

CLIENT ALERT: HOME AND COMMUNITY-BASED SERVICES QUALITY MEASURES

CMS Final Rule: Ensuring Access to Medicaid Services (CMS 2442-F)

QUALITY MEASURES

CMS identifies several home and community-based services (HCBS) program initiatives as part of the Ensuring Access to Medicaid final rule (Access Rule), released on May 10, 2024. The Access Rule is intended to improve access to care, quality of care, and health and quality-of-life outcomes for HCBS beneficiaries, while increasing transparency and accountability. These requirements affect services provided under:

- 1915(c) waiver programs.
- State plan services under 1915(i), (j), and (k) authorities.
- 1115 demonstration project services, unless specifically waived.

The following is a summary of the new policy and program administration requirements related to quality measure development and reporting for HCBS programs, as included in the Access Rule.

HCBS Quality Measure Set (§ 441.312)

The Access Rule requires the establishment of a quality measure set for HCBS to promote transparency to the public regarding the administration of waiver programs. States will be required to report on measures identified by the Secretary of the Department of Health and Human Services no later than December 31, 2026. The measure set will be updated every other year for technical updates and corrections, with this process including consultation from stakeholders.

States are required to provide stratified reporting report on 25 percent of quality measures within the set beginning four years after the Access Rule's effective date. These measures must be stratified by:

- Race and ethnicity.
- Sex.
- Age.
- Rural/urban status.
- Disability.
- Language.
- Other factors as specified by the Secretary of the Department of Health and Human Services.

Future reporting will be required on an every-other-year cadence. In addition to this requirement, the following reporting standards as outlined in the Access Rule apply:

- States will have the option to report on any other HCBS quality measures that are not part of the requirement outlined in § 441.312(d).
- Performance targets must be established for each required quality measure, which will require CMS approval. States will need to provide a quality improvement strategy that outlines how targets will be met. States may also do this for any optional quality measures they elect to report.
- Per § 441.311(c)(1)(ii) states may elect to report on all other measures in the HCBS quality measure set not identified in § 441.312(c).

How Myers and Stauffer Can Support Your Programs

At Myers and Stauffer, we understand the importance of compliance with federal and state regulations but acknowledge existing challenges to state governments in maintaining robust data reporting warehouses. To assist states in compliance with the Access Rule quality measure set reporting requirements, we will work with our clients to:

- Draft and execute strategic plans to implement the HCBS quality measure set consistently across all 1115 and 1915 authorities.
- Review, propose, and implement standard operating procedures and strategies for data maintenance and governance.
- Conduct public stakeholder events to inform communities of the importance of the Access Rule and new reporting requirements, with a focus on providing information in an accessible and meaningful way.
- Develop data collection methods with a lens toward diversity, equity, and inclusion practices when gathering sensitive personal information.

We look forward to working with your State to support the implementation of the new Access Rule requirements.

FOR MORE INFORMATION

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