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Administration for Community Living
Department of Health and Human Services
Attention: Jennifer Klocinski
330 C St. SW,
Washington, DC, 20201

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RE: Redesign of Existing Data Collection; Older Americans Act Titles III and VII; State Program Performance Report.

Submitted electronically: SPRredesign.comments@acl.hhs.gov.

Ms. Klocinski:

On behalf of the National Association of States United for Aging and Disabilities (NASUAD), I am writing in response to the notice of proposed rulemaking issued by the Administration for Community Living regarding sections 202(a)(16) and section 202(f) of the Older Americans Act (OAA). NASUAD represents the 56 officially designated state and territorial agencies on aging and disabilities. Each of our members oversees the implementation of the Older Americans Act (OAA), and many also serve as the operating agency in their state for Medicaid waivers that serve older adults and individuals with disabilities. Together with our members, we work to design, improve, and sustain state systems delivering home and community-based services and supports for people who are older or have a disability and for their caregivers.

On June 1st, 2017, ACL published a proposed rule in the Federal Register, which details the proposed redesign of the State Program Perform Report (SPR). The SPR is required by the OAA.

NASUAD appreciates the opportunity to provide comments on the proposed rule and for ACL's commitment to an iterative process of updating the SPR that has closely involved state agencies.

NASUAD also supports ACL's aims of:

- Reducing reporting burden and enhancing data quality;

- Modernizing the SPR data structure;
- Aligning data elements across data collections; and
- Considering alternative data elements to reflect the current state of the Aging Network and long-term services and supports (LTSS).

Finally, NASUAD appreciates the reduction in the total number of data elements under the proposed revisions when compared to the current SPR.

As a state-based member association, NASUAD has a particularly keen understanding of state agency policies and programs. Based upon conversations with states, NASUAD identified specific components of the SPR redesign that may be challenging.

Timeline:

ACL has proposed a very ambitious timeline for implementing the new SPR, with data collection beginning in Federal fiscal year 2019 (FY19), which begins October 1st, 2018. NASUAD has concerns that this timeline does not adequately allow for state agencies, AAAs, local providers to make requisite changes. The timeline also does not allow for enough time between piloting the newly redesigned SPR, making any additional modifications or fixes that are identified through the piloting process, and the implementation date.

Recommendation:

Push back the implementation date until Federal fiscal year 2021 (FY21), which begins October 1st, 2020.

Fiscal Challenges:

NASUAD appreciates ACL's efforts regarding the SPR redesign to modernize OAA information collection and data management capacity. States have expressed concern that implementing these changes may lead to regrettable but necessitated reductions in services as funding may need to be diverted to support the new processes and procedures required. States may incur further expenditures in order to implement the proposed changes and bring their IT systems into compliance.

Additionally, the short implementation timeline is incongruent with state fiscal years. As mentioned, states may require additional funding to implement the proposed changes to the SPR and, given the current budget and fiscal environment in many states across the country, state governments may not have the resources to appropriate additional funding to support these redesign efforts.

Recommendation:

NASUAD recommends providing additional administrative dollars in order to implement SPR changes thereby avoiding cuts to key services. This would also ease concerns regarding the incongruence of the implementation timeline with state fiscal years.

System-Change Challenges:

We note that changes of this magnitude are likely to strain already heavily burdened state and local service delivery systems. These proposed changes will also require significant behavioral changes at state and local levels. Although many state contracts with IT contractors may accommodate systems modifications at no additional cost if they are required by ACL, this is often not the case for Area Agencies on Aging (AAAs). Furthermore, these changes will require assessment tool modifications and training on using these revised tools, changes in the data being collected, and the data system functionality at the state, AAA, and local level.

Recommendation:

NASUAD strongly recommends that ACL provide adequate training, technical assistance, and support to states and local providers to facilitate the necessary change management associated with new data collection required under this proposal.

Data Challenges:

We recognize that the SPR redesign includes stated goals to reduce the overall burden of data collection. We encourage ACL to continue streamlining the SPR dataset to reduce unnecessary duplication of effort and decrease the amount of time required to collect all of the required information while maintaining the ability to perform robust analyses on OAA services and beneficiaries.

While we appreciate that ACL has reduced the number of data elements by 70 percent compared to the current SPR, the enhanced granularity of some of the items pose challenges for state data collection efforts. Most notable are the proposed changes to the distinctions between different types of respite care. The proposed rule would split respite care into four different sub-categories, namely:

- In-home;
- Out-of-home (day);
- Out-of-home (night);
- Respite type unknown.

NASUAD believes that this level of granularity may not be appropriate for OAA services. Based upon feedback from membership, even states with large populations reported concerns about the breakout of these types of services leading to data that is so specific and disaggregated that it is largely unusable. In fact, requiring these distinctions may actually

lead such services to be called into question or viewed as unimportant due to the low number of individuals utilizing each distinct service type. This perception could undermine the high amount of value these services provide to participants even if relatively few individuals receive each discrete form of respite.

Additionally, ACL proposes collecting new information regarding Title III expenditure data. Specifically, ACL proposes collecting information on other Federal funds used for OAA services, including: Medicaid; Medicaid Waiver; Social Services Block Grant (SSBG); Community Services Block Grant (CSBG); United States Department of Agriculture (USDA) funding; Department of Transportation (DOT) funding; and other.

While NASUAD appreciates ACL's efforts toward collecting new data that may help illustrate the value of the services that the Aging Network provides, NASUAD's members also expressed reservations about the quality of the data that would be collected under these particular new provisions. States also expressed concerns about the capacity of community-based organizations to track these expenditures and separate them out from other Federal program, which may lead to inaccuracies in the data submitted. The data may also fluctuate significantly from year to year.

Recommendation(s):

Maintain current Respite Service definitions and data collection elements.

Do not include new expenditure data collection and reporting requirements for non-OAA programs in the revised SPR.

Legal Assistance:

NASUAD's members have some concerns about the establishment of legal assistance as an confidential service for which demographic data is required. We appreciate the goal to improve data regarding those people who benefit from the legal assistance services; however, it is important to recognize, however, that from a State perspective, implementing changes such as this requires significant change management as well as stakeholder engagement. Legal assistance is an OAA service that typically has a limited number of individuals and entities willing to deliver services, and states have concerns that additional data collection requirements could further reduce the availability of providers. States that have begun to collect some of this information reported a lengthy process of generating buy-in from the provider community and allowing those providers to have a say in the nature of the information collected as well as the process for doing so. NASUAD and its members are concerned that a new, national, data collection mandate will undermine some of the previous efforts by altering the agreements that were made. This mandate could simultaneously create discord with providers who operate in states without data collection requirements, but who will now have a greater amount of administrative burden in order to collect and report this information.

Recommendation:

Legal services should remain an unregistered service for the purposes of SPR data reporting. ACL should work with states who have begun the process of demographic data collection to evaluate the successes, develop best practices, and disseminate opportunities to improve collection. All efforts to increase the data collection should consistently and frequently engage legal service providers across the country to ensure that their needs are being met and prevent any provider attrition due to these activities.

Outcomes versus Outputs:

NASUAD appreciates the well-intentioned and thoughtful approach that ACL has taken with regard to the SPR redesign, and also agrees that a redesign is necessary. We note that many of the measures currently collected under the current SPR, as well as those within the proposed changes, are output or process measures. Many of our states are examining their data collection processes and attempting to identify outcomes measurement. Outcomes measurement refers to the assessment and evaluation of the impact of LTSS provided to consumers. While the collection of these types of output measures is necessary for efficient and effective program administration, states are interested in evolving data collection to identify effective program outcomes, including reductions of hospitalizations, decreases in nursing home placements, and increases in overall physical, mental, and emotional health and wellbeing.

Recommendation:

Continue to evaluate opportunities for supporting state activities that transition data collection from outputs to outcomes measurements. While this may not be an appropriate function of the SPR, there are opportunities to leverage the information collected via this system in a manner that supports outcomes measurement. ACL should also evaluate options for data linkages between other HHS programs, particularly Medicare and Medicaid, to evaluate the impact of OAA services on health care utilization and health status of individuals enrolled in multiple public programs. Nationally, there continues to be substantial work that must be done to determine appropriate outcome measures. NASUAD recommends that ACL facilitate a national discussion about outcome measurement in OAA programs. This should include a process for securing input from states, AAAs, providers, participants, and stakeholders into the best way to demonstrate outcomes from OAA services.

If you have any questions regarding this letter, please feel free to contact Damon Terzaghi of my staff at dterzaghi@nasuad.org or (202) 898-2578.

Sincerely,

Martha A. Roherty

Martha A. Roherty
Executive Director
NASUAD

