



March 5, 2018

Demetrios Kouzoukas  
Principal Deputy Administrator and Director  
Center for Medicare  
Hubert H. Humphrey Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

SUBJECT: Advance Notice of Methodological Changes for Calendar Year (CY) 2019 for Medicare Advantage (MA) Capitation Rates, Part C and Part D Payment Policies and 2019 Draft Call Letter (CMS-2017-0163)

Dear Mr. Kouzoukas:

I am pleased to provide the following comment on the Center for Medicare and Medicaid Services (CMS) Medicare Advantage 2019 Draft Call Letter in relation to beneficiary access to home care services, including companion care and personal care services under a possible expansion of Health Related Supplemental Benefits.

Founded in 2002, the HCAOA is the home care industry's leading trade association – currently representing over 2,800 companies that employ more than 500,000 caregivers across the United States. Home care, including companion and personal care services, assists seniors and individuals with disabilities in remaining in their homes as long as possible at a more affordable cost than institutionalized care. It is through this community of members that the HCAOA has championed quality home care services and support of family caregivers.

Specifically, page 182 of the 2019 Draft Call Letter discusses access to "Health-Related Supplemental Benefits" which may be offered by MA plans. As noted, CMS currently defines a supplemental health care benefit in the Medicare Managed Care Manual (section 30.1) as an item or service (1) not covered by Original Medicare, (2) that is primarily health-related, and (3) for which the MA plan must incur a non-zero direct medical cost. An item or service that meets all three conditions may be proposed as a supplemental benefit in an MA plan's bid and submitted plan benefit package.

HCAOA requests CMS to expand Health Related Supplemental Benefits to expressly include home care services, including companion care and personal care services, as an option for MA plans in 2019. Home care services are not presently covered by Original Medicare, while they are provided for under Medicaid through state waiver programs. Home care services provided by home care aides are primarily a health-related service as these services can assist in preventing seniors or individuals with disabilities from falling while in their home, improve compliance with medication management and activities of daily living that can assist a senior's mobility and function. As such, HCAOA believes home care services meet the test CMS highlighted in the 2019 Call Letter which states, "An item or service is primarily health-related if the primary purpose of the item or service is to prevent, cure or diminish an illness or injury." It is well documented that home care services can diminish the impact of injuries or health conditions and reduce avoidable emergency and health care utilization, including hospital readmissions.

As CMS gives further consideration to expanding Health Related Supplemental Benefits to include home care services we respectfully request that you refrain from using the term "non-skilled" to distinguish these services from other health care services and instead encourage you to consider the following definitions in describing these services:

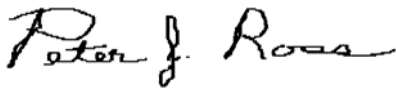
- Home Care Aide – means a person employed by a licensed home health agency to provide home health aide services.
- In-Home Personal Services Agency- means an entity that provides or offers to provide services directly, through a contractual arrangement, for the purpose of placing employed caregivers providing in-home personal services to consumers primarily in their residences. In-home personal care services agency does not include a local health department, agencies licensed under a Nurse Agency Licensing Act, a Hospital Licensing Act, a Nursing Home Care Act, a Home Health Agency Licensing Act, or an Assisted Living and Shared Housing Act and does not include an agency that limits its business exclusively to providing housecleaning services. Programs providing services exclusively through the Community Care Program of the Department on Aging or the Department of Human Services Office of Rehabilitation Services are not considered to be a home services agency.
- In-Home Personal Care Services – means assistance with activities of daily living, personal care, housekeeping, personal laundry, and companionship provided to an individual primarily in his or her residence, which are intended to provide a support system to enable that individual to remain safely and comfortably in his or her residence. In-home personal care services are focused on providing assistance that is not medical but, is based upon assisting the client in meeting the demands of living independently and maintaining a private home.
- Levels of in-home personal care services include: Attendant Care – hands-on assistance with activities of daily living including, but not limited to: ambulation, transfer, toileting, and grooming. Homemaker Services - assistance with household tasks, shopping, meals

Companion Care – provision of fellowship, care and protections for the client including transportation, letter writing, escort services, reading and medication reminding.

- In-Home Personal Care Worker – means an individual with appropriate training, supervision, and competency for the tasks assigned, who provides services up to, and including, personal care services to a consumer in the consumer's residence.
- Plan of Service – means a written list of the types and schedule of services prepared by the in-home personal care services agency manager, or his or her designee, updated to reflect changes in needs or services as appropriate but at least annually, that states the services to be delivered to the client subject to the client's right to temporarily suspend, permanently terminate, temporarily add, or permanently add the provision of any such service, prepared by and in collaboration with the agency and the client, the clients family, or to both.
- Personal care services - means services which are furnished to a client in the client's home to meet the client's physical, maintenance and supportive needs, when those services are not considered skilled personal care.

Thank you for your consideration of these comments. Please contact Patrick Cooney at [patrick@federalgrp.com](mailto:patrick@federalgrp.com) or via phone at 202-413-2629 if you have further questions regarding this subject.

Sincerely,

A handwritten signature in black ink that reads "Peter J. Ross". The signature is written in a cursive style with a large, stylized "P" and "R".

Peter Ross  
President