



241 18th Street S
Suite 403
Arlington, VA 22202
202-898-2578
advancingstates.org

Curtis Cunningham
PRESIDENT
Wisconsin

Kathleen Dougherty
VICE PRESIDENT
Delaware

Nels Holmgren
SECRETARY
Utah

Kari Benson
TREASURER
Minnesota

Bea Rector
AT LARGE
Washington

Dr. Alexis Travis
AT LARGE
Michigan

Abby Cox
AT LARGE
Georgia

Jess Bax
AT LARGE
Missouri

Duane Mayes
PAST PRESIDENT
Alaska

July 12, 2021

Chiquita Brooks-LaSure, Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-1752-P
P.O. Box 8013, Baltimore
MD 21244-1850

RE: CMS-1752-P

Dear Administrator Brooks-LaSure:

On behalf of ADvancing States, I am writing to provide comments on the provisions of CMS' proposed COVID-19 Vaccine Requirements for Long-Term Care (LTC) Facilities (CMS-3414-IFC) that discuss potential approaches for monitoring vaccination status of residents and workers in Medicaid home and community-based services (HCBS). ADvancing States is a nonpartisan association of state government agencies that represents the nation's 56 state and territorial agencies on aging and disabilities. We work to support visionary state leadership, the advancement of state systems innovation, and the development of national policies that support home and community-based services for older adults and persons with disabilities. Our members administer a wide range of services and supports for older adults and people with disabilities, including overseeing Medicaid-funded long-term services and supports in many states. Together with our members, we work to design, improve, and sustain state systems delivering long-term services and supports for people who are older or have a disability and for their caregivers.

We agree that information regarding vaccination status in HCBS settings would be valuable to assist with improving the health and safety of participants and providers. We further believe that CMS' role in the nations HCBS structure provides a great opportunity to coordinate vaccination reporting and establish a structure to collect and analyze vaccination reporting. This would be particularly useful regarding linking data and information across HCBS providers and participants, especially as it relates to public health programs. Several states have supported success with incorporating HCBS and LTSS providers into their existing reporting structure including, in some cases, a reporting mandate for certain HCBS entities.

Yet other states are not in a position where they are able to implement or mandate these types of reporting structures. State agencies have a wide range of provider types and



definitions of these providers both across the country and within individual Medicaid programs. While some large providers may have the ability and resources to report this information, many of the smaller providers may not have the capacity or resources to collect and submit information to existing infrastructure. For example, even providers with the same name, such as Assisted Living (AL) entities, may look vastly different from state to state. Some AL providers are not large multi-unit facilities that generally come to mind when discussing such entities and may not be able to collect such information. As a result of this discrepancy, we do have concerns with a national requirement regarding reporting across the various types of HCBS providers in the system. We therefore recommend that CMS provide resources, infrastructure, and assistance to states and providers that enable them to report the vaccination status of HCBS participants and providers easily and effectively.

We further believe that CMS and its parent agency, the US Department of Health and Human Services, can help with efforts to perform outreach and education about the need for and value of reporting this information as well as with strengthening ties between national, state, and local. We note that several of our members reported challenges with incorporating their programs into the public health infrastructure that currently exists and that increased coordination between HCBS and public health programs could not only assist with COVID related responses and monitoring, it could also strengthen the infrastructure in preparation for any potential future disasters or pandemics. However, we do not believe that it would be appropriate or feasible to establish a national mandate or requirement regarding HCBS reporting due to the wide variation in the programmatic structure. Instead, we believe that such decisions should be left up to the state agencies regulating each type of HCBS provider.

We appreciate being able to provide feedback on this important topic for the well-being of our nation's older adults and people with disabilities. If you have any questions regarding this letter, please feel free to contact Damon Terzaghi at dterzaghi@advancingstates.org.

Sincerely,

A handwritten signature in blue ink that reads "Martha Roherty".

Martha Roherty
Executive Director
ADvancing States