



2010 FEDERAL HEALTH REFORM PROVISIONS AFFECTING SENIORS AND PERSONS WITH DISABILITIES

President Obama signed comprehensive health reform, the Patient Protection and Affordable Care Act on March 23, and the Health Care and Education Reconciliation Act of 2010, on March 30, 2010. This fact sheet summarizes some of the provisions related affecting seniors and persons with disabilities.

Medicaid Community First Choice Option

States are provided a new “Community First Choice Option” to provide home and community-based attendant services and supports to individuals with disabilities who are Medicaid eligible and who require an institutional level of care, effective October 1, 2011. States that exercise this option will receive a six percent FMAP increase for the cost of these services.

Home and Community-Based Care Changes

The federal government will be developing regulations to ensure that all states develop service systems promoting home and community-based services (HCBS). States will have new options for offering HCBS and other non-institutionally based long-term care services, including personal care services, through waivers or a state plan amendment (SPA). States that divert persons from nursing home care through HCBS using a SPA may provide HCBS to individuals with incomes up to 150 percent of FPL, not to exceed 300 percent of the SSI benefit rate. Incentive payments, in the form of 2-5 percent FMAP increases, will be available to states from October 1, 2011 through September 30, 2016. There will be a national cap of \$3 billion in federal matching funds.

Background Checks for Long-Term Care Employees and Providers

The HHS Secretary is required to establish a nationwide program for national and state background checks (including fingerprint checks) for direct patient access employees of long-term care facilities and providers. Providers include nursing homes, home health agencies, hospice care providers, personal care service providers and adult day care providers who receive Medicaid or Medicare payments. Please note that this applies to In-Home Supportive Services providers in California. Federal matching funds equal to three times the state’s contribution will be provided not to exceed a cap of \$3 million for newly participating states and \$1.5 million for previously participating states.

Elder Justice Act

The measures incorporated the provisions of the Elder Justice Act, which is aimed at preventing and eliminating elder abuse. The measures establish a new adult protective services program under which formula grants will be provided to states. The new law authorizes \$100 million a year in Federal Fiscal Years 2011 through 2014. Subsequent funding would be made available through an annual appropriations bill.