



Shelter
Partnership



JUSTICE IN AGING
FIGHTING SENIOR POVERTY THROUGH LAW



May 19, 2023

Cortney Maslyn, Integrated Systems of Care Division Chief
Xiomara Watkins-Breschi, HCBS Operations Branch Chief
Joseph Billingsley, Assistant Deputy Director, Integrated Systems of Care Division
Nichole Kessel, HCBS Policy Branch Chief
Department of Health Care Services
Integrated Systems of Care Division
PO Box 997437, MS 0018
Sacramento, CA 95899-7437

Transmitted by E-Mail

**Re: Home and Community-Based Alternatives-Assisted Living Waiver (HCBA-ALW)
Integration Stakeholder Input for Medi-Cal Beneficiaries Experiencing Homelessness**

Dear Ms. Maslyn, Ms. Watkins-Breschi, Mr. Billingsley and Ms. Kessel —

The undersigned organizations and individuals are members of the statewide Coalition for Solutions to Homelessness Among Older Adults. We share a commitment to strengthen and expand California's efforts to reduce and prevent homelessness among older adults and people with disabilities, consistent with the goal established in California's Master Plan for Aging in 2021. As you know, the Master Plan for Aging calls on California to expand housing and homelessness solutions for older adults and people with disabilities. We have collaborated to develop and pursue recommendations to strengthen and reform policies and programs that can serve older adults who experience or are at risk of homelessness, including services that can be aligned with housing options that facilitate community integration and are responsive to the needs and preferences of consumers.

Two members of our coalition participated in the workgroup that the Department of Health Care Services' (DHCS) established as part of the HCBA-ALW Integration Stakeholder engagement process. We appreciate the Department's commitment to engaging with the public and receiving advocate feedback through that work group, but we are also concerned that the process has not been accessible to other stakeholders and members of the public who have interest in these programs. Other stakeholders and members of the public, including many consumers who are potentially eligible for these services and their advocates, have

been unable to access information about DHCS’s plans for waiver integration or the workgroup meetings that were conducted in recent months. The DHCS website for this waiver integration process appears not to have been meaningfully updated since September 2022, and some links on that website are password protected.

We have reviewed a letter that California Advocates for Nursing Home Reform (CANHR), Justice in Aging, Bet Tzedek, and Disability Rights California (DRC) sent to you that provides a set of consumer-centered recommendations for DHCS’s HCBA-ALW integrated waiver proposal. We are deeply grateful for the leadership of those organizations and the vision that is reflected in the recommendations that are contained in that letter.

Because our coalition is focused on reducing and preventing homelessness among older adults and people with disabilities, this letter builds on the consumer-centered recommendations, focusing on recommendations that directly relate to serving people who are experiencing or transitioning from homelessness through the services of the HCBA and ALW waiver programs. We previously provided a set of recommendations for improving these waiver programs in a report submitted to DHCS in 2021, which is attached. Our recommendations highlight the following four areas:

1. Make the application process more clear, transparent, equitable, and accessible;
2. Remove or increase enrollment caps and prioritize people experiencing homelessness for enrollment in waiver services;
3. Expand opportunities for Home Health Agency HCBS service providers to deliver services in publicly subsidized housing and other integrated settings; and
4. Ensure the protection of participant rights, including the rights of participants to choose the setting in which they receive waiver services and the right to a legally enforceable rental agreement.

1. The application process should be clear, transparent, equitable, and accessible for people who are experiencing or transitioning from homelessness or who are at risk of homelessness.

Waiver applicants and people who are potentially eligible for HCBS services must be informed of all HCBA and/or ALW services for which they may be eligible, and this information must be clear, in all Medi-Cal threshold languages and braille, and in plain language, available in formats that are accessible to people with disabilities. Information and waiver program enrollment forms should be available through various channels, including through Enhanced Care Management (ECM) and Community Support Services providers offering these services to Medi-Cal beneficiaries experiencing or at risk of homelessness. The implementation of CalAIM expands opportunities for Medi-Cal Managed Care Plans and their partners to identify and engage vulnerable seniors and people with disabilities who need HCBS waiver services to successfully transition from homelessness and maintain stable housing in community settings, and waiver programs should leverage this capacity to facilitate enrollment for potential applicants.

To ensure that waiver services can be offered to individuals who are transitioning from homelessness, persons who are experiencing homelessness should have the opportunity to complete the process of assessment and enrollment into services and receive authorization in transitioning to an appropriate home and community based setting, so that medically necessary services can be available immediately at the time people are moving into housing.

2. Enrollment caps should be removed or increased, and people experiencing homelessness should be prioritized for enrollment in waiver services.

We urge DHCS to increase or consider removing enrollment caps to make these waiver services available for all eligible individuals who wish to receive them. DHCS should support efforts to eliminate waiting lists and address unmet needs for services that can assist older adults and people with disabilities to live in integrated community settings.

To the extent that programs still have waitlists for these HCBS services under the integrated HCBA-ALW waiver, individuals who are transitioning from homelessness, as defined as “experiencing homelessness” in Health and Safety Code Section 50675.15(a)(2), should be prioritized for enrollment, in addition to individuals transitioning from institutional care and children and young adults who are currently prioritized. People who are experiencing unsheltered homelessness or staying in temporary settings such as emergency shelters, bridge housing or medical respite/recuperative care programs, should be prioritized for timely enrollment in HCBS waiver services that may be critically needed to facilitate successful transitions into more stable housing in community settings of their choice. In addition, DHCS should encourage waiver programs to expedite enrollment of eligible individuals who are at risk of homelessness as defined in 42 USC § 11360(1).

3. Expand opportunities for Home Health Agency HCBS waiver services to be delivered to people living in publicly subsidized housing and other integrated settings.

We continue to urge DHCS to expand opportunities to offer HCBS waiver services in publicly subsidized housing. Publicly subsidized housing provides opportunities for people to live in the most integrated community settings that are consistent with the requirements of the HCBS Settings Rule. However, implementation of this option under the current ALW has been extremely limited. As DHCS moves toward integration of the HCBA and ALW waivers, program rules need to expand opportunities for home health agencies to deliver services to people who live in housing settings that are consistent with their needs and preferences, including affordable, subsidized housing.

DHCS should work with the Department of Housing and Community Development (HCD) and engage with other departments or programs administered by state and local government agencies, to identify opportunities to align HCBS waiver services with investments in subsidized housing statewide. DHCS should also support participation by additional home health agencies to expand capacity for enrollment in these waiver services for people living in publicly subsidized housing in other areas of the state to address

unmet needs, particularly in underserved communities and for populations over-represented among people experiencing homelessness.

4. Ensure the protection of participant rights, including the rights of participants to choose the setting in which they receive waiver services and the right to a legally enforceable rental agreement.

We agree with the recommendation to create a Participant Bill of Rights for individuals who are receiving ALW and/or HCBA waiver services, and strongly recommend that these rights include the following:

- The right to a legally enforceable rental agreement that includes tenant protections including a fair and transparent rent or facility rate for room and board, eviction and appeal protections, right to reasonable accommodation and other tenant protections under state and federal law.
- The right to choose a preferred setting to receive services, including at the participant's own home or a participating Residential Care for the Elderly facility, Adult Residential Facility, publicly subsidized housing, or other housing settings that are consistent with the requirements of the HCBS settings rule.
- The right to change their choice of setting in which they receive services without change in waitlist placement, loss of waiver spot or any other interruption to waiver eligibility.
- The right to relocation assistance from one participating facility to another at the participant's choosing.

We are committed to the goal of strengthening California's HCBS waiver programs, including the new integrated HCBA-ALW waiver, to ensure that services are equitable, accessible, and responsive to the needs of older adults and people with disabilities who are experiencing, at risk of, or transitioning from homelessness, so they can live in their communities with the support they need. We look forward to reviewing and providing feedback on the integrated waiver proposal when it becomes available. We hope to continue engaging and working together with DHCS to support the alignment of services with housing opportunities for our most vulnerable neighbors, and we would be happy to meet with you to discuss these recommendations. If you have any questions, please do not hesitate to reach out to Cheryl Winter at cheryl.winter@csh.org.

Sincerely,

The Coalition for Solutions to Homelessness Among Older Adults together with Senior and Disability Action, Justice in Aging, Shelter Partnership, Homebridge, United Way of Greater Los Angeles, Personal Assistance Services Council, Corporation for Supportive Housing and Institute on Aging.

Cc: Corrin Buchanan, Deputy Secretary for Policy and Strategic Planning, California Health & Human Services Agency