



Leadership Council of Aging Organizations

March 11, 2008

The Honorable Harry Reid
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Boehner
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Senator Reid, Senator McConnell, Representative Pelosi, and Representative Boehner:

The undersigned members of the Leadership Council of Aging Organizations (LCAO) urge you to take quick and decisive action to impose a moratorium on harmful targeted case management regulations. We support a moratorium on proposed regulations that cut federal Medicaid funding at least \$15 billion, but we are particularly concerned that the targeted case management regulations from the Centers for Medicare and Medicaid Services (CMS) that became effective on March 3, 2008, will have a serious negative impact on Medicaid beneficiaries, states, and community-based providers.

The targeted case management regulations were issued by CMS under an interim final rule without a full public comment period to implement section 6052 of the Deficit Reduction Act. While appropriate measures to address waste, fraud, and abuse are important, the rule, as written, exceeds the original scope and intent of the statute and will have a dramatically negative impact on frail older people who receive Medicaid long-term supports and services through a variety of Medicaid home and community based services waivers.

We strongly believe the regulations undermine a key component of successful waiver programs that have been implemented in states across the country – case management. Case management coordinates and integrates services for people, who often have multiple health care needs, and allows frail older people to receive services at home – where most want to remain - and prevent or delay institutional placement. Delivering services to people in their homes and communities can be cost effective and allow states to serve more people at a lower overall cost to the Medicaid program.

Arranging for long term care in the community is a complex process that requires a wide array of supports and services. This is particularly true for individuals who are transitioning out of an institution and into a community setting. By significantly reducing the amount of time case managers would have to spend developing and putting in place a viable plan for care in the community, the regulations will impede vital and important state efforts to help people with disabilities remain at home with the support of community-based services.

The regulations are contrary to a number of programs already implemented by the Administration, such as Money Follows the Person and Aging and Disability Resource Centers,

which provide states with the tools necessary to serve frail older people in their homes and communities. In many cases, states will have to completely revamp their existing programs in order to adhere to the new regulations.

We urge you act in a bipartisan fashion to pass legislation to place a moratorium on these counterproductive regulations, which do not serve the best interests of Medicaid beneficiaries, and allow time to rewrite the regulations so that they will not have a harmful effect on older adults and states.

Sincerely,

*AARP
AFL-CIO
AFSCME Retirees
Alliance for Retired Americans
American Association for Homes and Services for the Aging
Association for Gerontology and Human Development in Historically Black Colleges and
Universities
B'nai B'rith International
Catholic Health Association of the United States
Easter Seals
Families USA
National Academy of Elder Law Attorneys
National Adult Day Services Association
National Association of Area Agencies on Aging
National Association of Nutrition and Aging Services Programs
National Association of Professional Geriatric Care Managers
National Association of Social Workers
National Association of State Long-Term Care Ombudsman Programs
National Association of State Units on Aging
National Consumer Voice for Quality Long-Term Care
National Council on Aging
National Indian Council on Aging
National Senior Citizens Law Center
National Senior Corps Association
OWL, the Voice of Midlife and Older Women
Service Employees International Union*