

All of Our Relatives Living Well at All Ages and Abilities

Medicaid Home and Community-Based Services Waiver Programs
for Elders and People with Disabilities



Resource Center on
Native Aging and Disability

RCNAD



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— Facts About Aging and Disability in Indian Country



802,510+
Native People with
Disabilities*



Nationwide, **89.7%**
of **Elders** have at
least one **chronic**
disease



Nearly 10% of those with
disabilities
are **CHILDREN**
Under the Age of 18

*Out of 253 Native communities surveyed nationwide,
not including people who were inpatient/nursing homes.

Aging + Disability = Higher Needs & Cost of Care

Tribal Area	HCBS Service	Average Monthly Cost**
Arizona	Homemaker/Chore	\$3120
Colorado	Homemaker/Chore	\$3033
New Mexico	Homemaker/Chore	\$2773
Tribal Area	Nursing Home	Average Monthly Cost
Arizona	Semi-Private	\$9855
Colorado	Semi-Private	\$9855
New Mexico	Semi-Private	\$9764

<https://www.genworth.com/aging-and-you/finances/cost-of-care>

Home and Community- Based Supports (HCBS) – The Key to Keeping Our Communities Together



HCBS Waivers – The Cheese on The Medicaid Sandwich



- Medicaid goes by the “Sameness Rule” – every enrollee gets the same State medical services no matter what.
- HCBS Waivers allow state Medicaid programs to offer specific extras to specific groups of people – like Elders, the blind and people with disabilities

Examples of Medicaid Billable HCBS Services in Our Communities (And Where to Find Them!)

**Home Delivered
Meals**

**Transportation
(medical
appointments,
bank, shopping,
ceremony)**

**Chore Work (lawn
mowing, cutting
firewood)**

House Keeping

**Durable Medical
Equipment
(Walkers,
Wheelchairs,
Commode Chairs)**

Snow Removal

**Life Alert (Personal
Emergency
Service)**

**Home
Modifications for
Accessibility**

Elder Services/Title VI

Health Center/Clinic

Tribal Housing

Community Health & CHRs

Transportation

Family Services

And more...*

Patient Enrollment and ITU Billing

Who is Eligible and How Can ITUs Be Reimbursed?

Medicaid Waiver Eligibility

- **Financial Assessment**
 - Income at or below Medicaid limits (FPL)*
- **Functional Assessment**
 - Frail Elderly, Blind, Disabled (including certain chronic conditions)
 - At or in danger of a nursing home level of care

Native Medicaid enrollees MUST be allowed to choose an ITU as a service provider.



Patients Can Be OVER Income and STILL Enroll in an HCBS Waiver

- If they meet the FUNCTIONAL eligibility
- Excess income usually results in a Patient Spend-Down (like a deductible)*
- Certain Indian Monies/Assets are exempt from Medicaid Adjusted Gross Income (MAGI)⁽¹⁾ and Medicaid Estate Recovery⁽²⁾

(1) https://www.cms.gov/outreach-and-education/american-indian-alaska-native/aian/outreach-and-education/pdf/aian-trust-income-and-magi_11903-n.pdf

(2) <https://www.cms.gov/Outreach-and-Education/American-Indian-Alaska-Native/AIAN/Downloads/Medicaid-Estate-Recovery-Rules-and-Protections-for-Indians.pdf>

Over-Income Patient Share – The Only Medicaid Cost Share for Native Enrollees

- Part of the formula that allows people who are over Medicaid income due to non-exempt assets (gaming per cap and other income/assets) to still enroll
- Waiver enrollees ALSO get Medicaid medical card benefits*
- Tribes can pay for this cost-share and it is still MAGI exempt(1)(2)

(1) <https://www.irs.gov/government-entities/indian-tribal-governments/tribal-general-welfare-guidance> Tribal General Welfare Exclusion Act (IRS 139E)

(2) <https://www.ssa.gov/people/assets/materials/aian-tribal-welfare-act-2014.pdf> SSA Guidance on T-GWE and ABON

ITU's as HCBS Waiver Providers

- **AFA/638 Update**
 - Add statement to IHS funding agreement noting HCBS services
- **NPI Record Update or Add New**
 - Include taxonomies for HCBS services
- **Provider Requirements**
 - Check into special requirement or contracts with State Medicaid for Waiver programs



IYKYK – Important Notes for ITUs as Medicaid HCBS Providers

- Billed like medical claims, including units, time, date spans, and primarily using HCPCs codes
- ITUs are NOT required to contract with Managed Care Organizations ⁽¹⁾
- ITUs without an MCO contract must be paid as In-Network, even when out of state ⁽¹⁾
- CMS requires electronic verification of assets for HCBS enrollees-program cannot tell what is “Indian Exempt” ⁽²⁾

(1) <https://www.cms.gov/Outreach-and-Education/American-Indian-Alaska-Native/AIAN/Downloads/Section-5006-Protections-for-Indians-under-Medicaid-and-CHIP.pdf>

(2) <https://www.gao.gov/products/gao-21-473r>

A Word From Our Elders

A brief look at Title VI Elder Survey data on
HCBS needs and Medicaid enrollment



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Results from NRCNAA Elder Survey*



Home Delivered Meals* 72%



Home Modifications 34%



Transportation 41%



Personal Care Support 30%



Homemaker/Chore Service 35%

<https://www.nrcnaa.org/needs-assessment>

Medicaid Waiver Eligibility - OK 55+ Analysis

- **70%** reported income **at or under** the state **Medicaid** guideline for enrollment in a Waiver
- **79%** of income eligible Elders were **not enrolled in Medicaid**
- **68.9%** of Elders receiving **Home Delivered Meals** were **not enrolled in a Medicaid Waiver**



SERVICE	2019 TITLE VI TOTAL UNITS	AVERAGE RATES*	POTENTIAL REIMBURSEMENTS
HOME DELIVERED MEALS	2,583,369	\$5.50/meal	\$14,208,529.50
PERSONAL CARE	45,333	\$14.60/Hour	\$661,861.8
HOMEMAKER	109,438	\$14.60/hour	\$1,597,794.8
TRANSPORTATION TRIPS	762,798	\$0.55/Mile, Average round trip 40 miles	\$16,781,556

2019 Title VI Aging Aggregate Reports (AGID Database)

This data is from the aggregate totals reported by tribal Title VI Elder programs.

The potential reimbursements are based on nationwide Medicaid average rates.



Questions





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