

November 2, 2022

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Becerra,

On behalf of the American Health Care Association and the National Center for Assisted Living's (AHCA/NCAL) more than 14,000 skilled nursing facilities (SNF), assisted living communities (AL), and intermediate care facilities for individuals with intellectual disabilities (ICF/IID) member providers, I want to thank you for the support you have shown the long term care community during the ongoing COVID-19 pandemic. I ask for your continued support by extending the public health emergency (PHE) beyond its current January 11, 2023 expiration, so that long term and post-acute care providers can continue to offer the most efficient and effective care possible and so our nation's most vulnerable population continues to have access to the long term care they need through Medicaid.

While we have come a long way from the beginning of the COVID-19 pandemic, the virus remains a threat, especially to older adults and those with underlying health conditions. COVID-19 variants continue to emerge, and your administration and other public health experts have issued repeated warnings about a potential surge of cases this fall and winter. As you know, high spread of COVID in surrounding communities has been [linked](#) to nursing home outbreaks.

Coming out of the holiday season, we need to ensure our health care infrastructure can quickly adapt, especially in the midst of a historic [labor crisis](#) in long term care brought on by the pandemic. Extending the PHE is critical to ensure states and health care providers, including long term care providers, have the flexibilities and resources necessary to respond to this ever-evolving pandemic. Therefore, we request that you extend the PHE declaration and maintain the related Section 1135 and Section 1812(f) waivers, enhanced Medicaid FMAP to states, and state Medicaid policy flexibilities, especially the waiver for [Medicaid redeterminations](#).

We are gravely concerned that states are not prepared for this historic influx of Medicaid redeterminations and that millions of seniors and individuals with disabilities will experience coverage disruptions for the lifesaving care they desperately need. According to [Georgetown University](#), 22 states do not have an unwinding PHE plan while an additional 10 have cursory presentations on what their plans will contain when developed. Extending the PHE will allow these states to continue developing their plans and prepare Medicaid beneficiaries for the redetermination process.

Medicaid is a crucial program for the long term care community. More than 60 percent of nursing home residents rely on Medicaid to cover their daily care. Millions more receive long term services and support in their home or community, like in an assisted living community, through a Medicaid waiver program. These individuals often need around-the-clock care and assistance with everyday activities.

Redetermination specifically for the aged, blind, and disabled populations takes longer than other beneficiaries due to the need for a clinician to verify that the individual needs nursing home-level care as well as a review of all assets in addition to income. All long term care providers are struggling with soaring labor costs and inflation; they cannot absorb additional losses due to delayed Medicaid redeterminations or beneficiaries being found ineligible due to state errors. We strongly encourage the Centers for Medicare and Medicaid Services within HHS to work with states on strategies to ensure long term care populations are made a priority. This will take additional time, especially with more than half of the states not prepared to implement this massive undertaking come January. Therefore, we urge you to protect the social safety net by extending the PHE.

Given that your agency has committed to a 60-day notice to states and stakeholders when the PHE will expire, we hope that HHS will indicate by mid-November that the PHE will be renewed. We must maintain crucial supports and flexibilities necessary to respond to the ongoing pandemic, address challenges exacerbated by it, and protect access to care for our nation's most vulnerable.

AHCA/NCAL appreciates the support and assistance HHS has provided to-date, and we look forward to continuing to work together to ensure our nation's seniors receive the care and quality of life they deserve.

Sincerely,

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Mark Parkinson
President and CEO

cc: Sean McCluskie, Chief of Staff