



August 10, 2020

The Honorable Seema Verma
Centers for Medicare and Medicaid Services
The Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 20001

Dear Administrator Verma,

On behalf of the members of American Network of Community Options and Resources (ANCOR), the undersigned State Association Executives urge CMS to modify the reserve bed hold days limit and the related opportunity to extend this limit up to three times.

Throughout this public health crisis, providers serving people with intellectual and developmental disabilities and autism, have been working tirelessly to keep the people they support safe and healthy in the face of staffing shortages, program closures and quarantine mandates. One key factor that has helped providers successfully navigate the pandemic has been access to stable funding via the retainer payment provision outlined in Medicaid regulation. Due to the scope of this crisis, many states requested and received the authority to implement this emergency provision of 30 consecutive days for up to three consecutive periods.

At this time, the allowable renewal periods have been exhausted and providers are facing a dramatic impact on funding available to cover fixed costs, hazard or enhanced pay for staff, and atypical pandemic related expenses. These retainer payments, while not elected by all states, have proven a lifeline to the organizations that received them as the payments have helped to stabilize cashflow and support the businesses to meet their financial obligations. In those states that have not supported these Medicaid providers, we are seeing ongoing program closures and businesses dissolved. This will impact people's access to community-based services for some time to come as the remaining providers do not have an enhanced capacity to absorb the resulting caseload. We are concerned that this emerging access issue will significantly impact the states and may pose an Olmstead compliance issue.

In consideration of the ongoing crisis and as an increasing number of states are facing serious spikes in virus positivity, hospitalizations, and mortality rates, we ask that CMS employ its regulatory authority to waive the limit of three consecutive bed hold days periods for retainer payments for the duration of the Public Health Emergency. As it appears that we will be trying to manage through this crisis for the foreseeable future, providers of Medicaid funded I/DD and Autism services are in dire need of this ongoing support.

Sincerely,

Shannon McCracken

Shannon McCracken
VP for Government Relations

CC: Calder Lynch
Anne Marie Costello
Melissa Harris
Ralph Lollar
Lance Robertson

ANCOR State Associations Members Sign-on:

Alabama Service Providers Association
California Disability Services Association
Colorado – Alliance Colorado
DC Coalition of Disability Service Providers
Florida Association of Rehabilitation Facilities
Georgia - Service Providers Association for Developmental Disabilities
Idaho Association of Community Providers
Illinois Association of Rehabilitation Facilities
Illinois – Institute on Public Policy for People with Disabilities
Iowa Association of Community Providers
Kansas - InterHab, Inc.
Kentucky Association of Private Providers
Louisiana – Community Provider Association
Maine Association for Community Service Providers
Maryland Association of Community Services
Massachusetts – Association of Developmental Disabilities Providers
Michigan Assisted Living Association
Minnesota – Association of Residential Resources in Minnesota
Nevada – State of Nevada Association of Providers
New Jersey – Alliance for the Betterment of Citizens with Disabilities
New Jersey Association of Community Providers, Inc.
New Mexico Association of Developmental Disabilities Community Providers
New York Alliance for Inclusion & Innovation
New York – Cerebral Palsy Associations of NYS
New York Disability Advocates
North Carolina Providers Council
North Dakota Association of Community Providers
Ohio Health Care Association
Oregon Resource Association
Pennsylvania Advocacy and Resources for Autism and Intellectual Disability
Pennsylvania – Rehabilitation & Community Providers Association
Rhode Island – Community Provider Network of Rhode Island
South Carolina Human Services Providers Association
South Dakota – Community Support Providers of South Dakota
Tennessee Community Organizations
Texas – Private Providers Association of Texas
Texas – Providers Alliance for Community Services of Texas
Utah Association of Community Services
Virginia Association of Community Rehabilitation Programs, dba vaACCSES
Virginia Network of Private Providers, Inc
Washington – Community Residential Services Association