

U.S. SENATOR BOB CASEY



CHAIRMAN Special Committee on Aging

Home and Community Based Services (HCBS) Access Act

Why do we need the HCBS Access Act?

Many older adults and people with disabilities who need help with daily activities such as eating, dressing, traveling to work or school, and managing finances, are eligible for Medicaid long-term services and supports (LTSS) to support their everyday needs. These beneficiaries have immediate access to nursing homes or other institutional settings. But if they want to remain in their homes with the help of Medicaid Home and Community-Based Services (HCBS), they are often put on a waiting list and can wait years or even decades for services and supports. Medicaid policy has always paid for nursing home and other institutional care for those eligible for LTSS but will not pay for home and community-based services unless a waiver has been granted. This bill would put both options on equal footing and give families an equal choice between home and community care or institutional care.

This current system fails to meet the needs of millions of older adults and people with disabilities. While many people want to live in their own homes and communities, they may be forced to live in an institutional setting just to access the services they need. As the 1999 Supreme Court *Olmstead* decision stated, everyone—no matter their disability—has the right to receive services in their community and to live in their own home.

The COVID pandemic shone a light on the critical role that HCBS and the direct care workers who provide these essential services play in keeping older adults and people with disabilities safe, healthy, and part of their communities. Not only do people supported in their own homes live longer lives and have a more satisfying quality of life, those who live in institutional settings have been disproportionately at-risk of contracting and dying from COVID-19.

What would the HCBS Access Act do?

The HCBS Access Act is designed to ensure eligible older adults and people with disabilities have a real choice of care and support options between home care and institutional care. The bill would, over time, eliminate HCBS waiting lists and the need for states to repeatedly apply for HCBS waivers. Specifically, the bill would:

- Increase Medicaid funding for home and community-based services;
- Provide grant funding for states to expand their capacity to meet the needs of people who prefer HCBS;
- Make steps to improve the stability, availability, and quality of direct care providers to help address the decades-long workforce shortage crisis;
- Provide states with resources so that caregiving workers—who are disproportionately women of color—have stable, quality jobs and a living wage;
- Provide training and support for family caregivers; and
- Create better evaluation measures to assess the quality of HCBS being provided.

Cosponsors: *Senator Hassan, Senator Brown, Senator Kaine, Senator Gillibrand, Senator Blumenthal, Senator Welch, Senator Fetterman, Senator Merkley, Senator Sanders, Senator Baldwin, Senator Duckworth, Senator Warren, Senator Reed, Senator Markey, Senator Shaheen, Senator Murray*