

The US House of Representatives passed MFP and spousal impoverishment protections this week.
Contact your Senators to support H.R. 3253.



Action Alert

Contact Your Senators to Support MFP Funding and Protections for Spousal Impoverishment for HCBS

**National Association of State Head Injury
Administrators**

June 20, 2019

This week, the U.S. House of Representatives passed H.R. 3253 to amend Title XIX of the Social Security Act to extend protections for Medicaid recipients of home and community-based services (HCBS) against spousal impoverishment; to extend the Community Mental Health Services Demonstration; and to extend funding for the Money Follows the Person (MFP) program, among other provisions. The bill is now headed to the Senate.

Background

The Money Follows the Person (MFP) Rebalancing Demonstration Grant Program helps States rebalance their Medicaid long-term care systems to provide community options for people with brain injury and older adults who want to move out of nursing homes or other institutions back into their communities. MFP has assisted more than 88,000 individuals voluntarily move into a setting of their choice. MFP has improved the lives of older adults and people with disabilities, including individuals with brain injury, saved States money, and led to better outcomes. In January, Congress extended funding for only three months of this year.

The spousal impoverishment protections make it possible for a spouse who qualifies for Medicaid nursing level of care to obtain home and community-based services without the remaining spouse being penalized for having assets. It allows the married spouse to retain a modest income and resources to pay rent, utilities, food and medications while the other spouse receives long-term services and supports in the

community -- same protections that a married spouse receives if the other spouse is in a nursing home.

About H.R.3253

[H.R. 3253](#), the Empowering Beneficiaries, Ensuring Access, and Strengthening Accountability Act, includes an extension of Money Follows the Person (MFP) through FY2024, and the Spousal Impoverishment Protections preserve asset protections for the spouses of Medicaid beneficiaries who receive long term care benefits through March 31, 2024. The legislation also extends the Community Mental Health Services Demonstration and contains language aimed at preventing "inappropriately low rebates" under the Medicaid Drug Rebate Program by prohibiting manufacturers from blending the average manufacturer price of brand drugs and authorized generics. With regard to the MFP grants, the legislation:

- Reduces the institutional residency period from 90 days to 60 days, while also removing the restriction that prevented a person's Medicare post-acute stay from counting for eligibility
- Creates significant new work plan and reporting requirements on States, including:

1) a work plan that outlines for each year:

- The use of grant funds for each proposed initiative, including a funding source for each activity that is part of each such proposed initiative
- An evaluation plan that identifies expected results for each such proposed initiative;
- A sustainability plan for components of such proposed initiatives that are intended to improve transitions.

2) A *quarterly report* on the use of grant funds by distinct activity, as described in the approved work plan, and by specific population as targeted by the State.

The legislation also would require two reports on MFP, including:

- A report on best practices for State transitions that would highlight a wide range of issues and practices; and
- A report from MACPAC that looks at overlaps between the MFP qualified residences and the requirements from the HCBS Settings regulation, in which

MACPAC is instructed to make recommendations for legislative changes to align the two if it feels that such changes are appropriate.

The House of Representatives passed H.R. 3253, with a vote of 371-46. The [Congressional Budget Office \(CBO\) projects the bill](#) to be budget neutral. The bill will now move to the Senate for consideration.

What Can You Do?

Call or email your Senators to tell him/her to vote YES on H.R. 3252. Unsure how to call or email? Click [here](#) to find the number/e-mail.

Easy Call/E-mail Script:

Hello, this is [Name]. I'm a resident of [Town, State]. **I am calling (or writing) to urge you to support H.R. 3252** to extend funding for the Money Follows the Person (MFP) program and to extend spousal impoverishment protections for spouses of individuals with brain injury needing home and community-based services -- same as those protections afforded to spouses requiring nursing home care.

MFP has enabled over 88,000 older adults and people with disabilities living in institutions to transition back to their communities. MFP is fiscally responsible: it has improved the quality of live for thousands of individuals while saving States money. There are many individuals with brain injury in our State that are residing in nursing homes and other institutional type of services due to the lack of community services and supports.

The spousal impoverishment rules may prohibit a person with a working spouse from being eligible for home and community-based services. Such protections are available to a spouse eligible for nursing home services.

I am asking (or writing) [Senator __] to vote **YES for H.R. 3252**. Should you need further information, you may contact me at _____.

Thank you for considering this request!

[IF LEAVING A VOICEMAIL/Email: please leave your full street address and zip code to ensure your call is tallied as a constituent and for staff to contact you for further information.]

[Optional Add On]

Personal stories are the most effective form of advocacy. Talk about why Money Follows the Person to expand community-based services is important for you or someone you know and love.

Please feel free to circulate among your constituents -- consumers, advisory council/board members, advocacy and disability groups.



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STAY CONNECTED:



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