

Memorandum in Support

ELDER LAW AND SPECIAL NEEDS SECTION

Elder #17

March 26, 2018

S. 7507-B, PART B
A. 9507-B, PART B

By: BUDGET
By: BUDGET
Senate Committee: Finance
Assembly Committee: Ways and Means

The Elder Law and Special Needs Section urges that State Leaders to ensure that the high-needs rate cell for managed care is included in the final 2018-2019 state budget.

Instead of removing nursing home care from the MLTC package, the Section urges the State Leaders to implement changes in the rate structure that would adequately compensate MLTC Plans for providing high hours of home care where medically necessary. We understand that in conjunction with last year's budget, the Executive committed to exploring separate rate cells or risk adjustments for the nursing home and high cost/high need populations. The State Department of Health has received at least one concrete proposal for a high needs community-based rate cell that shows promise for providing adequate reimbursement to plans to provide home care for those who need the most care. This and other proposals should be tested to determine their viability. Before considering either a nursing home-only rate cell or the proposed removal of nursing home care from the MLTC package, the State should commit to meaningful rate reform that will stabilize the market and maintain New York's longstanding commitment to providing long term services and supports where people want them – in their homes. Funding nursing home care without also funding high-need home care will raise serious concerns of violations of the *Olmstead* decision by the U.S. Supreme Court.

Based on the foregoing, the Elder Law and Special Needs Section SUPPORTS inclusion of the High-Needs Rate Cell in the final budget agreement.