

Long Term Care in Indian Country

New Opportunities and New
Ideas

Calendar No. 233

111TH CONGRESS
1ST SESSION

S. 1790

To amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes.

**Indian Health Care Improvement Act
(as amended through P.L. 111-148)**

U.S. Code, Title 25, Chapter 18

Sec 124 in S.1790

Sec.1621d in U.S. Code, Title 25, Chapter 18

The Secretary, acting through the Service, Indian tribes, and tribal organizations, may provide funding under this Act...for the following services:

- Hospice Care
- Assisted living services
- Long-term care services
- Home- and community-based services

Sec 124 in S.1790

Sec.1621d in U.S. Code, Title 25, Chapter 18

Eligibility

- Individuals...unable to perform a certain number of activities of daily living without assistance
- Individuals with a mental impairment such as dementia, Alzheimer's disease, or another disabling mental illness who may be able to perform activities of daily living under supervision
- Such other individuals as an applicable tribal health program determines to be appropriate.

Sec 124 in S.1790

Sec.1621d in U.S. Code, Title 25, Chapter 18

Definitions

- **Assisted Living Services**
 - section 232(b) of the National Housing Act (12 U.S.C. 1715w(b))
 - Shall not be required to obtain a license; but shall meet all applicable standards for licensure.
- **Home and Community-Based Services**
 - paragraphs (1) through (9) of section 1929(a) of the Social Security Act (42 U.S.C. 1396t(a))
 - That are or will be provided in accordance with applicable standards.
- **Hospice Care**
 - Section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))
 - And such other services as an Indian tribe and tribal organization determines are necessary and appropriate to provide in furtherance of that care.
- **Long-Term Care Services**
 - Section 7702B(c) of the Internal Revenue Code of 1986.

Sec.822 in S.1790

Sec.1680I in U.S. Code, Title 25, Chapter 18

■ Long-Term Care

- ...the Secretary, acting through the Service, is authorized to provide directly, or enter into compacts under the ISDEAA.....for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians.

■ Inclusions

- Shall provide for the sharing of staff or other services between the Service or a tribal health program and a long-term care or related facility owned and operated (ISDEAA) by the Indian tribe or tribal organization

■ Contents of Agreements

- May...delegate to the Indian tribe or tribal organization...supervision and control over Service employees...
- Shall provide that expenses...relating to services that are shared....be allocated proportionately....
- May authorize....to construct, renovate, or expand a long-term care or other similar facility (including....attached to a Service facility);

Sec.822 in S.1790
Sec.1680I in U.S. Code, Title 25, Chapter 18

- **Minimum Requirement**

- Any nursing facility provided for under this section shall meet the requirements....under section 1919 of the Social Security Act (42 U.S.C. 1396r)

- **Other Assistance**

- The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with this section

- **Use of Existing or Underused Facilities**

- The Secretary shall encourage the use of existing facilities that are underused, or allow the use of swing beds for long-term or similar care.

Other References in the IHCIA

- Inclusion of long-term care in clinical care with respect to use of the Indian Health Care Improvement Fund
 - (Sec 201 in S. 1790, Sec.1621 in U.S. Code, Title 25, Chapter 18)
- Inclusion of long-term care facilities in the report to Congress describing the facility needs of the Service and the annual report to the President of 10 top-priority specialized health care facilities needs.
 - (Sec.141 in S.1790, Sec.1631 in U.S. Code, Title 25, Chapter 18).

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November 1 and 2, 2010

Washington, DC.

Major Themes

Tribes and urban Indian communities should retain control, leadership, and ownership of long term services and supports.

- IHS direct services can and should be a partner in the delivery of care.
- Tribes should have the option of managing all aspects of long term care provided to Tribal members.

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Major Themes

The Tribal long term care programs that are successfully operating demonstrate that there is a business model for long term care in Indian Country.

It is useful to distinguish between the funding needed to support development and initiation of programs and the funding needed to support ongoing operations of these programs.

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Major Themes

The IHS and Tribes should further explore how best to use and enhance the limited resources available at the Tribal and community level to provide long term services and supports.

- sharing of services between health programs (either direct federal or Tribal) and Tribal long term care programs;
- integrating services funded and designed to support individuals with disabilities with those targeting support of elders; and
- coordinating services funded by the Administration on Aging (AoA), IHS, and the Veterans Administration (VA).

National Policy Trends in Long Term Services and Supports

- Use of term “Long Term Services and Supports” (LTSS)
- Integration of disabilities and elder programs
- Continued rebalancing toward home and community-based care
 - Money Follows the Person (MFP)
- Home-like NF settings
- Person-Directed Services (vs. Agency Directed)
- Integrated Care for Dual Eligibles
- Increased role for the Administration on Aging

Discussion



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