

Congress of the United States

Washington, DC 20515

July 28, 2023

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services (CMS)
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Dear Administrator Brooks-LaSure:

I am reaching out on behalf of the home care community in New Hampshire in response to the proposed Medicaid Access rule, CMS-2442-P. This rule is intended to improve access to services and supports for Medicaid beneficiaries. I appreciate your work to ensure home health care workers are fairly compensated and enhance transparency around utilization and wait lists, rate reviews, and beneficiary and provider engagement.

I want to bring your attention to the comments of home health care providers in New Hampshire who are concerned that the 80% requirement could inhibit providers' abilities to cover the full cost of delivering care. This requirement included in the proposed rule has the potential to reduce care for patients and employment opportunities for workers across New Hampshire. I encourage you to give appropriate consideration to the home health care providers' concerns.

In their comments, the providers note they support their agency staff in several ways that are not reflected in the proposed rule language. For example, the 80% requirement does not include:

- Training, such as dementia training that many states now require;
- Education for staff to better understand mental health and substance use disorder conditions their clients may experience;
- DEI training and education;
- Bereavement support for employees whose patients decline and die;
- Skills enhancement and career ladder training to strengthen the workforce;
- Broader employee assistance program.

Also, beyond support to workers, the providers emphasize there are other activities that are necessary to deliver services to the Medicaid participants, including:

- Mileage costs and travel time – which can be very high in rural states like New Hampshire;
- Recruitment, retention, and general HR costs;
- Workers' compensation and liability insurance;
- Technology, such as medical/client record systems and Electronic Visit Verification (EVV) - which is a new federal mandate;
- Supervision by nurses or internal case managers;

- Coordination with Medicaid case managers;
- Scheduling and coordinating provider visits;
- And general administrative costs such as billing, payroll, overhead, etc.

I support CMS' work to promote home and community-based services and support. I encourage you review the comments of home health care providers New Hampshire and evaluate how the final rule can address their concerns. Thank you for your attention to this matter.

A handwritten signature in blue ink that reads "Ann McLane Kuster". The signature is written in a cursive, flowing style.

Ann McLane Kuster