

Justice in Aging 2024 Health Policy Priorities

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About Justice in Aging

Justice in Aging is a national nonprofit organization that uses the power of law to fight senior poverty by securing access to affordable health care and economic security for older adults with limited resources. We focus our efforts on fighting for older adults who have been marginalized and excluded from justice, such as women, people of color, LGBTQ+ individuals, people with disabilities, and people with limited English proficiency. We have decades of experience working to improve Medicare, Medicaid and long-term services and supports (LTSS).

Last year we outlined our [Health Policy Priorities](#) and [Policy Priorities to Increase Equitable Access to Home-Based Care](#) for federal policymakers to ensure every older adult's right to quality health care and LTSS. To continue progress towards these goals, we urge the Biden Administration and Congress to focus on the following priorities this year.

Health Equity

- **Enforce civil rights protections**, including robust implementation of the forthcoming Section 1557 Nondiscrimination and Section 504 final rules. Congress should increase funding for the Department of Health and Human Services Office for Civil Rights.
- **Improve language access** by collecting and utilizing language data to provide personalized language services across Medicare and Medicaid; including translating applications, critical notices, and resources, and improving access to in-language materials through trusted community partners; and making it easier for people with limited English proficiency to navigate and get quality language assistance through 1-800-Medicare, health plans, and when receiving care.
 - We support the Health Communication Access & Resources for Everyone Act (Health CARE) (HR 5762) and Supporting Patient Education and Knowledge (SPEAK) Act (HR 6033)
- **Improve access to Medicare, Medicaid, and Home and Community-Based Services for older adults returning to the community after incarceration.** We urge the Administration to narrow the regulatory Medicare custody definition to ensure older adults on supervised release can access coverage and care, and improve the Medicare special enrollment period to allow application prior to release and provide retroactive relief for people paying Part B late enrollment penalties because they were released before Jan. 1, 2023. Congress should eliminate the requirement to pay Part B premiums while Medicare is suspended.
- **Expand access to health care for older immigrants** by removing enrollment barriers and waiting periods for both Medicaid and Medicare and repealing the discriminatory public charge policy.
 - We support the [LIFT the Bar Act](#) (S 2038/HR 4170) and [HEAL for Immigrant Families Act](#) (S 2646/HR 5008)

Long-Term Services and Supports

- **Expand equitable access to Home and Community-Based Services (HCBS).** Congress should pass additional dedicated HCBS funding to ensure states can build on the valuable investments in workforce and infrastructure made with American Rescue Plan Act funding, and make the HCBS spousal impoverishment protections and the Money Follows the Person program permanent. The Administration should act to reduce the institutional bias, including by promoting provisional plans of care to facilitate prompt access to HCBS.
 - We support the HCBS Relief Act (S. 3118/H.R. 6296) and [HCBS Access Act](#) (S 762/HR 1493).
- **Eliminate Medicaid estate recovery**, which requires states to recover Medicaid expenses from the heirs of a deceased Medicaid enrollee, thereby [perpetuating poverty](#) and exacerbating the racial wealth gap. Congress, the Administration, and states should act to make estate recovery optional, mitigate its harm, and ultimately pass legislation to end it.
 - We support the Stop Unfair Medicaid Recoveries Act of 2022 (H.R. 6698).
- **Strengthen nursing facility residents’ rights and improve transparency** by enforcing [informed consent requirements for antipsychotics](#) and other medication; improving the [Care Compare website to educate and empower consumers](#); and quickly implementing and enforcing the final nursing facility ownership disclosure rule.
- **Ensure adequate staffing and training at nursing facilities**, including finalizing a rule that implements a strong minimum staffing standard of at least 4.2 hours-per-resident-day and an onsite registered nurse at all times.
- **End the policy that allows nursing facilities to discriminate against people with Medicaid.** Congress should amend federal law to eliminate “distinct part” limited certification.
- **Eliminate the barrier to crucial follow up-care for Medicare enrollees placed on “observation status” during a hospital stay.**
 - We support the Improving Access to Medicare Coverage Act of 2023 (HR 5138)

Medicare & Medicaid

- **Minimize public health emergency unwinding coverage disruptions for people dually eligible for Medicare and Medicaid** by [enforcing enrollee protections in the redetermination process and continuing education and outreach regarding the Medicare special enrollment period](#). Given the issues with Medicare Savings Program (MSP) enrollment that unwinding has exacerbated, we urge the Administration to significantly improve coordination between Medicaid, Medicare, and Social Security to strengthen streamlined enrollments, renewals, and transitions between programs.
- **Expand access to help with Medicare costs.** The MSPs and Part D Low-Income Subsidy (LIS) help Medicare enrollees with limited income access care by covering premiums and cost-sharing. Many people who are eligible for MSPs and LIS are not enrolled. Congress must renew expiring funding for Medicare low-income beneficiary outreach and enrollment.
- **Expand access to Medicaid**, including MSPs, by encouraging states to swiftly implement the [Medicaid Streamlining rule](#), [raise income thresholds and eliminate asset tests](#), and participate in Medicare Part A buy-in. Congress should eliminate the Medicaid lesser-of policy, which is a barrier to Medicare providers for people in the Qualified Medicare Beneficiary program.

- **Expand access to oral health, vision, and hearing services.** As we work towards passing legislation to add comprehensive dental, vision, and hearing benefits to Medicare Part B, we urge increased transparency and oversight of Medicare Advantage supplemental benefits and steps to increase Original Medicare enrollees' access to these vital services through appropriate coverage determinations and demonstration authority.
 - We support the Medicare Dental Benefit Act of 2023 (S 570/HR 1342) and the Medicare and Medicaid Dental, Vision, and Hearing Benefit Act (S. 842)
- **Strengthen consumer protections and benefit coordination for individuals dually eligible for Medicare and Medicaid,** particularly those enrolled in Dual-eligible Special Needs Plans (D-SNPs), including increased federal oversight. Invest in state level Medicare-Medicaid coordination and ombuds programs dedicated to individuals dually eligible.