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Changing Medicaid Could Cause Problems for Assisted Living Consumers

In light of current Congressional budget proposals to block grant Medicaid and presumably make it easier for states to ignore federal Medicaid law, the National Senior Citizens Law Center shows in a series of papers about Medicaid payment for assisted living that there are numerous consumer protection problems that could be exacerbated by such a change.

The series of policy issue briefs and white papers highlight a number of issues that states have dealt with in different ways and which build the case for action to address problems faced by not just the 1million older adults who live in them, but millions of family members as well. In all of the policy issue briefs are case examples of how consumers are impacted and, in many of the white papers state by state practices are described.

All of the papers make recommendations about what should be done to better protect consumers. The Medicaid program, which is a shared federal/state program in which the federal government sets the rules and shares costs with the states, should:

- Make sure that, when granting waivers to allow assisted living to be considered as home and community based services, facilities are not simply a nursing home by another name.
- Prevent a Medicaid-certified facility from refusing to accept someone with Medicaid or seek to evict a resident who is Medicaid-eligible.
- Not allow facilities to overcharge Medicaid residents, leaving them with no money to pay for personal needs.
- Require facilities to accept the specified amount for

services and to not request or accept supplemental payments for service from Medicaid residents or their families.

- Ensure that assisted living facilities hold a room if a Medicaid resident is absent temporarily such as needing to be in the hospital temporarily.
- Change too restrictive rules affecting the transfer of assets that, in some cases, mean that after a transfer of even the smallest amount, someone can never become eligible for Medicaid payment in assisted living.
- Protect spouses of a medically needy assisted living resident in the same way that the law protects the spouses of medically needy nursing home residents.
- Seek ways such as state supplementation of Supplemental Security Income (SSI) to expand the availability of assisted living to low-income older adults.

The issue briefs and white papers are part of a series developed with support from The Commonwealth Fund, a national, private foundation based in New York City that supports independent research on health care issues and makes grants to improve health care practice and policy. To see the completed series, visit www.medicaidseries.org.

The National Senior Citizens Law Center is a non-profit organization whose principal mission is to protect the rights of low-income older adults. Through advocacy, litigation, and the education and counseling of local advocates, we seek to ensure the health and economic security of those with limited income and resources, and access to the courts for all. For more information, visit our Web site at www.NSCLC.org.

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