

# JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

## Protecting Medicaid for Older Adults: What's at Risk and What Advocates Can Do

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# Webinar Logistics

- All on mute. Use Questions function for substantive questions and for technical concerns.
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# JUSTICE IN AGING

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Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.

# Justice in Aging's Commitment to Advancing Equity

To achieve Justice in Aging, we must:

- Advance equity for low-income older adults in economic security, health care, housing, and elder justice initiatives.
- Address the enduring harms and inequities caused by systemic racism and other forms of discrimination that uniquely impact low-income older adults in marginalized communities.
- Recruit, support, and retain a diverse staff and board, including race, ethnicity, gender, gender identity and presentation, sexual orientation, disability, age, and economic class.

# Overview

- Medicaid's role for older adults
- Legislative proposals to cut Medicaid
- Tips for advocates
- Resources
- Questions



# Medicaid's Role for Older Adults

# Medicaid's Crucial Role (1 of 2)

- More than 7 million older adults and 10 million people with disabilities rely on Medicaid
- Medicaid is very broad and covers more than traditional medical services
  - Home- and Community-Based Services (HCBS) & nursing facilities
  - Non-Emergency Medical Transport (NEMT)
  - Financial assistance for Medicare beneficiaries dually enrolled in Medicaid
- Medicaid covers services that Medicare doesn't
  - Dental, vision, hearing

# Medicaid's Crucial Role (2 of 2)

- 10 million+ dually-eligible individuals rely on Medicaid to pay Medicare premiums and/or out-of-pocket costs
  - Duals are very low-income individuals with high needs
  - These Medicare Savings Programs make Medicare affordable
- Medicaid is often older adults' only option for long-term care
  - More than 60% of nursing facility residents are on Medicaid
  - HCBS, often provided through waivers, help older adults to age in place





Legislative Proposals to Cut Medicaid

# Threats to Medicaid

## **Cutting federal funding:**

1. Block Grants or Per Capita Caps
2. Cutting Federal Medical Assistance Percentage (FMAP)
3. Restricting Provider Taxes

## **Cutting enrollment or services:**

1. Work Requirements
2. Repealing regulations or minimum requirements

# Block Grants

- Block grants would give states a lump sum for all Medicaid spending with state discretion on how to spend funds
- Puts the pressure on states to determine which services and programs to cut
- Congressional Budget Office (CBO) projected block grants would cut Medicaid by \$459 - \$742 billion over nine years
  - Source: [Options for Reducing the Deficit: 2025-2034](#)

# Per Capita Caps

- Per capita caps would limit funding to a set amount per enrollee
- Limits are below actual health care spending and designed for deeper cuts over time
  - Especially harmful for populations like older adults with high health care needs
- CBO estimated per capita caps would cut Medicaid by \$588 - \$893 billion over 9 years
- Both block grants and per capita caps would end federal funding guarantee and shift costs to states

# Cutting Federal Medical Assistance Percentage (FMAP)

- Currently, federal government pays at least 50% FMAP to states, with higher FMAPs for states with lower per capita income and for the Affordable Care Act (ACA) expansion
- Removing the 50% FMAP floor would shift costs to all states
  - Especially harmful for states with lower FMAP (e.g. CA, CO, MA, MD, NH, NJ, NY, WA, WY, VA)
- Ending enhanced 90% FMAP match for ACA expansion would trigger automatic repeal of expansion in 12 states
  - Make expansion unaffordable for other states
  - Many people with disabilities and older adults receive expansion Medicaid before getting Medicaid under disability or aging pathways

# Restricting Provider Taxes

- Every state uses provider and insurer taxes to help fund their share of Medicaid costs
  - States are responsible for costs above the FMAP (currently, limited to no more than 50%)
  - FMAP is a reimbursement, so states must spend their own money first to receive federal match
- Restricting allowable provider taxes will shrink states' budgets
  - States will be forced to cut Medicaid because they won't be able to fund their share of current costs
- Effects will worsen over time because the less states spend on Medicaid, the fewer federal dollars they can draw down
  - Will impact programs beyond Medicaid

# Work Requirements

- Work requirements add red tape for people who are eligible for Medicaid
  - Require enrollees to submit paperwork on a regular basis
  - Typically focus on Medicaid expansion and other adults whose eligibility is based solely on income
- Policies may state exemptions based on age or disability but still very harmful for all populations
  - Directly harms older adults and people with disabilities who are not eligible for Medicare or Medicaid under strict disability rules
  - Paid and unpaid caregivers rely on Medicaid for their own insurance
- Massive administrative burden impacts all Medicaid enrollees, including older adults
  - GA spent 90% of \$26 million dollars on administrative costs to implement Medicaid work requirements under demonstration waiver

# Repealing Regulations

- Congress could repeal Biden administration protections that impact the federal budget
  - Streamlining Medicaid Eligibility and Enrollment rule
  - Nursing Home Minimum Staffing rule
  - Medicaid HCBS Access rule
- Some of these cuts could also happen through administrative action
  - Rulemaking to rescind or delay rules
  - Approve state demonstration waivers that restrict eligibility or benefits
    - Work requirements
    - Eliminate retroactive coverage
    - Charge premiums or cost-sharing



# Impact on Older Adults: Topline Messages

- All of these “reforms” are cuts to Medicaid
  - The explicit goal is to generate federal government savings to pay for tax cuts or other priorities
  - States will lose money and be forced to fill the gap by cutting benefits and/or eligibility
- There is no way to “carve out” or “shield” older adults and people with disabilities from harm
- A cut to Medicaid is a cut to Medicare

# Examples of How Cuts Impact Older Adults

States facing budget shortfalls will be forced to:

- Cut optional benefits or eligibility categories such as:
  - Home-and Community-Based Services (HCBS)
  - Special income rule (300% Supplemental Security Income)-- how most older adults qualify for long-term care
  - Spend down/Share of cost eligibility
  - Dental, vision, hearing
- Cut enrollment
  - Eliminate Aged & Disabled and Medicare Savings Program eligibility expansions
- Cut provider payment rates
  - Worsen direct care workforce shortage

# Budget Reconciliation

- Congress can use budget reconciliation to fast track these cuts
  - Only requires simple majority to pass the Senate to become law
- Budget reconciliation has specific requirements – most importantly that bills must relate to the budget and not add to the deficit

# Process & Timing

- Budget reconciliation process
  - House and Senate adopt FY2025 budget resolution
  - Committees markup bills
  - House vote on reconciliation package as early as March
- Reconciliation process could be repeated for FY2026 later this year
  - Unclear if there will be two separate bills or one large bill
- Medicaid cuts could also be in debt ceiling and FY2025 appropriations bills that need 60 votes in Senate
  - Continuing Resolution (CR) for FY 2025 expires in March
- To prevent cuts, we need to engage before and during each step



# Advocacy Tips

# Lessons Learned

- Medicaid is popular!
  - Two-thirds of adults have a connection to Medicaid
  - But not everyone knows what it is or how it helps them
- Connect with other groups
  - Providers, disability, aging, veterans, and chronic condition advocacy groups (HIV, Alzheimer's, etc.)
  - May mean working with non-traditional partners
- Find connections with state and federal officials
  - Parent with dementia, child with developmental disabilities, family caregiver, veteran, etc.
  - Remember everyone has seniors in their lives and Medicaid is our long-term care system
- Capitalize on press or other opportunities to raise awareness
  - Talk about the importance of Medicaid in all your work

# What You Can Do: Direct Advocacy

- Oppose any Medicaid cuts **now** and often
  - Narrow margins in the House and Senate mean that every vote is critical
  - Our best opportunity to keep Medicaid cuts out is before legislation is written
- Call/write your members of Congress as a constituent
  - Help your clients contact their members of Congress
  - Use our [sign on letter](#) as a template
- Ask your governor, Medicaid director, state legislators to tell Congress what Medicaid cuts would mean for your state

# What You Can Do: Education

- Educate policymakers & the public on the importance of Medicaid for older adults
  - Share resources and information about your state/district
  - Borrow from Justice in Aging's to create your own
  - Talk about Medicaid's role for people with Medicare
- Share stories
  - Share stories with Justice in Aging and other advocates who can take them to Congress
  - Publish stories on websites, social media, with partners
  - Identify people willing to share their story with the press



# Other Tips for Advocacy

- Think about ways to engage within funding or other restrictions
  - The work you are already doing to help make Medicaid work for older adults is important to defending it from cuts.
  - LSC-funded groups – collect stories, provide information, or refer to other systemic advocacy groups
- Educate the community about what is at risk using specific program names
  - Enrollees may not realize their Healthy Living waiver or BadgerCare is Medicaid and is at risk of cuts
- Avoid pitting Medicaid populations against each other
  - Cuts are framed as saving Medicaid "for those who really need it" – Medicaid is necessary for all populations
  - Older adults, people with disabilities, and caregivers depend on Medicaid expansion too

# Messaging Tips

- Don't assume people know what Medicaid is or how it helps older adults
- Refer to proposed reforms as cuts
  - Polling shows the public is more likely to oppose these proposals when they are described as cuts than if they are described as limits
- Make clear seniors will be hurt
  - Focus on the impact rather than the details of any proposal
  - Connect to cost of living pressures and affordability

# Topline Messages

- All of these “reforms” are cuts to Medicaid
- There is no way to “carve out” or “shield” older adults and people with disabilities from harm
- A cut to Medicaid is a cut to Medicare
- Cutting Medicaid is abandoning our seniors

# Justice in Aging Resources

- Fact Sheet: [Cutting Medicaid Harms Older Adults No Matter How It's Sliced](#)
- Fact Sheet: [Medicaid Work Requirements: Red Tape That Would Cut Health Coverage for Older Adults](#)
- Fact Sheets: [Dual Eligible Landscape in Various States](#)
- [Sign on Letter to Congress](#)

# Additional Resources

- Consortium for Constituents with Disabilities: [Fast Facts on Medicaid and Disability](#)
- KFF: [Medicaid: What to Watch in 2025](#)
- KFF: [Medicaid HCBS and Eligibility Based on Disability or Age 65+](#)
- Georgetown Center for Children and Families: [Medicaid Coverage in Metro and Small Town/Rural Counties, 2023](#)
- The 80 Million: [Cutting Federal Medicaid Funding: 8 Key Consequences That Everyone Should be Talking About](#)
- Center on Budget and Policy Priorities (CBPP): [Medicaid Per Capita Cap Would Harm Millions of People by Forcing Deep Cuts and Shifting Costs to States](#)
- National Health Law Program (NHeLP): [Medicaid Defense Resources & Analysis](#)

# Get Involved

- Sign up for Justice in Aging's alerts
  - Go to [justiceinaging.org](http://justiceinaging.org) and click “**Sign up**” or send an email to [info@justiceinaging.org](mailto:info@justiceinaging.org)
- Join the Protect Medicaid Space
  - [Listserv](#)
  - [Sign up to join Hill visits](#)
- Don't wait! Now is the time to educate and advocate
  - Join [February 6 Day of Action](#)

# Poll Question 1

- Where are you getting the most information about Medicaid cuts?
  - National organizations
  - Local or state advocates
  - News
  - I'm not hearing about cuts

# Poll Question 2

- Are you hearing concerns from your clients or community about cuts?
  - Yes
  - No





# Questions?

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