Dear Administrator Brooks-LaSure and Acting Administrator Barkoff:

The undersigned organizations share a commitment to ensuring that Medicare beneficiaries are able to obtain the coverage for which they qualify and the health care they need.

The Medicare home health benefit provides coverage for a constellation of skilled and nonskilled services, all of which add to the health, safety, and quality of life of beneficiaries and their families. Under the law, Medicare coverage is available for people with acute and/or chronic conditions, and for services to improve, maintain, or slow decline of the individual’s condition. Further, coverage is available even if the services are expected to continue over a long period of time.

Unfortunately, however, people who legally qualify for Medicare coverage frequently have great difficulty obtaining and affording necessary home care. ¹ There are legal standards that define who can obtain coverage, and what services are available. However, the criteria are often narrowly construed and misunderstood by providers, Medicare adjudicators, and policy-makers, resulting in inappropriate barriers to Medicare coverage for necessary care. This is increasingly true for home health aide services – the very kind of personal care services older adults and people with disabilities often need to remain healthy and safely at home.

In 2021 the Medicare Payment Advisory Commission (MedPAC) reported that home health aide visits per 60-day episode of home care declined by 90% from 1998 to 2019, from an average of 13.4 visits per episode to 1.3 visits. As a percent of total visits from 1997 to 2019, home health aides declined from 48% of total services to 6%.²

In order to reverse this trend, we urge CMS, working in partnership with ACL, to ensure that the current law’s scope of the Medicare home health benefit is made available to those who qualify.

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Further, we urge CMS and ACL to take advantage of a potentially historic opportunity to expand health care coverage, including through President Biden’s pledged investment in home and community-based services (HCBS). Such efforts can and should include not only enforcing current law, but expanding access to Medicare-covered home health services; these include creating a new stand-alone home health aide benefit that would provide coverage without the current skilled care or homebound requirements, using Medicare’s existing infrastructure as the vehicle for the new coverage.

We look forward to helping you with your important work on behalf of older adults and individuals with disabilities. For additional information about the requests in this letter, please contact attorney David Lipschutz at dlipschutz@MedicareAdvocacy.org.

ACCSES
Alliance for Retired Americans
ALS Association
Alzheimer's Association and AIM
American Academy of Physical Medicine & Rehabilitation
American Association on Health and Disability
American Congress of Rehabilitation Medicine
American Geriatrics Society
American Music Therapy Association
American Physical Therapy Association
American Spinal Injury Association
American Therapeutic Recreation Association
Amputee Coalition
Answer ALS
Association of Academic Physiatrists
Association of California Caregiver Resource Centers
Association of Rehabilitation Nurses
California Council of the Blind
Californians for Disability Rights Inc
California Health Advocates
Cardozo Bet Tzedek Legal Services
Center for Advocacy for the Rights and Interests of the Elderly (CARIE)
Center for Medicare Advocacy
Child Neurology Foundation
Christopher & Dana Reeve Foundation
Coalition on Human Needs
Community Access Center
Community Legal Aid
Community Service Society
Connecticut Legal Services
Detroit Disability Power
Disability Policy Consortium
Disability Rights Education and Defense Fund
Disability Rights Texas
Falling Forward Foundation
Greater Hartford Legal Aid
Health Care Voices
Health & Medicine Policy Research Group
Justice in Aging
Kentucky Voices for Health
Lakeshore Foundation
LeadingAge
LeadingAge California
LifeSTEPS
Long Term Care Community Coalition
Massachusetts Law Reform Institute
Medicare Advocacy Project o/b/o our clients
Medicare Rights Center
Michael J. Fox Foundation
Michigan Elder Justice Initiative
Michigan Long Term Care Ombudsman Program
National Academy of Elder Law Attorneys
National Association of Area Agencies on Aging (n4a)
National Association of Social Workers (NASW)
National Association of State Head Injury Administrators
National Committee to Preserve Social Security and Medicare (NCPSSM)
National Consumer Voice for Quality Long-Term Care
National Disability Rights Network (NDRN)
National Health Law Program (NHeLP)
National Multiple Sclerosis Society
National Respite Coalition
New Haven Legal Assistance Association
Paralyzed Veterans of America
PHI
RESNA
SeniorLAW Center
Spina Bifida Association
South Carolina Appleseed Legal Justice Center
TASH
Team Gleason
The Arc of the United States
The Gerontological Society of America
United Spinal Association
Universal Health Care Foundation of Connecticut
UsAgainstAlzheimer’s
Vermont Legal Aid, Inc.
Virginia Organizing
Washington State Alliance for Retired Americans
Western Illinois Area Agency on Aging