



April 17, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
S-230, The Capitol
Washington, DC 20510

The Honorable Chuck Schumer
Minority Leader
United States Senate
S-221, The Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
H-232, The Capitol
Washington, DC 20515

The Honorable Steny Hoyer
Majority Leader
United States House of Representatives
H-107, The Capitol
Washington, DC 20515

The Honorable Kevin McCarthy
House Minority Leader
United States House of Representatives
H-204, The Capitol
Washington, DC 20515

RE: Legislative Recommendations to Support Long-term Services and Supports Workforce During COVID-19

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Pelosi, Majority Leader Hoyer, and Minority Leader McCarthy:

The National MLTSS Health Plan Association, Association for Community Affiliated Plans, National PACE Association, SNP Alliance, America's Health Insurance Plans, Medicaid Health Plans of America and Blue Cross Blue Shield Association commend you for your quick, expansive efforts to address the outbreak of COVID-19 in the United States. Collectively, our organizations represent the significant majority of health plans providing coverage to Medicaid beneficiaries with long-term services and supports (LTSS) needs.¹ We share a focus on delivering high-quality services and supports at the same or lower cost as the fee-for-service system to ensure beneficiaries' quality of life and ability to live as independently as possible.

¹<http://mltss.org/>; <https://www.communityplans.net/>; <http://snpalliance.org/>; <https://www.medicaidplans.org/>; <https://www.ahip.org/>; <https://www.npaonline.org/>; <https://www.bcbs.com/>

The recent passage of the *Coronavirus Aid, Relief, and Economic Security Act (CARES Act)*, in addition to the two previous legislative efforts, have provided crucial funding, relief and flexibility for providers and patients to address the national emergency. We commend Congress for assisting the home and community-based services (HCBS) community by increasing the federal matching assistance percentage (FMAP) for Medicaid programs by 6.2 percentage points, appropriating additional funds for home-delivered meals through the Older Americans Act, extending the Money Follows the Person Program through November 30, 2020, and appropriating \$1 billion for the Department of Defense to respond to COVID-19 through Defense Production Act purchases.

Yet, as we respond to the pandemic more must be done to protect HCBS providers and the vulnerable individuals they serve. Our member organizations rely on a critical component of the health care work force, including Personal Care Attendants (PCAs), Direct Support Professionals (DSPs) and other homecare professionals that assist individuals with functional limitations to maintain their independence and quality of life by assisting with activities of daily living (ADLs) like bathing, dressing, and feeding. By addressing these needs, the HCBS workforce keeps individuals with functional limitations out of more costly nursing facilities and hospitals. They are essential to supporting the health and well-being of vulnerable populations.

However, without access to personal protective equipment (PPE)—masks, gloves, gowns, face shields, and other supplies— and testing, in-home workers cannot effectively or safely perform their duties, and older adults and people with disabilities are more likely to end up in a care setting like the emergency room where they are at greater risk to either contract or transmit COVID-19. The need for PPE and testing access is dire throughout the health care system. For vulnerable populations, PPE and testing is especially critical.

Thus, in addition to equipping in-patient and other frontline facilities, we urge you to support the HCBS workforce by prioritizing their access to PPE and testing in order to assure their continued viability as a workforce serving the most vulnerable among us. Specifically, we recommend the following high priority policies to protect the HCBS workforce during the public health emergency:

- Include homecare providers—Personal-Care Attendants (PCAs), Direct Support Professionals (DSPs) and other homecare workers— as a priority in FEMA PPE distribution and testing for COVID-19 and for future public health emergencies;
 - Suggested Language for HCBS provider PPE Priority in a DHS/FEMA title:
“Sec. _____. For the emergency declared on March 13, 2020, by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), priority status shall be granted to post-acute care settings and community-based settings including: home and community-based services, hospice, home health, skilled nursing facilities, palliative care, and disability services to access personal protective equipment, related supplies and testing, which are necessary for the delivery of health care services and long-term services and supports essential to protect

patients, health care workers and communities, and for ensuring continuity of functions critical to public health and safety as well as economic and national security.

- Appropriate funds to purchase PPE and testing specifically for DSPs and beneficiaries who self-direct their own LTSS services, which makes them responsible for providing their own equipment;
- Provide funding for retainer payments and incentives like hazard pay to support HCBS providers, inclusive of those providing care through capitated or alternative payment models, who have been required to provide care in alternative settings but most still maintain their existing facilities and/or providers who put themselves at-risk to continue to support the needs of those who need LTSS but may have symptoms of or test positive for COVID-19; and
- Direct the Secretary of HHS to provide guidance to HCBS providers and MLTSS plans on the appropriate use of PPE by PCAs, DSPs, and other homecare workers.

Additional LTSS stakeholders supporting these proposals include: American Network of Community Options and Resources (ANCOR), Anthem, BAYADA, Centene Corporation, Commonwealth Care Alliance, Lutheran Services in America, Midwest Urban Strategies and The Arc of the United States.

Thank you for your leadership and continued commitment to addressing the crisis that COVID-19 presents to all Americans. We remain extremely concerned about the potential impact of this national emergency on those who are most vulnerable and those that support them. We urge you to recognize the critical role that the HCBS workforce plays in minimizing the spread of COVID-19 and ask that you act swiftly to bolster their needs by providing access to much-needed resources. Please do not hesitate to contact us at any time with questions or for further information at:

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Sincerely,

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National PACE Association
SNP Alliance
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Blue Cross Blue Shield Association