



Medicaid LTSS Certified Assisted Living Residence (ALR) Supplement: Program Guidance

September 30, 2020

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1 Executive Summary

On July 2, 2020, Governor Gina Raimondo announced a plan to expand home-based care options in Rhode Island as the state continues to grapple with the spread of COVID-19 in congregate living facilities. Before COVID-19, 61% of the state's long-term care recipients lived in nursing facilities, which have struggled to contain the spread and impact of COVID-19 on residents and staff.

Rhode Islanders living in nursing facilities -- one of the state's most vulnerable populations -- have been disproportionately affected by the COVID-19 pandemic. As reported by the New York Times, more than 40% of COVID-19 deaths in the US are linked to nursing facilities.¹ In Rhode Island, nursing facilities account for 13% of reported cases and 74% of COVID-19-related deaths in the state as of mid-August.² The reasons that COVID-19 took such a heavy toll on nursing facility residents are partly due to the typically frail conditions of residents, but also due to the risks of providing care in congregate settings during a pandemic. Nursing facilities residents live in close proximity to one another, often sharing rooms, and frequently have meals, therapeutic activities and social gatherings together in group settings. The adverse impact of COVID-19 for people who are in need of long-term care services is expected to continue until there is widespread access to a vaccine – that is, for many more months to come.

One of the most effective methods of mitigating the risk of providing long term care to vulnerable populations in congregate settings is to keep them in their homes or home-like settings as long as possible. Rhode Island provides home-based care and assisted living options for individuals in need of long term care that reduce their exposure to the pandemic risk by keeping them out of congregate care settings. Although assisted living residences also pose a risk of infection, the risk is considerably lower than in nursing facilities and generally easier to control.

A second order effect of this pandemic is the increased need to provide long term care services in the home or home-like settings as an alternative to congregate care settings. Elders and adults with disabilities who need long term care often must enter a nursing facility because they require care in the evenings and/or weekends. As the impact of the pandemic in nursing facilities became more apparent, demand for alternatives began to grow.

Assisted living residences (ALRs) are a community-based LTSS option that provide a range of services and supports in a residential-like setting that affords people the opportunity to retain their independence while obtaining the care they need. The role that ALRs have played in assisting people in need of long term care during this pandemic has been crucial, especially for those who need a supportive living environment 24/7 but do not require the level of skilled care provided by nursing facilities. However, as access to assisted living is limited for Medicaid LTSS beneficiaries, some people in this category choose nursing facilities both because there are fewer restrictions on entry and because the transition from acute or subacute settings is easier to facilitate. ALRs are a crucial alternative to nursing facilities as they offer residents a higher level of independence and are thus associated with lower COVID-19 exposure risk than nursing facilities.

¹ <https://www.nytimes.com/interactive/2020/us/coronavirus-nursing-homes.html>

² <https://ri-department-of-health-covid-19-data-rihealth.hub.arcgis.com/>



To address these second order effects of the pandemic, the State is establishing a support program for Medicaid LTSS Certified Assisted Living Residences (ALRs). Supplemental funding for ALRs will support COVID related PPE and infection control expenses, supporting ALRs as an alternative to the use of higher risk congregate care settings to mitigate potential exposure to COVID-19 during the pandemic.

2 Program Overview

2.1 Program Description

The **Medicaid LTSS Certified Assisted Living Residence (ALR) Supplement** is established to ensure each ALR serving Medicaid LTSS beneficiaries has access to the funds necessary to adjust living arrangements and community activities to meet applicable state and federal infection control guidelines. These funds are an additional measure to be used as secondary to other federal coronavirus relief funding received by ALRs, and other funding resources made available by the State over the duration of the COVID-19 response.

This program will distribute up to \$700,000 in funding to Medicaid LTSS certified ALRs with active Medicaid LTSS beneficiaries in residence. This document is intended to provide an overview of the goals of the program, the application process and eligibility and evaluation criteria.

2.2 Funding Allocation Methodology

The methodology outlined below is intended to define an equitable and fair means of allocating funds across the ALRs currently serving Medicaid beneficiaries.

Funding will be allocated to ALRs based on the number of Medicaid beneficiaries served. The State expects to distribute an amount of \$1,260 per Medicaid beneficiary served. This amount is based on the projected funding needed to cover four (4) months of COVID-19 related PPE and infection control expenses for ALR residents.

The state estimates that 550 Medicaid beneficiaries are currently residing in ALRs and will be eligible for this funding. Depending upon the availability of funding, the Program may be extended to licensed ALRs that provide services for Medicaid beneficiaries receiving the State's supplemental payment (SSP) for assisted living who do not meet the level of need to qualify for LTSS eligibility – commonly known as Category D-SSP recipients. A separate notice will be issued if this initiative is extended.

3 Program Details

3.1 Funding and Application Dates

Key dates for the **Medicaid LTSS Certified Assisted Living Residence (ALR) Supplement** are as follows:

- **September 18, 2020:** Applications available online at the EOHHS website.
- **October 9, 2020:** Applications due to the State by 5pm.
- **October/November 2020:** Funds disbursed



3.2 Eligible Applicants

Funding through this initiative is available to ALRs who meet the following eligibility requirements:

- Licensed in the State of Rhode Island and in good standing,
- Certified as an LTSS Medicaid provider,
- Maintained a census of Medicaid LTSS beneficiaries of at least two (2) persons for a period of thirty (30) days or more prior to August 1, 2020.

3.3 Program Application Requirements

In order to receive funding from this program, eligible ALRs must submit a completed application to the State. The application includes the following requirements:

1. Signed commitment to implement the payments in accordance with the proposed program structure,.
2. Signed attestation to the number of Medicaid beneficiaries residing in the ALR on August 1, 2020, who have been receiving Medicaid-funded assisted living services for thirty (30) days or more.
3. Signed commitment to maintain or increase the total census of Medicaid LTSS beneficiaries between date of supplement distribution and December 21, 2020.
4. Signed commitment to retain funds in a separate account for payments related to this Program and to provide progress reports as required by the State.

Applicants must agree to all elements listed above in order to be eligible to receive this funding.

All questions regarding this Program should be directed to: OHHS.LTSSResiliency@ohhs.ri.gov.

3.4 Eligibility for Funding

An Evaluation Committee shall be established by the Secretary of EOHHS. The Committee's objective is to review applications in order to determine whether entities submitting applications (Applicants) meet the eligibility criteria set forth by EOHHS and make recommendations to the Secretary as to eligible Applicants. Committee recommendations on eligibility can result in the following outcomes:

- Eligible
- Additional information required
- Ineligible

If an Applicant is deemed "ineligible", a notification will specify the reason(s) for such ineligibility, based upon the criteria provided. If additional information is required, the Applicant shall have five (5) business days to respond with sufficient evidence to be deemed eligible. As soon as evaluation of all Applicants is completed, funds will be disbursed in accordance with the funding allocation methodology described above.

3.5 Eligible Uses of Funds and Reporting Requirements

Funds received through this Program must be applied toward the purchase of PPE and implementation of infection control measures.



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Applicants will be required to report to EOHHS at the end of the grant period on the uses of funds and their methods of tracking expenses. Applicants will have until December 30, 2020 to spend funds and document how funds have been used. If funds have not been spent by that date on eligible uses, any unexpended funds or funds put to ineligible uses must be returned to the State.

Once funds are disbursed, successful Applicant award recipients are instructed to keep detailed and complete financial records demonstrating that funds received through this Program are spent in accordance with these requirements, as recipients of these funds will be subject to audit. In the event of an audit, if the award recipient is found to have used funds for ineligible expenses, the award recipient will be considered in violation of the award agreement at which point RI EOHHS may begin the process of recouping all or a portion of the funds awarded by reducing future payments. The State will determine whether the full award or a portion of the award must be recouped based on the State's assessment of the unique circumstances of each violation of the award agreement.

4 In Closing

The COVID-19 public health emergency represents a clear hardship for the State's LTSS system that requires broad cooperation to overcome; it is also clear that the public health emergency shall continue to present challenges as it evolves. This Program represents an opportunity to extend that cooperation to build strong resilience for the current crises and improve health outcomes for all Rhode Islanders in need of long term services and supports.

The State of Rhode Island looks forward to working with critically important assisted living residences and stakeholders to establish and carry out this program of support.