



Home Health Weekly: Recap of LeadingAge Updates

October 6, 2023

LeadingAge Policy Update Calls; all calls are at 3:30 p.m. ET. NO CALL ON MONDAY, OCTOBER 9, which is a holiday for many people. On **Wednesday, October 11**, let's get a firsthand report about Congress in Your Neighborhood. Join us as we chat with **Melanie Hall from the Hospice of Huntington in West Virginia**. She hosted Senator Shelly Capito for a ribbon cutting at her new adult day center. We'll talk about that visit – how the organization prepared, the kinds of information they shared, what kinds of questions came up answer your questions about how effective and energizing hosting members of Congress can be. We'll also drill down a bit on the idea of and considerations for a hospice expanding into adult day services.

Members and other interested individuals can sign up to join LeadingAge's Policy Update calls [here](#). You can also find previous call recordings of every 3:30 LeadingAge call [here](#). Note that to access recordings of the calls you need a LeadingAge password. Any staff member of any LeadingAge member organization can set up a password to access previous calls and other members-only content.

LeadingAge to Congress: You Must Act to Ensure Patient Access and Provider Payment for Home Health. In follow up to the [Sept 19 Senate Finance Committee hearing entitled "Aging in Place: the Vital Role of Home Health in Access to Care,"](#) LeadingAge submitted a [statement for the record](#). The statement focused on four key issues: payment, access, Medicare Advantage, and workforce. We look forward to continuing to work with Senators Cardin and Daines and others who attended the hearing and were supportive of home health on solutions.

Home Health Preview Reports Preview Reports Available for the January 2024 Refresh. The preview reports for the next Home Health Care Compare update in January 2024 are available on iQIES for home health providers. For this refresh, Home Health the Outcome and Assessment Information Set (OASIS) and all Home Health Quality Reporting Program claims-based measures have been updated and are now based on the standard number of quarters.

CMS Announces October Home Health, Hospice & DME Open Door Forum. The next Health, Hospice & DME Open Door Forum will be Wednesday, October 11, 2023, at 2 p.m. ET. The agenda will include instructions on demographic changes in the Hospice Quality Reporting Program (HQRP), HQRP public reporting refreshes for November 2023 as well as outreach on the HQRP planned for November 2023. Home health topics include updates on OASIS including a new 2024 OASIS Manual, public reporting updates, as well as an update on the Review Choice Demonstration for Home Health Services Implementation in Oklahoma and Expanded Home Health Value-Based Purchasing (HHVBP) Model updates. **NEW ODF INSTRUCTIONS:** This call will be a Zoom meeting, to register in advance please use this link and remember to select October 11 in the Date & Time section: https://cms.zoomgov.com/webinar/register/WN_viiJC9tRpe7lOrSXP7sUQ

Home Health CAHPS Quarterly Newsletter Released. The new issue of the HHCAHPS Coordination Team Quarterly Review (CTQR) newsletter was [posted](#) and covers information on tips for home health agencies to reduce burden and increase HHCAHPS Survey response rates; guidance for vendors about displaying

updated OMB expiration date on survey materials; upcoming plans for HHCAHPS website data submission tools, and information about one of the HHCAHPS publicly reported composite measures.

House Leadership in Flux. On October 3, Kevin McCarthy (R-CA) was removed as Speaker of the House through a motion to vacate. As part of his negotiations to become Speaker in January, Former Speaker McCarthy changed the rules to allow for a motion to vacate to be brought by any one Member of the House. Rep Matt Gaetz (R-FL) brought this motion and the role of the Speaker of the House was vacated at around 5 p.m. ET on Oct 3 by majority vote. Soon after, Former Speaker McCarthy announced he would not run again. Rep Patrick McHenry (R-NC) is serving as speaker pro tem but he cannot bring any legislation to the floor in this position. Committee work can continue when the House is in session. Representatives Scalise (R-LA) and Jordan (R-OH) have announced they will run for Speaker. The Speaker elections are currently expected to start on Wednesday Oct 11; the House is in recess until Tues Oct 10. This is more than just political positioning in Washington, DC. LeadingAge members need the House to act – for instance at the approaching end of the Continuing Budget Resolution and on many other bills that help older people get the housing, care, and services they need.

Ongoing Congressional Inquiry on Medicaid MCO Denials. Following a mid-July [report](#) by the Office of Inspector General (OIG) revealing high rates of prior authorization denials in Medicaid Managed Care, there was interest from Congress. In early August Congressman Pallone (D-NJ) announced that he would investigate the MCOS rendering denials about twice as often as Medicare Advantage Plans. Since initially announced, Senator Wyden (D-OR) has joined Congressman Pallone in sending letters to each managed care organization outlined in the OIG report. The updated announcement is available [here](#). Letters to each MCO are available: [Aetna Inc.](#); [AmeriHealth Caritas](#); [CareSource](#); [Centene Corporation](#); [Elevance](#); [Molina Healthcare Inc.](#); [United Healthcare](#)

Senator Casey Separately sent a letter to CMS Administrator Brooks-LaSure on October 3, citing the OIG report and outlining concerns that MCOs are improperly denying coverage that can negatively affect patient outcomes. The letter goes on to note individual experiences with service denials while also touching on the effects on providers resulting in wasted staff time, delayed treatment, and payment debates for rendered services. From his concerns, Senator Casey asks the Administrator for answers to questions about how CMS is responding to recommendations from the OIG, how access to services are being assured, how participants are made aware of appeal and fair hearings rights, among others. Read the letter [here](#).

What Are Long-Term Services and Supports? CRS Answers! On October 2, the Congressional Research Service updated their “In Focus” article titled “[Overview of Long Term Services and Supports.](#)” This series of one-page articles helps congressional staff understand various policy issues. For this, CRS defines long term services and supports as “Long-term services and supports (LTSS) refers to a broad range of health and health-related services and supports needed by individuals who lack the capacity for self-care due to a physical, cognitive, or mental disability or condition.” This most recent update covers what LTSS is, who needs LTSS, who pays for LTSS and the costs of LTSS. The table reviewing the costs of LTSS includes costs associated with the continuum of LeadingAge members, including nursing home, home health, assisted living, and adult day.

CMS Hosts Quarterly National Stakeholder Call with the CMS Administrator on October 17, 2023. Join the Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure and CMS Principal Deputy Administrator and Chief Operating Officer, Jon Blum, and other members of the leadership team, October 17 at 1 p.m. ET for an update on CMS's recent accomplishments and how their cross-cutting initiatives are advancing [CMS' Strategic Plan](#). Click [here to RSVP](#).

DOL Submits Final Independent Contractor Rule to White House for Review. A final rule that will revise the federal framework for determining whether a worker is an employee or an independent contractor is now under review by the White House Office of Management and Budget (OMB). The U.S. Department of Labor (DOL) issued a proposed rule on this subject in October 2022, accepted comments through mid-December, and submitted the final rule to OMB on September 28, signaling that it has completed its work. As proposed, the rule would rescind a 2021 Independent Contractor Status rule and, among other changes, restore a “totality-of-the-circumstances” analysis to determining whether a worker is economically dependent upon an employer for work, versus being in business for themselves, under the Fair Labor Standards Act (FLSA). This standard is important because the FLSA's minimum wage and overtime pay protections do not apply to independent contractors, and many observers expect the new rule to result in more individuals being classified as employees than is the case under the current rule. It is not known when the final rule will actually be published, but OMB review is the final step in the rulemaking process. We will monitor closely for release of the final rule and provide analysis for members when it emerges.

Last Week's Home Health Weekly Update. Here is the September 29, 2023 [Home Health Update](#).