

February 22, 2018

Administrator Lance Robertson
Principal Deputy Mary Lazare
Administration for Community Living
330 C St SW
Washington, DC 20201

Dear Administrator Robertson and Principal Deputy Lazare,

We are writing on behalf of the HCBS Advocacy Coalition, the Consortium of Citizens with Disabilities Long Term Services and Supports Task Force, and the Disability and Aging Collaborative, as well as the undersigned organizations representing people with disabilities and older adults, their families, and providers. We would like to express our strong support for the critical role that the Administration for Community Living (ACL) has played in providing technical assistance and identifying best practices around community living, including around implementation of the Home and Community Based Services (HCBS) Settings Rule. ACL's work with the Centers for Medicare and Medicaid Services (CMS) and support to states and stakeholders in understanding and implementing the Settings Rule has been essential to ensuring that the rights of older adults and people with disabilities are protected and that providers are able to provide quality care in truly integrated settings.

As you know, the Settings Rule is critical to ensuring older adults and people with disabilities receiving HCBS have access to quality services that help them participate in their communities. Ninety percent of seniors say they want to live at home as they age, and the vast majority of people with disabilities and their families are demanding service settings that help them live, work and participate in the community. The Rule protects the right of older adults and people with disabilities to make basic choices in their daily lives, such as with whom they live, when and what they eat, and who they want to visit. The Rule also promotes community integration and protects individuals from restraints, abuse, and arbitrary restrictions.

We believe that one of the ways ACL has been, and can continue to be, most effective is in helping CMS identify and lift up promising practices for implementing the Settings Rule and models of truly integrated services. Highlighting these successful strategies and providing guidance helps states develop solutions to issues that arise as they move towards fully implementing for the Settings Rule, and helps providers deliver quality care while ensuring the safety and rights of individuals are protected. For example, ACL's assistance was key in developing CMS FAQs on people who exhibit wandering behavior in HCBS settings. This guidance was well-received by providers of services to people with dementia, as a concrete example of how to ensure the safety of people with specific needs in HCBS settings that comply with the Rule.

We strongly encourage ACL to continue to work with CMS on issuing this type of guidance to address other issues, provide the research basis needed to highlight promising practices, and provide the technical assistance to implement them. By identifying innovative models at the state level, states and stakeholders can learn from each other. Topics could include: strategies for

providing integration opportunities in geographically isolated or rural settings, plans for expanding capacity of non-disability specific settings, methods for ongoing monitoring of HCBS settings, models for integrated adult day services, and strategies for meeting the Rule's requirement that HCBS participants have opportunities for competitive integrated employment.

ACL has also played a critical role as part of the statewide transition plan team, and we encourage both ACL and CMS to continue this strong and effective partnership. ACL has been key to ensuring that the perspectives of key stakeholders, including people who receive HCBS, are considered in the review process. ACL's networks in the states, including the Protection and Advocacy Organizations, Developmental Disabilities Councils, University Centers for Excellence in Developmental Disabilities, and ombudsmen, positions it well to be able to ensure that public input on state plans is robust.

In addition to implementation of the HCBS setting rule, we strongly support continued ACL and CMS collaboration in other areas, including HCBS quality and support for family caregivers. ACL has played a strong leadership role in advancing HCBS quality measure development and use. ACL collaborated with CMS to form the National Quality Forum (NQF) Committee on HCBS Quality, which issued a quality framework and recommendations for measure development. ACL also collaborated with CMS on rules requiring measures on quality-of-life, rebalancing, and community integration in MLTSS programs. We strongly support ACL's continued work in the area of HCBS quality to advance measure development and promote promising practices. In addition, ACL and CMS collaboration can also assist states in supporting family caregivers. ACL and CMS could collaborate to promote best practices in caregiver assessments, which are required under Section 1915(i) and have been implemented more broadly across HCBS authorities by some states and MLTSS health plans. ACL can also assist with promoting linkages to caregiver programs and promising and evidenced-based practices.

We want to thank you for ACL's engagement with us and other stakeholders. We look forward to continuing to work with ACL and CMS on successful implementation of the Settings Rule and other policies impacting HCBS. You can contact the following individuals on behalf of our coalitions: Alison Barkoff on behalf of the HCBS Advocacy Coalition (abarkoff@cpr-us.org), Nicole Jorwic or Sarah Meek on behalf of the CCD Long Term Services and Supports Task Force (njorwic@thearc.org or smeek@ancor.org), and Joe Caldwell on behalf of the Disability and Aging Collaborative (joe.caldwell@ncoa.org).

Sincerely,

Altarum's Program to Improve Eldercare
Alzheimer's Association
Alzheimer's Impact Movement
American Association on Health and Disability
American Network of Community Options and Resources (ANCOR)
Association of People Supporting Employment First (APSE)
Association of University Centers on Disabilities (AUCD)
Autism Society
Autistic Self Advocacy Network (ASAN)

Center for Public Representation
Community Catalyst
Council on Quality and Leadership
Easterseals
Jewish Federations of North America
Justice in Aging
Lakeshore Foundation
LeadingAge
Lutheran Services in America Disability Network
National Adult Day Services Association
National Association for Home Care & Hospice
National Association of Councils on Developmental Disabilities
National Center for Assisted Living
National Consumer Voice for Quality Long-Term Care
National Council on Aging
National Disability Rights Network
National Down Syndrome Congress
National Health Law Program
National Leadership Consortium on Developmental Disabilities
Paralyzed Veterans of America
Pioneer Network
TASH
The Arc of the United States

CC: Seema Verma, Administrator, Centers for Medicare & Medicaid Services
Timothy Hill, Acting Director, Center for Medicaid and CHIP Services
Michael Nardone, Director, Disabled and Elderly Health Programs Group