

Medicaid-Funded High Technology Home Care Nursing Services

Vermont has about 20 Medicaid-eligible children and 25 adults living at home with high medical needs. **They are medically fragile** – they are either technology-dependent or live with complex medical needs. They need nursing care often, or for long periods of time. Vermont assessors evaluate level of need, and award Medicaid-funded hours of medically necessary in-home nursing services. Individuals often need 50 or 100 hours per week of skilled nursing care. These services are necessary to keep the child or adult from expensive hospitalization. Typically, the services are provided by nurses who work for home health agencies across the state. A few families self-manage home health care, and try to hire nurses themselves.

For years the State of Vermont has only been ensuring coverage for on average about 50% of the medically necessary care. Some people are receiving almost no nursing care at all. This puts the children's and adults' health at risk, and puts tremendous strain on their families. Family caregivers go without sleep to care for their loved one. Many parents have had to quit their jobs to make sure their child has medically necessary care.

This also violates federal law, which requires Medicaid to provide necessary care in a timely fashion. Courts have ordered that states must provide all medically necessary care, especially to children.

Efforts So Far

In December 2018 Vermont Legal Aid contacted the Department of Health (VDH) regarding failures in the program. Since February 2019 VLA has been meeting with Agency of Human Services' staff about this problem. **VDH has acknowledged that the failure to provide all medically necessary care to children violates Medicaid law.** AHS instituted changes in October of 2019 that we believe will help at least three families. AHS has plans to develop Payment Reform that they believe will help families more than a year from now. However, the ability of payment reform to solve this problem is speculative. **There is no commitment to ensure all medically necessary care is provided.**

What is Needed?

1. The VDH, DAIL, and DVHA have not treated this problem with the urgency that it needs. The Agency of Human Services should report to the legislature on its efforts to solve this problem, which should include: recruiting for home health nurses for high tech patients, reducing administrative obstacles to full staffing, and increasing case management supports to all participating families.
2. Home health pay for nurses is not competitive with hospital-based pay. While UVMHC has about a 9% nursing shortage, High Tech has about a 50% nursing coverage gap. High tech pay is about \$10 less than hospital pay. Vermont must introduce an enhanced pay rate for high technology home care nurses that will raise the wage \$10 an hour to become comparable to hospital rates. We estimate this will cost Vermont around \$460,000 if all approved hours are actually provided.

Proposed Bill Language

The Department of Health, the Department of Disabilities, Aging, and Independent Living, and the Department of Health Access, in consultation with the Home Health Agencies responsible for providing care to a child or adult eligible for medically complex nursing care, shall provide a written report by October 1, 2020 to the House Committees on Health and on Human Services and the Senate Committee on Health and Human Services regarding its efforts to recruit and fully staff the Medically Complex Nursing Program, its monthly percent of hours of care approved, and hours of care actually provided from July 1, 2019 until June 30, 2020 and its recommendations for policy changes that would ensure the Home Health Agency fully provide the care that the Department of Health and DAAIL have assessed is medically necessary to eligible participants.