rule](#) from the Protecting Immigrant Families campaign
  - 3/28 [Washington Post article](#) on a newer version of the draft rule that was leaked. Consideration of age is discussed beginning on page 56 of the leaked draft.
- Priorities for the rest of this year.
  - Legislation that we might want introduced this year so that it’s ready for the next Congress includes reauthorization of Medicaid Spousal Impoverishment protections, BIP 2.0, consumer provisions that were not included in the final CHRONIC Care Act that passed as part of the BBA, Sen. Wyden’s S.3371 – Medicare Affordability and Enrollment Act (introduced 9/21/2016), and the House W&M Minority bill H.R.6265 – Medigap Consumer Protection Act of 2016.
- Administrative actions—Feedback from committee members that administration continues to push “Patients over Paperwork” initiative and an ideology of choice; focusing on MA enrollment; seem open to specific recommendations on website (e.g., materials not available in Spanish).
- Proposed Rules
  - Religious refusals rule comments were due Tuesday the 27<sup>th</sup>. We are expecting an NPRM reopening the ACA 1557 nondiscrimination rule in the coming weeks
  - [MMCO Request for Stakeholder Input on BBA D-SNP provisions](#) (comments due 4/12); several groups will be providing comments—let Justice in Aging know if you are interested in being part of discussions
  - [Short-term Limited-Duration Insurance](#) (Comments due 4/23)
  - [Medicaid Program; Methods for Assuring Access to Covered Medicaid Services-Exemptions for States With High Managed Care Penetration Rates and Rate Reduction Threshold](#) (comments due 5/22)
- Other Announcements:
  - NCOA is working on a report on improving Plan Finder that should be published in April

We meet the last Tuesday of the month at 3:30 pm. Our next meeting will be April 24th.