



August 5, 2020

The Honorable Seema Verma  
Centers for Medicare and Medicaid Services  
The Hubert H. Humphrey Building  
200 Independence Avenue, SW  
Washington, DC 20001

Dear Administrator Verma,

On behalf of the members of American Network of Community Options and Resources (ANCOR), the undersigned State Association Executives urge CMS to modify the reserve bed hold days limit and the related opportunity to extend this limit up to three times.

Throughout this public health crisis, providers serving people with intellectual and developmental disabilities and autism, have been working tirelessly to keep the people they support safe and healthy in the face of staffing shortages, program closures and quarantine mandates. One key factor that has helped providers successfully navigate the pandemic has been access to stable funding via the retainer payment provision outlined in Medicaid regulation. Due to the scope of this crisis, many states requested and received the authority to implement this emergency provision of 30 consecutive days for up to three consecutive periods.

At this time, the allowable renewal periods have been exhausted and providers are facing a dramatic impact on funding available to cover fixed costs, hazard or enhanced pay for staff, and atypical pandemic related expenses. These retainer payments, while not elected by all states, have proven a lifeline to the organizations that received them as the payments have helped to stabilize cashflow and support the businesses to meet their financial obligations. In those states that have not supported these Medicaid providers, we are seeing ongoing program closures and business dissolved. This will impact people's access to community-based services for some time to come as the remaining providers do not have an enhanced capacity to absorb the resulting caseload. We are concerned that this emerging access issue will significantly impact the states and may pose an Olmstead compliance issue.

In consideration of the ongoing crisis and as an increasing number of states are facing serious spikes in virus positivity, hospitalizations, and mortality rates, we ask that CMS employ its regulatory authority to waive the limit of three consecutive bed hold days periods for retainer payments for the duration of the Public Health Emergency. As it appears that we will be trying to manage through this crisis for the foreseeable future, providers of Medicaid funded I/DD and Autism services are in dire need of this ongoing support.

Sincerely,

Shannon McCracken  
VP for Government Affairs

CC: Calder Lynch  
Ann Marie Costello  
Melissa Harris  
Ralph Lawler  
Lance Robertson

**State Association Sign-on:**

Maine - Maine Association of Community Service Providers  
New Jersey – Alliance for the Betterment of Citizens with Disabilities  
Pennsylvania - Rehabilitation & Community Providers Association  
Virginia Association of Community Rehabilitation Programs, dba vaACCSES