

Feb 4, 2008

File code CMS-2237-IFC

Kerry Weems  
Administrator  
Centers for Medicare and Medicaid Services  
200 Independence Avenue SW  
HHH Building Room 445-G  
Washington DC 20201

Dear Administrator Weems:

The undersigned members of the Leadership Council of Aging Organizations (LCAO) respectfully request that the Center for Medicare and Medicaid Services (CMS) withdraw the interim final rule (“IFR”) to implement section 6052 of the Deficit Reduction Act. The rule, as written, exceeds the original scope and intent of the statute and will have a dramatically negative impact on frail older people who receive Medicaid long term supports and services through a variety of Medicaid home and community based services waivers.

The rule undermines a key component of successful waiver programs that have been implemented in states across the country – case management. Case management is the lynchpin that coordinates and integrates services for people, often who are enrolled in multiple waiver programs, and allows frail older people to receive services at home and prevent or delay institutional placement. Delivering services to people in their homes and communities is cost effective and allows states to serve more people at a lower overall cost to the Medicaid program.

Arranging for long term care in the community is a complex process that requires a wide array of supports and services. This is particularly true for individuals who are transitioning out of an institution and into a community setting. By significantly reducing the amount of time case managers would have to spend developing and putting in place a viable plan for care in the community, the IFR will impede state efforts to end the institutional bias in Medicaid.

It is contrary to a number of programs already implemented by the Administration, such as Money Follows the Person and Aging and Disability Resource Centers, which provide states with the tools necessary to serve frail older people in their homes and communities. In many cases, states would have to completely revamp their existing programs in order to adhere to the rules set forth in this IFR.

We urge the Administration to reaffirm its commitment to providing long term supports and services to vulnerable populations and encouraging individuals to remain independent for as long as possible by withdrawing this IFR.

Sincerely,

*AFSCME Retirees*  
*Alliance for Retired Americans*  
*American Association of Homes and Services for the Aging*  
*American Federation of Teachers Program on Retirement and*  
*Retirees*  
*American Postal Workers Union Retirees*  
*American Society of Consultant Pharmacists*  
*American Society on Aging*  
*Association of Jewish Aging Services of North America*  
*B'nai B'rith International*  
*Catholic Health Association*  
*Easter Seals*  
*Families USA*  
*Gray Panthers*  
*Military Officers Association of America*  
*National Association of Area Agencies on Aging*  
*National Association of Elder Law Attorneys*  
*National Association of State Long-Term Care Ombudsman*  
*Programs*  
*National Association of State Units on Aging*  
*National Citizens Coalition for Nursing Home Reform*  
*National Committee to Preserve Social Security and Medicare*  
*National Indian Council on Aging*  
*National Senior Citizens' Law Center*  
*OWL-The Voice of Midlife and Older Women*  
*Service Employees International Union*