

AUCD Applauds Stronger Medicaid Rules on Community Living

SILVER SPRING, MD (January 13, 2014) — The Association of University Centers on Disabilities (AUCD) applauds the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) for the regulation released Friday that strengthens the Medicaid home and community-based services available to people with disabilities.

The new rule moves away from the old CMS practice of defining home and community-based settings as simply not institutions and instead creates positive, outcome- and experience-based definitions. It sets new guidelines for the settings that qualify as home and community-based and implements even more stringent criteria for provider-owned or controlled settings to protect beneficiary autonomy and integration. The rules apply to traditional 1915(c) waivers, the 1915(i) state plan option created in 2006, and the new 1915(k) Community First Choice Option created by the Affordable Care Act, and CMS has indicated that the settings characteristics will also apply to similar services under 1115 waivers and managed care 1915(b)/(c) combinations.

AUCD Executive Director Andrew Imparato praised the rule, saying, “This rule is a significant step forward in fulfilling the promise of the U.S. Supreme Court *Olmstead* decision and empowering people with disabilities who receive Medicaid home and community-based services. State-level advocates, including AUCD members, just gained a new tool in the push to move long-term services away from institutional settings toward full participation in the community.”

The AUCD network has been long involved in encouraging states to use home and community-based settings waivers for services integrated into the community. Some states have tried to use waiver funds for clusters of group homes or homes built on the grounds of state institutions, which contradict the spirit of the waiver. The new rule specifically prohibits the use of home and community-based waivers or state plans to fund services in such settings.

Home and community based services began in the 1980’s as waivers to the traditional Medicaid benefits which paid for nursing home or other facility-based care, but not for long-term services in individual homes or other community settings. Waivers allow Medicaid beneficiaries to remain in their homes even

if they needed long-term services and supports. Over time, especially after the 1990 Americans with Disabilities Act and 1999 *Olmstead v LC* Supreme Court ruling, all states adopted waivers to provide home and community-based services and Congress amended Medicaid law to include opportunities to include home and community-based services in their Medicaid state plans. Friday's rule continues this tradition away from congregate care and toward more individualized supports and integrated lives.

The Association of University Centers on Disabilities (AUCD), located in Silver Spring, MD, promotes and supports a national network of interdisciplinary centers on disabilities. The members of AUCD represent every U.S. state and territory. AUCD and its members work to advance policy and practice through research, education, leadership, and services for and with individuals with developmental and other disabilities, their families, and communities. For more information, visit AUCD's website: www.aucd.org.

###