

FACT SHEET

The HCBS Access Act

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The [HCBS Access Act \(HAA\)](#) is federal legislation that would transform our nation's care system to enable more older adults and people with disabilities to thrive at home and in their communities. Due to persistent underfunding and bias in federal Medicaid law that funnels more money into institutional care than in-home care, [significant gaps, inconsistencies, and inequities exist in home and community-based services \(HCBS\) across states](#). This leads to older adults and people with disabilities living in nursing facilities and other institutions when they do not need to be. This systemic unnecessary institutionalization disproportionately impacts [people of color](#), [LGBTQ+ individuals](#), [people with mental health conditions](#) and [dementia](#).

By expanding access to HCBS, identifying and addressing disparities in access, and bolstering the HCBS workforce, **the HAA aims to create a more inclusive and accessible HCBS system, enabling all Medicaid recipients, regardless of age, race, disability, or location, to live at home and remain connected to their communities.**

THE HAA EXPANDS ACCESS TO HCBS

- The HAA **mandates state Medicaid programs to provide HCBS**, effectively ending the institutional bias. By requiring states to cover HCBS like they must cover nursing facility services, the HHA would enable all eligible individuals to choose services in their homes and communities. To support states, the bill provides 100% federal funding for HCBS for 10 years.
- The HAA **eliminates the need for cumbersome and administratively burdensome HCBS waivers**. Currently, states provide HCBS through "waivers" to deliver services to people with long-term care needs in the home and community instead of in institutional settings. This waiver system is complex and difficult to navigate, as most states have multiple waivers serving different populations and cap enrollment in those waivers. By making HCBS a mandatory benefit, waivers become unnecessary.
- The HAA **eradicates waiting lists and enrollment caps for HCBS programs**, ensuring that eligible individuals receive needed support in a timely manner.
- The HAA **creates uniform and more expansive income and functional eligibility criteria** for HCBS across states.
- The HAA **establishes minimum HCBS benefits across states**, ensuring that individuals in every state can access a well-rounded array of supports to help them with their daily activities.
- The HAA makes the [Money Follows the Person](#) program and [Spousal Impoverishment Protections](#) **permanent**, helping individuals stay in their homes and transition from institutions to the community.

THE HAA ADDRESSES DISPARITIES IN HCBS ACCESS AND UTILIZATION

- The HAA requires states to **address disparities in HCBS access and utilization** to receive enhanced federal funding.
- The HAA **establishes quality assurance and oversight mechanisms**. It requires the development and implementation of HCBS quality measures to evaluate the full array of HCBS. **Importantly, states must disaggregate this data by recipients' demographic characteristics to identify disparities in access and utilization.**
- The HAA **promotes self-direction in HCBS** by requiring states to offer this option, giving individuals greater autonomy and control over their care and services.

THE HAA BOLSTERS THE HCBS WORKFORCE AND FAMILY CAREGIVERS

- The HAA **invests in developing a skilled and well-compensated HCBS workforce** by fostering the recruitment, retention, and advancement of direct care workers, self-directed care professionals, and family caregivers.
- The HAA **strengthens support for family caregivers** by funding respite care, training, and other supports.

[Get Justice in Aging's Resources on Increasing Equitable Access to HCBS](#)