

OPPOSE SB 902 AND HB 902

SB 902 and HB 902 modify the timeframes and procedures for “pre-admission screenings” for individuals seeking Medicaid-funded long term care services and supports (LTCSS). In Virginia, LTCSS includes both nursing home care and community-based services designed to keep people out of nursing homes.

Several aspects of the bill improve procedures, for example, for people leaving a hospital for shorter-term skilled rehabilitation services provided in a nursing home (and often funded through Medicare).

However, we are concerned that, in some circumstances, the new system also allows the nursing home itself to make the prescreening decision for their patients who are seeking longer term services.

Eligibility for Medicaid for Long Term Care determinations should not be made by the nursing home which can, itself, benefit from that determination. Financial impartiality is needed. There are two primary issues with this change:

1. Facilities have an inherent financial incentive to promote institutional care over community care, putting choice in long term care services and supports in jeopardy. Facilities can over determine that people are eligible in order to meet census requirements, expanding costs to the state under the Medicaid Long Term Care Program.
2. On the other hand, facilities can use this new authority to find a patient ineligible for Medicaid, leading to a discharge of patients who may be difficult or require additional resources. This would undermine the Federal Nursing Home Discharge (eviction) Law which protects a nursing home resident’s right to stay in a facility, outside of six distinct reasons. If the nursing home does not approve a low-income person for long term care Medicaid, there are no other options to pay for the care, and the nursing home can evict them from the facility for failure to pay.

Since the early 1990s, Federal Nursing Home Discharge law is protective, because transfer trauma, the trauma of moving an individual against their will from a facility, is linked to physical and psychological damage and increased mortality.¹

All LTCSS prescreenings should be conducted by impartial specialists who do not have any financial interest in the outcome. Vote no on SB and HB 902 and protect the rights of vulnerable adults.

¹ Elias S. Cohen, Legislative and Educational Alternatives to a Judicial Remedy for the **Transfer Trauma** Dilemma, 6 Am. J.L. & Med. 405, 406 (1985)