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Dems warn not to ignore home health services

Sen. Bob Casey and Rep. Debbie Dingell will bring back their bill to invest in home- and community-based services. Casey warns that if lawmakers ignore the issue, it's at their "political peril."



Rep. Debbie Dingell listens to the third round of votes for House speaker on Jan. 3. (AP Photo/Alex Brandon)

Erin Durkin



hile the new Congress may still be settling in, Rep. Debbie Dingell is not waiting to start working on making home-based health services more accessible.

Dingell is already reaching across the aisle to find Republicans who will work with her on home- and community-based services, also known as HCBS, an issue that she championed along with Democratic Sen. Bob Casey last Congress.

For the Michigan Democrat, ensuring that aging and disabled Americans can access caregivers at home is personal. “You don’t understand how broken the system is until you are somebody who is trying to make the system work,” she said.

Her husband, longtime Rep. John Dingell, died in 2019 after struggling with complications from prostate cancer.

“I’m just meeting too many spouses ... who can’t find anybody to help them,” she said. “They’re caregiving, and the burdens that are being put on them are 24 hours a day, and their health is in danger now.”

Both Dingell and Casey plan to continue pushing proposals from their Better Care Better Jobs Act.

“I haven’t made a final decision but my preference would be to do both: Reintroduce the bill in its more-fulsome version, which is what we already introduced in the last Congress, but also to consider breaking up portions of it for those opportunities where you can get bipartisan support on an element of it,” Casey said Monday.

The bill, as introduced in the last Congress, would have made investments into home- and community-based services, including the workforce. Lawmakers proposed providing a bump in federal dollars for Medicaid if states met certain requirements, including improving payment rates for direct-care workers.

The home- and community-based workforce experiences high turnover rates due to low wages, worker dissatisfaction, and a lack of opportunities to advance, according to a 2022 Medicaid and CHIP Payment and Access Commission [report](#)

(<https://www.macpac.gov/wp-content/uploads/2022/03/MACPAC-brief-on-HCBS-workforce.pdf>).

“The constant turnover and the growing demand for the services [as] our population ages just really requires, I think, routine, regular attention by Congress, and by state officials as well, relative to what’s happening,” said William Dombi, president of the National Association for Home Care & Hospice. The association represents and advocates on behalf of 33,000 home-care and hospice organizations.

“These workers deserve solid compensation that doesn’t [make] them eligible for government programs themselves, but right now that’s where we stand with just minor improvement over the last few years,” he added.

Along with the boost in Medicaid funds, Dombi pointed to another provision of Casey and Dingell’s bill that would help bolster the home- and community-based staff. The proposal would have provided grants to states to plan how to improve access and strengthen the workforce.

“Not every state and every locale within every state needs the same kind of remedy in order to improve and stabilize [the] workforce,” Dombi said.

The Better Care Better Jobs Act was not the only proposal floated last Congress that advocates are following. Natalie Kean, director of federal health advocacy at Justice in Aging, noted that another draft bill championed by Casey and Dingell, the HCBS Access Act, would make the home-care services under Medicaid mandatory.

Currently, most home- and community-based services are [optional benefits](#) (<https://www.macpac.gov/subtopic/home-and-community-based-services/>), under Medicaid that states can choose to cover either through their plans submitted to the federal government or through waivers. Under the waiver option, states can limit how many beneficiaries they serve, resulting in lengthy waiting lists. The [Kaiser Family](#)

Foundation ([https://www.kff.org/medicaid/issue-brief/a-look-at-waiting-lists-for-home-and-community-based-services-from-2016-to-](https://www.kff.org/medicaid/issue-brief/a-look-at-waiting-lists-for-home-and-community-based-services-from-2016-to-2021/#:~:text=How%20long%20do%20people%20on,from%2044%20months%20in%202020.)

[2021/#:~:text=How%20long%20do%20people%20on,from%2044%20months%20in%202020.](https://www.kff.org/medicaid/issue-brief/a-look-at-waiting-lists-for-home-and-community-based-services-from-2016-to-2021/#:~:text=How%20long%20do%20people%20on,from%2044%20months%20in%202020.)) found 656,000 people waiting for these services in 2021.

But the HCBS Access Act would require all state programs to cover specified services, including personal assistance, nonemergency transportation, and needed nursing services that aren't otherwise covered.

"In many ways, the dollars are there under Better Care Better Jobs. The [HCBS] Access Act would take it a step further and really mandate the services," said David Goldfarb, director of long-term support and services policy at The Arc, which advocates for people with intellectual and developmental disabilities. "But Better Care Better Jobs would be transformational to the way we provide services to people."

With Democrats controlling the Senate and Republicans controlling the House, Democratic lawmakers will have to find a path forward with Republicans to get reforms to home- and community-based care across the finish line.

"I've already been talking to my Republican colleagues. ... We have to do something. I mean, this is not a partisan issue; it is a real crisis," Dingell said on Monday. She said she had every intention to reintroduce the Better Care Better Jobs Act and work with Republicans to get it passed.

"The reality is, for the Republicans, they can't be a do-nothing Congress. They can't just have drama on the floor every week. ... People need help," she said.



📷 A community-based service in Los Angeles (AP Photo/Damian Dovarganes, File) ASSOCIATED PRESS

Various experts and advocates have already provided input to House Energy and Commerce Committee Chair Cathy McMorris Rodgers regarding home- and community-based health care in response to a request for information she issued last year. The request focuses on potential policies to support Americans living with disabilities.

“There is and has been for many decades a workforce crisis in Home and Community Based Service settings due to stagnant reimbursement rates and the inability of providers to offer wages that enable them to compete with industries offering entry-level positions, such as fast-food restaurants or retail and convenience stores,” wrote the Disability and Aging Collaborative, which includes groups such as The Arc and Justice in Aging, in an October letter to McMorris Rodgers.

The collaborative also suggested that Congress should make a set of home- and community-based services mandatory under the Medicaid program to help eliminate the “institutional bias.”

“Energy and Commerce Republicans put out a Request For Information last year to better understand the landscape surrounding disability policy in the United States and to determine possible opportunities to support the needs of all Americans in their pursuit to live up to their God-given potential,” said McMorris Rodgers in a statement to *National Journal* on Wednesday.

McMorris Rodgers, who just took the committee gavel, said that stakeholder responses were still being reviewed but that “we were encouraged by the overwhelming number of positive responses.”

Home- and community-based services will also be a part of an effort led by a bipartisan group of senators who want to improve care for people dually eligible for Medicaid and Medicare, said Clarke Ross, public-policy director of the American Association on Health and Disability.

Last November, Republican Sens. Bill Cassidy, Tim Scott, and John Cornyn joined Democratic Sens. Mark Warner, Tom Carper, and Bob Menendez to [ask for feedback](https://www.cassidy.senate.gov/newsroom/press-releases/cassidy-scott-carper-menendez-cornyn-and-warner-launch-bipartisan-effort-to-improve-care-for-patients-jointly-enrolled-in-medicare-and-medicaid) (<https://www.cassidy.senate.gov/newsroom/press-releases/cassidy-scott-carper-menendez-cornyn-and-warner-launch-bipartisan-effort-to-improve-care-for-patients-jointly-enrolled-in-medicare-and-medicaid>), as they work on legislation to improve coverage for this population. The deadline to provide input is Friday.

Home- and community-based services are “just a piece and LTSS, long-term services and supports, is just a piece, of how to appropriately serve people who are dually eligible, but these are the most severely disabled, poorest people with the most significant co-occurring chronic disorders in the country,” said Ross.

Although the first week in the House was engulfed in chaos as Republicans struggled to elect Speaker Kevin McCarthy, Casey sees a way forward for his proposals in the Better Care Better Jobs Act.

“There’s a likelihood, a fairly high likelihood, that we can achieve bipartisan consensus on the policy. The funding levels will be difficult,” said Casey.

He added that politicians “ignore this issue at their political peril.”

“It’s coming to their doorstep,” said Casey. “If they don’t notice it yet on their doorstep they will soon.”

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