



April 13, 2018

The Honorable Tim Walberg
United States House of Representatives
Washington, D.C. 20515

The Honorable Peter Welch
United States House of Representatives
Washington, D.C. 20515

Dear Representatives Walberg and Welch:

The Partnership for Medicaid Home-Based Care (PMHC) would like to take this opportunity to express its support for H.R. 3891 and to thank you for your leadership in strengthening the integrity of the Medicaid program.

PMHC was established to advance the delivery of high-quality, cost-effective, and fully-compliant Medicaid home-based care and services. Our members bring to this important quest their experience as home care providers, associations, managed care organizations, and technology providers. While such a diverse membership is somewhat unique, our members came together due to a shared commitment to support legislative and regulatory efforts that improve the quality, accessibility, and integrity of home-based care and services in Medicaid.

PMHC is pleased to endorse this measure, which we believe will strengthen the Medicaid program's ability to protect those served by the program from fraudulent activity. We are particularly grateful for this legislation's focus on streamlining the regulatory process so that Medicaid Fraud Control Units (MFCUs) can better identify, investigate, and prosecute instances of fraud, patient abuse, or neglect.

By cracking down on Medicaid fraud, abuse, and neglect, MFCUs play a vital role in securing the integrity, efficiency, and effectiveness of the Medicaid program. However, MFCUs are restricted under current policy in their efforts to investigate patient abuse and neglect complaints. H.R. 3891 resolves this problem by empowering MFCUs to undertake this activity across all settings and with greater flexibility.

While H.R. 3891 represents an important step forward, we would like to take this opportunity to request consideration of additional measures PMHC has proposed. Specifically, we believe the following reforms could supplement your important efforts to strengthen the integrity of the Medicaid program and foster a universal culture of accountability among Medicaid providers:

- Standardized rules, to ensure hours billed are authorized, match the care/service plan, account for hospitalization days, and prevent banking of hours.
- Establishing conditions specific to eligibility for Medicaid reimbursement for Personal Care Services (PCS) that at a minimum include:
 - Filing an Employer Identification Number (EIN) for all employees of a home care agency;
 - Filing an EIN or a unique identifier provided by the State Medicaid agency by each self-directed provider;

- Requiring all claims for personal care services include the specific date on which each service is performed and the identity of the home care agency or self-directed care provider rendering each service;
 - Prior to award of a new provider number, demonstrate access to capital sufficient to operate for at least six months, exclusive of actual or projected accounts receivable from Medicaid or other sources (exempting self-directed care and agencies or providers in frontier or underserved areas.); and
 - On site review within the first year of operation and triennially thereafter to review adherence with minimum business practices; ensure qualifications of staff per state regulation as well as supervision of same staff per waiver requirements; consumer assessment per waiver requirements and any state minimums; and provision of services per plan and respect of consumer rights.
- Guidance to States regarding adequate prepayment controls, including:
 - Claims edits to prevent inappropriate PCS payments during periods when consumers are receiving institutional care;
 - Electronic Visit Verification (EVV)-enabled claims verification;
 - Crosswalk of Medicare and Medicaid data to identify potential instances of fraud, waste, and abuse; and full, timely, and free access to data sources such as Medicare Coordination of Benefits Agreement (COBA); and,
 - Establish minimum federal requirements and guidance for PCS care/service plans, claims documentation, consumer assessments, and attendant supervision appropriate to the scope of the site's authorized services.

We believe H.R. 3891 and reforms such as those proposed by PMHC can greatly strengthen the integrity of the Medicaid program and protect the individuals who depend on it from fraud, abuse, and neglect. In light of the paramount importance of these objectives, we believe such action should be taken as soon as is possible.

For these reasons, PMHC is proud to endorse H.R. 3891 and would be honored to serve as a resource to you in any way that would support your vitally important work.

Sincerely,



David J. Totaro
Chairman

cc: The Honorable Greg Walden
The Honorable Frank Pallone