

# Better Care Better Jobs Act, 2023

(S.100/H.R. 547)

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## Overview

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**Type of Reform:** Reforming Medicaid Structures

**Description:** Creates new programs and funding for state Medicaid programs to improve HCBS and the direct care workforce by:

- Requiring states to submit an HCBS infrastructure improvement plan to increase access to HCBS and strengthen the direct care workforce
- Increasing federal matching rate for HCBS in states that develop plans and meet specified benchmarks for improvements.
- Requiring states to expand financial eligibility criteria for HCBS up to federal limits.
- Requiring states to implement Medicaid buy-in programs for workers with disabilities.
- Making permanent:
  - The Money Follows the Person Rebalancing Demonstration Program (grant program to help states increase use of HCBS and decrease the use of institutional care).
  - Certain provisions regarding Medicaid eligibility that protect against spousal impoverishment for recipients of HCBS.

## Sponsor/Cosponsors:

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- Introduced by Sen. Bob Casey (D-PA) on January 23, 2023.
- 41 co-sponsors.

## Impact and Action:

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Senate Committee Referrals:  
Finance.

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## Program Details

### Participation Criteria:

Medicaid enrolled individuals (criteria varies by state).

### Conditions for Receiving Benefits Scope of Services:

Criteria for receiving HCBS varies by state.

### Scope of Services

Requires states to cover:

- Personal care services for all eligible populations receiving HCBS in the state.
- Community-based behavioral health services that are coordinated with employment, housing, and transportation supports.
- Family caregiver supports, including providing respite care, and may include providing such services as caregiver assessments, peer supports, or paid family caregiving.

### Amount of Services

Not specified.

### Elimination Period

Not applicable.

### Participant Financial Responsibility

Not specified; varies by state.

### Provider Requirements

Not specified.

### Provider Payment Levels

- Requires states to evaluate sufficiency of and regularly update HCBS payment rates.
- Enacts processes to ensure that rate increases are passed through to direct care workers to increase wages.

### Inflation Adjustments

Not specified.

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## Financing & Implementation

### Revenue Source(s)

Not specified.

### Total Program Costs

No cost estimate available.

### Program Administration

- HHS oversees state administration and operation of new Medicaid provisions.
- States newly required to:
  - Adopt HCBS quality measures.
  - Designate an Ombudsmen office to help individuals navigate HCBS programs.
  - Meet maintenance of effort requirements for amount, duration, and scope of and eligibility for HCBS in order to receive planning grants.
  - Involve individuals who are recipients of HCBS, unpaid caregivers, providers, health plans, direct care workers, and aging, disability, and workforce advocates in HCBS improvement planning.
- Federal Medicaid matching rates increase:
  - By 10% (not to exceed 95%) for HCBS, including administrative costs of expanding HCBS.
  - To 80% for quality management activities (see above).

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