June 26, 2019

The Honorable Robert P. Casey
United States Senate
393 Russell Senate Office Building
Washington, DC 20510

Dear Senator Casey:

AARP, on behalf of our nearly 38 million members and all older Americans nationwide, is pleased to endorse the Protecting Married Seniors from Impoverishment Act. We appreciate your leadership on this important legislation to help ensure that more older adults and people with disabilities can continue to live in their homes and communities.

For about 30 years, federal law has required states to allow the spouses of individuals receiving Medicaid coverage for nursing home care to keep a portion of income and resources to avoid impoverishment. States also had the option to provide these protections to the spouses of individuals receiving services under Medicaid home and community-based services (HCBS) waivers. Congress enacted legislation to require these protections for the spouses of individuals receiving Medicaid HCBS more broadly for a five-year period that ended December 31, 2018. Married couples would have the same financial protections whether care was provided in a facility or in the community, one important piece of addressing Medicaid’s institutional bias. Congress passed legislation earlier this year extending these HCBS protections, but only until September 30, 2019.

It is critical for Congress to extend these Medicaid HCBS spousal impoverishment protections before September 30. Without action, these protections will expire and put individuals at risk for losing Medicaid coverage unless they enter a nursing home. This is often more costly and the least desired option for individuals. In addition, individuals and their families would be confused by the change. States would also face administrative burdens due to required Medicaid financial eligibility redeterminations for individuals receiving Medicaid HCBS who no longer have these protections and/or waivers to provide these protections to individuals. Finally, this would also hinder and potentially help to undermine state efforts to expand access to HCBS and improve the balance of their long-term services and supports (LTSS) systems.
Your legislation provides a critical solution by making Medicaid HCBS spousal impoverishment protections permanent. It would help individuals to continue living in their own homes now and in the future, avoid unnecessary burdens for states, and support states’ continued forward progress on balancing their LTSS systems. The vast majority of older adults want to live independently in their homes and communities, and the services and supports that help them do so are cost-effective. Congressional inaction should not lead to individuals being forced to move out of their homes into generally more costly institutional settings. We also support the bipartisan EMPOWER Care Act (S. 548/H.R. 1342) that extends the Money Follows the Person Rebalancing Demonstration Program to help individuals transition out of nursing and other facilities into the community.

Thank you once again for your leadership to help individuals live in their homes and communities where they want to be. We look forward to working with you and your colleagues on both sides of the aisle to enact this important legislation. If you have any questions, please contact me, or have your staff contact Rhonda Richards of our Government Affairs team at rrichards@aarp.org or 202-434-3770.

Sincerely,

David Certner
Legislative Counsel & Legislative Policy Director
Government Affairs