



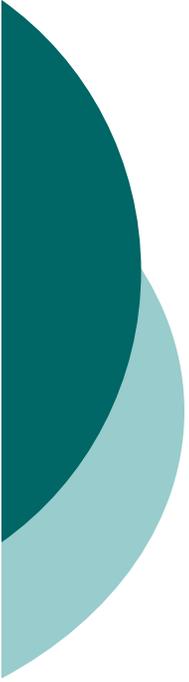
Disability Provisions of the Patient Protection and Affordable Care Act

Karen Wells, Researcher
Legislative Council Service



Eliminates Insurance Company Discrimination

- Prohibits insurance companies from denying coverage to children with pre-existing conditions this year
- Established a federal high risk pool for uninsured individuals with pre-existing conditions this year



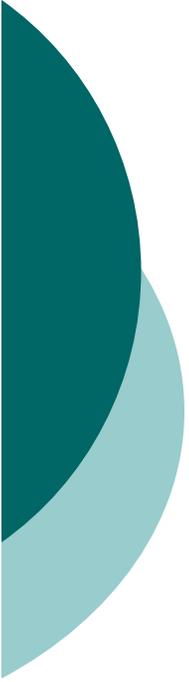
Insurance Policies to be More Responsive

- In 2014 -
 - No annual or lifetime caps on coverage
 - No rescissions
 - No pre-existing condition exclusions
 - Guaranteed Issue
 - Limits on out-of-pocket expenses
 - Meaningful minimum benefit package



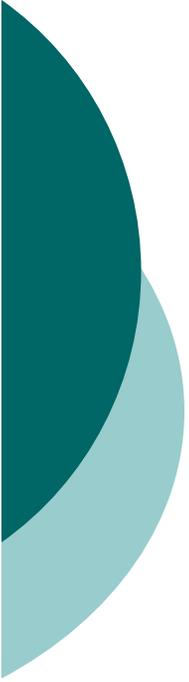
Essential Services Expanded

- Commercial insurance policies will be required to cover “habilitation” as well as “rehabilitation” services (PPACA § 1302)
- Details will be set by the federal Health & Human Services Department in the future
- Commercial insurance will still not be a major source of coverage for long-term services



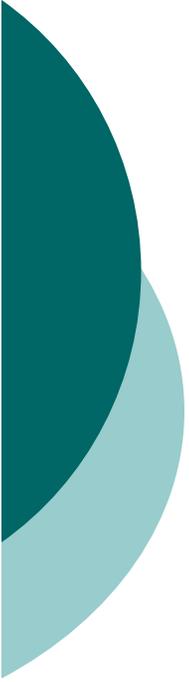
Greater Choices for Individuals with Disabilities

- Expands the Medicaid Program
 - Beginning in 2014, expands Medicaid benefits to persons up to 133% of the federal poverty level (§ 505)
 - Maintains CHIP and current Medicaid eligibility categories for children through 9/2019
 - Eligibility will be calculated based on modified adjusted gross income (MAGI)
 - Increased federal funding to cover “newly eligible”



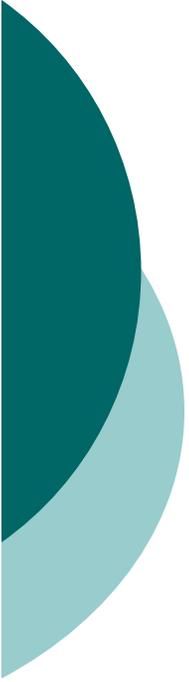
New Options for Long-Term Supports and services

- Creates the Community Living Assistance Services and Supports (CLASS) Act, a new, voluntary program to pay for long-term supports and services
- Creates new options for states to provide home and community-based services in Medicaid
- Extends the Money Follows the Person demonstration program



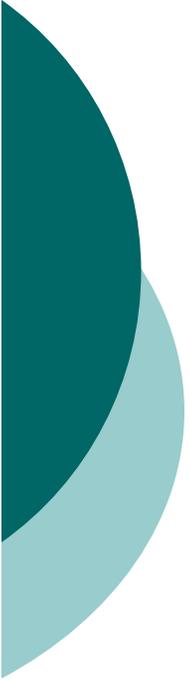
Community Living Assistance Services and Support (CLASS) Act

- Voluntary, national long-term care insurance program
 - Enrollment is through employer
 - Premiums to be self-funded and paid over three years
- Lifetime benefit of averaging \$50/day
 - Non-medical support services (home modification, transportation, homemaker)
 - Intended to maintain independence at home or in the community
- Enrollment expected in 2013



Sense of the Senate (§ 541)

- It is the Sense of the Senate that:
 - Congress should address long-term services and supports in a comprehensive way that guarantees elderly and disabled individuals the care they need, and
 - Long-term services and supports should be made available in the community in addition to in institutions



Removal of Barriers to Home and Community-Based Services (HCBS)

- Secretary of DHHS will create rules to:
 - Allocate resources in a way that responds to a consumer's preference for HCBS
 - Provide support and coordination needed to design an individualized, community-supported, self-directed life
 - Improve coordination and regulation of all HCBS providers



Removal of Barriers to Home and Community-Based Services (HCBS)

- Allows states to offer HCBS through a state plan amendment rather than through a waiver (§ 2402(b)) to:
 - Individuals with incomes up to 300% of SSI (225% of federal poverty level)
 - Those who meet needs-based criteria
 - Similar to CoLTS “C” Waiver
- States may target populations to be served and vary scope of services
- States may not impose waiting lists



New Options for Home and Community-Based Services

- Community First Choice Option (§ 530)
 - Attendant services and supports to Medicaid beneficiaries with disabilities with incomes below 150% of poverty
 - Must meet level of care requirements based on an assessment of functional need
 - Similar to P.C.O. program, but available to a higher level of poverty
 - Enhanced federal match of 6%



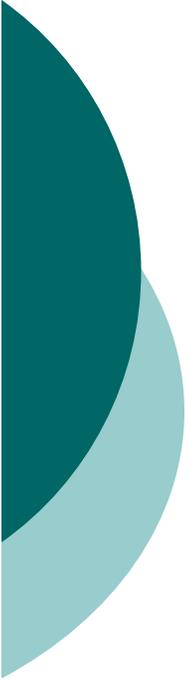
New Options for Home and Community-Based Services

- Community First Choice Option (cont.)
 - Requires state plan amendment
 - Creation of a “Development Implementation Council”
 - Implementation of quality assurance system
 - Data collection and reporting



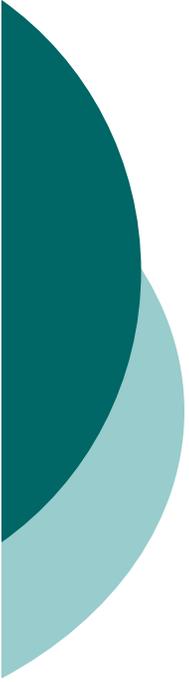
Money Follows the Person (§ 2403)

- The Money Follows the Person Rebalancing Demonstration is extended through 9/30/16
 - Reduces the requirement of nursing home residency from 6 months to 90 days
 - States that did not participate in the previous demonstration may apply for this grant



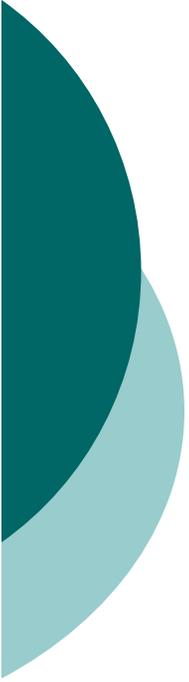
Money Follows the Person (cont.)

- States will receive an enhanced federal match for one year for each individual who is transitioned into the community
- Planning and implementation grant proposals have been issued; HSD and ALTSD are reviewing this opportunity



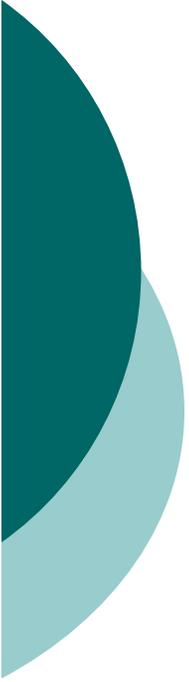
Justice and Protection

- PPACA contains the Elder Justice Act (§ 1905)
 - Federal grants will be available to support adult protective services for adults lacking decisional capacity
 - The Justice Coordinating Council and Advisory Board will be established
 - Funding will be available to train workers and improve conditions in long-term care facilities
 - Funding will be available to support long-term care ombudsman programs



Guardianship: Remains a state responsibility

- HB 161 (2009) amended numerous state laws to:
 - Maximize autonomy and protection of persons with limited capacity
 - Increase recognition of an adult's decisions and desires prior to incapacity;
 - Clarify roles and responsibilities of guardians
 - Increase oversight and accountability of guardians



Guardianship (cont.)

- HB 161 implemented the recommendations of the Guardianship Task Force
 - Convened by Developmental Disabilities Planning Council (DDPC)
 - Included advocates, judicial representatives, individual and corporate guardians, professional associations, elders and adults with disabilities
- Passed with unanimous support