

**Update:**

**Adult Day Health Care**  
**The role of advocacy in ensuring continuity of care**  
**during the transition to a federal waiver**

When the Governor signed a series of budget trailer bills in March, he was enacting only part of the package of solutions required to balance the state's \$25.4 billion deficit for Fiscal Year 2011-12. It was the part that the Assembly and Senate were able to agree on: Cuts.

Included in those cuts was the elimination of Adult Day Health Care as a Medi-Cal optional benefit. At that time, the legislature agreed to fund a redesigned ADHC program – dubbed KAFI for Keeping Adults From Institutions – under a new federal waiver. They also committed to provide \$85 million in state funding for the program in the FY 2011-12 budget (half the prior year budget for ADHC, and more than the \$25 million the Governor proposed for “transition”), to be matched with federal dollars.

But the enabling legislation still has to be passed by the legislature and signed by the Governor so that the state can move forward with the waiver process. Urgency bills – AB 96 by Assembly Member Blumenfield and SB 73 by Senator De Saulnier – must move quickly to the Governor's desk. At the same time, legislators must include the \$85 million in KAFI funding in the final state budget bills now being negotiated and scheduled for completion by June 15.

**In the midst of fast-moving developments, this is what we know:**

1. **All of Alameda County's ADHCs are open for business** (and billing Medi-Cal) even after July 1. Continue to refer people to ADHCs in Alameda County.
2. **Elimination of ADHC as a Medi-Cal benefit cannot occur until 60 days after the month that federal approval is granted.** The state first has to submit a plan to the Center for Medicare and Medicaid Services (CMS), and CMS has to be convinced that patients can be safely transitioned to other services before granting approval. This process puts the earliest elimination date at September 1, but CMS decisions or court intervention could make this much later.
3. **The enabling legislation, AB 96, will begin a path towards redesigning ADHC under a new federal waiver.** Several waiver options are available, each with pros and cons that need to be examined in the context of California's unique long term care environment. Once the details are worked out, DHCS must submit a waiver application to CMS for approval.
4. **In the meantime, Disability Rights California has won the first step in a legal effort that will ask the Courts to protect ADHC patients** (and require the state to continue ADHC under Medi-Cal) until an alternative service is in place. Last week the Federal District Court granted DRC's request to add the current elimination of ADHC as a Medi-Cal optional benefit to the 2009 law suit to block the state from limiting ADHC attendance to three days per week.

**What you can do to protect the ADHC infrastructure locally and statewide:**

- ▶ **Your Legislators must hear from you. Call them.** Tell them how important it is to preserve this exceptional program that keeps frail people living in the community at a fraction of the cost of a nursing home. (go to [www.legislature.ca.gov](http://www.legislature.ca.gov) to find your legislator.)
- ▶ **Continue to refer appropriate candidates to ADHC's in Alameda County.** The timeline for the transition to the new ADHC model will take many months, and as the model transitions, participants and families will be supported. The Adult Day Services Network website includes a local Program Directory: <http://www.adsnac.org/Programs/directory.htm>.
- ▶ **Be assured.** Some of the language coming out of the Department of Health Care Services around 'transition planning' can be alarming. Be assured that there is a multi-pronged effort taking place, with support from key legislators, the legal community, advocates and providers, working to ensure continuity of care for consumers and the preservation of the ADHC infrastructure

**Why is Adult Day Health Care so Important?** Today, Adult Day Health Care programs serve over 38,000 fragile elderly and disabled Californians, providing the safe haven and medical and therapeutic services they need to continue living in the community. These medically complex patients are at risk for repeat hospitalizations or nursing facility placement due to their chronic medical or mental health conditions. Currently in Alameda County over 880 frail seniors and adults with disabilities receive care through ADHC programs.

The committed efforts by providers, advocates, legislators and the California Association of Adult Day Services will ensure that Adult Day Health Care's life-sustaining and cost effective model is here to stay (perhaps with another name).