

Allies for Independence Washington Insights

Week of February 5, 2024

CAPITOL HILL UPDATE

Congress is in session this week with less than a month to go before the first tranche of government funding expires. While appropriators have agreed to topline numbers to begin drafting the FY2024 bills, there continue to be significant disputes between House and Senate leadership over how all these still pending items will be completed. After this week, the Senate will be out of session for two weeks, with the House out the week of the 19th, leaving little scheduled floor time to resolve a number of complicated and costly issues.

In the meantime, some offices are moving ahead with FY2025 appropriations requests, preparing for the inevitable crunch that will come if Congress is able to finalize FY2024 numbers. If you or your organizations work on appropriations issues, you are encouraged to reach out to your Hill contacts to check the status of their FY2025 intake process. Not all offices are moving forward, but some are with end-of-month deadlines regardless of the status of FY2024 appropriations.

Congress is also moving ahead with several hearings and markups this week, a sign that the year is picking up steam regardless of the status of government funding. There are multiple hearings on drug shortages, a hearing on artificial intelligence in the Senate Finance Committee, and a potential vote on legislation to ban QALYS (more on that below). While this week may feel normal, expect focus to turn to the bipartisan Senate national security supplement and immigration package, which House leadership has already deemed dead-on-arrival. Pressure will continue to grow on this bill so long as it is attached to Israel and Ukraine funding, and issues persist at the border which show no signs of slowing down.

We are continuing to follow these issues closely and will keep you updated as developments occur.

ON THE RADAR

McMorris Rogers' QALYS Bill Set to Advance House?

Chair Cathy McMorris Rodgers has led on legislation to ban the use of quality-adjusted life years, or QALYS, in federal health care programs. Her legislation, the Protecting Health Care for All Patients Act of 2023, would prohibit all federal health care programs from using prices that are based on QALYS to determine relevant thresholds for coverage and reimbursement. The Energy & Commerce Chair has long

argued that QALYS can be discriminatory if they undervalue extending the lives of people who are older or with disabilities.

The legislation would extend the ban in Medicare on QALYS to payment determinations and coverage in Medicaid, CHIP, managed care organizations, Medicare Advantage, and Medicare Part D. The Congressional Budget Office (CBO) estimated the bill would increase direct spending by \$1.1B over a 10-year period. Rodgers' legislation would pay for the bill using the Prevention and Public Health Fund.

The House Rules Committee advanced the Protecting Health Care for All Patients Act along party lines on Monday, setting up a floor vote for later this week. For more information on the bill, please [click here](#).

Medicaid Access Rule at OMB: Will Biden Administration Finalize 80/20 Rule?

Last week, the “[Ensuring Access to Medicaid Services](#)” rule appeared at OMB, a sign that the rule may be nearing release. The proposed rule would require at least 80% of all Medicaid payments for specific HCBS services – homemaker services, home health aide services, and personal care services – must be spent on compensation for direct care workers to help address the direct care workforce crisis. The rule has been met with mixed reviews across the sector, as many entities note the challenges with complying with the rule while balancing the needs of seniors and nursing home staff. It is abundantly clear that something needs to be done to improve recruitment and retention of the direct care workforce, but there is mounting concern this would create more problems than it solves. We are closely following this rule and will provide updates once it is published.

Senate Aging Committee Hearing on Assisted Living Facilities Draws National Attention

Last month, the Senate Special Committee on Aging held a hearing on assisted living facilities and sought information on workforce shortages, inadequate care in facilities, and the high cost of services. The hearing stems from Washington Post [reporting](#) on dementia-care residents who inadvertently or unintentionally left their facility undetected and tragically died. The Post found nearly 100 seniors died over the past five years in instances where they left their facility unnoticed or were left unattended outside.

You can read more about the coverage from the hearing by [clicking here](#). It is not clear if there will be follow up hearings or legislation, but it is certainly an area of interest for Congress given the overlapping staffing issues that touch on assisted living facilities.

ACL Releases Final Rule to Update Regulations for Older Americans Act Programs

The Administration for Community Living released a final rule to update regulations for implementing its Older Americans Act (OAA) programs. The rule aligns regulations to the current statute, addresses issues that have emerged since the last update, and aims to better support the national aging network that delivers OAA services and improve program implementation. ACL will be holding a webinar of the updated regulations on Thursday February 8, 2024. You can register by [clicking here](#). For more information on the rule, please [click here](#).

Meet the New Deputy Assistant Secretary for Aging: Kari Benson

Longtime ACL official Edwin Walker is retiring later this year after serving as the Deputy Assistant

Secretary for Aging. Replacing him is Kari Benson, a longtime aging official who is the director of the Minnesota Department of Human Services Aging and Adult Services Division. She also serves as the Executive Director of the Minnesota Board on Aging. She manages the state's state and federally funded HCBS programs among other services. You can read more from Edwin and Kari by [clicking here](#).

Save the Date: May 2nd – Older Adult Mental Health Awareness Day Symposium

Mark your calendars to join ACL on Thursday, May 2, 2024, for the 7th Annual Older Adult Mental Health Awareness Day Symposium! This free, all-day, virtual event will feature an engaging plenary, informative sessions, and a diverse array of topics addressing the most pressing needs in older adult mental health. For more information, please [click here](#)!

KFF: Who Uses Medicaid Long-Term Services and Supports?

ICYMI! The Kaiser Family Foundation published an excellent review of data on who is using LTSS, looking at demographic characteristics, dual eligibles, chronic conditions, and key issues impacting LTSS in 2024. This explores key workforce questions, expiring COVID-19 public health emergency authorities, and the increasing demand for LTSS. You can review this report by [clicking here](#)!

RECOMMENDED READS

- *Bloomberg Law News* – [Mental Health Parity Rule Spurs Employer Angst as Costs Grow](#)
- *CBS News* – [How to make long-term care insurance more affordable](#)
- *Medicare Rights Center* – [Many Adults Confused and Anxious about Long-Term Services and Supports](#)

Allies for Independence promotes inclusion, equity, and economic security across the lifespan!

Contact us!

For questions, please contact

Connie Garner at

cgarner@foleyhoag.com

Connect with us!



@[AdvanceCLASS](#)



[YouTube](#)

Published by Allies for Independence · Washington, D.C.
