

December 18, 2019



Seema Verma, MPH  
Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS–2393–P  
P.O. Box 8016  
Baltimore, MD 21244

**Re: Extension Request for Medicaid Program; Medicaid Fiscal  
Accountability Regulation; *Federal Register*, Vol. 84, No. 222, November 18,  
2019 [CMS–2393-P]**

Dear Administrator Verma:

LeadingAge represents more than 5,000 aging-focused organizations that touch millions of lives every day. Alongside our members and 38 state partners, we address critical issues by blending applied research, advocacy, education, and community-building. Our members are nonprofit organizations including nursing homes, continuing care retirement communities/life plan communities, affordable housing providers and providers of home and community-based services.

On November 18, the Centers for Medicare & Medicaid Services (CMS) published the proposed rule, “Medicaid Program; Medicaid Fiscal Accountability Regulation,” to the Federal Register. The comment period for this proposal ends on January 17. We appreciate CMS’s goal of strengthening the fiscal oversight and integrity of the Medicaid program, as stated in the proposed rule. The scope of the proposed rule is broad, proposing changes to several aspects of current Medicaid financing, including Upper Payment Limits, supplemental payment policies and provider tax policies, among other items.

If finalized, the proposed rule will have different effects from one state to another, and time is needed for stakeholders to fully determine the proposed rule’s impact. Given the broad scope and complexity of the proposed rule, however, LeadingAge is concerned that stakeholders will not have sufficient time to fully assess the proposal’s effect within the current comment period.

LeadingAge members are very concerned about the potential effect the proposed rule could have for nursing facility services, including both Medicaid financing and beneficiary access. Many are working to calculate state- and provider-level impacts of the proposal and may require more time to do so than the comment period allows. In addition, state legislatures are scheduled to convene in 2020 such that almost none will

be in session and able to consider or quantify the implications of these proposed changes on state Medicaid financing.<sup>1</sup> Extending the comment period will allow state policymakers and stakeholders more time to provide the agency with meaningful feedback, including data-driven analyses of the proposal.

Given these concerns, LeadingAge urges CMS to extend the proposed rule comment deadline for at least an additional 60 days – to no earlier than March 17, 2020. If you or your staff have any questions, please don't hesitate to reach out to me or to Brendan Flinn ([bflinn@leadingage.org](mailto:bflinn@leadingage.org); 202-508-1205) of the LeadingAge staff.

Thank you for considering this request.

Sincerely,

A handwritten signature in black ink that reads "Ruth Katz". The signature is written in a cursive, flowing style.

Ruth Katz  
Senior Vice President for Policy  
LeadingAge  
[rkatz@leadingage.org](mailto:rkatz@leadingage.org)  
202-508-9470

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<sup>1</sup> National Conference of State Legislatures, 2020 Legislative Session Calendar, [http://www.ncsl.org/Portals/1/Documents/NCSL/2020\\_session\\_calendar1.pdf](http://www.ncsl.org/Portals/1/Documents/NCSL/2020_session_calendar1.pdf)