



What Women Need To Know about Health Reform: Strengthening Long-Term Care Services and Supports

The comprehensive health care reform that President Obama signed into law includes many provisions that strengthen the nation's long-term care system.* This aspect of reform is particularly important for women, who account for the majority of long-term care recipients and caregivers. Two-thirds of the population that currently receives long-term care is female,¹ and in 2004 women comprised more than 70% of all nursing home residents.²

Women are also much more likely than men to provide long-term care, both paid and unpaid. Ninety percent of paid, professional caregivers are women.³ In addition, one in ten women report caring for a sick or aging relative,⁴ typically an aging parent. Daughters account for 7 of every 10 adult children who help their frail parents and about 5 of every 6 who assume primary responsibility for their personal care.⁵ In fact, the typical family caregiver is a 46-year-old woman who provides more than 20 hours per week of care and support to her mother.⁶

Health Reform Alleviates Burdens on Family Caregivers

- Health reform establishes a national voluntary long-term care insurance program known as CLASS to help people who become functionally disabled pay for the care they need to continue living independently in the community. As early as 2011, working adults (including part-time workers) can choose to have CLASS premiums deducted from their paychecks; after a 5-year vesting period, enrollees who need long-term care are eligible for a daily cash benefit of at least \$50 per day.
 - The CLASS benefit can be used to purchase services and supports such as home modifications, respite care, or home care aides. It can also defray the cost of institutional care (e.g. nursing home care), should that become necessary. Importantly, the benefit can be used to compensate a family caregiver.
 - Unfortunately, people who are not working cannot enroll in CLASS; this includes people who do not work but have a spouse who does. This restriction affects women in particular, since they are less likely than men to be employed⁷ and are also more likely to be a nonworking spouse.⁸
- New grants are available in 2011 for "Geriatric Education Centers" that will provide (among other services) free or low-cost trainings for family caregivers on supporting frail elders and individuals with disabilities.

Health Reform Provides New Opportunities and Support for "Direct Care Workers" Who Provide Long-Term Care Services

- The health reform law calls for the establishment of a "Personal Care Attendants Workforce Advisory Panel" in 2010 to address the concerns of personal care attendant workers—the vast majority of whom are women—including salaries/wages, benefits, and workforce shortages.

* "Long-term care" includes both nursing home care and services/supports provided in the home or community. Such care can include various medical services and assistance with daily living activities (e.g., dressing, bathing, and eating) for people with long-term mental or/physical health conditions that reduce their ability to function independently. The majority of beneficiaries who receive long-term care services are age 65 or over, though 37% are under 65 (Kaiser Family Foundation's Commission on Medicaid and the Uninsured, *Medicaid and Long-Term Care Services*, July 2006).

- New grants are available in 2011 for the training of direct-care workers employed in long-term care settings such as nursing homes, assisted living facilities, and home care settings.
- Starting in 2010, a limited number of states will receive demonstration grants to develop core competencies, training curricula, and certification programs for personal and home care aides.

Health Reform Expands the Number of Community-Based Care Options Available Under Medicaid

Though most people who need long-term care would prefer to receive the care they need at home or in the community,⁹ Medicaid—the primary payor of long-term care services in the United States—is structured to favor institutional care.¹⁰ Health reform addresses this imbalance by expanding access to home- and community-based services in Medicaid:

- Beginning in October 2010, women and their families will benefit from several improvements in Medicaid's Home and Community-Based Service (HCBS) state plan benefit.¹¹
- One year later (October 2011) states have a new opportunity to provide personal attendant services to Medicaid beneficiaries. States get extra federal matching funds to cover these services.
- Certain states will be eligible to participate in a 4-year “balancing incentive” program (2011-2015) that encourages them to increase the proportion of Medicaid long-term care services that are delivered in the community (instead of in institutional settings).

Health Reform Extends Protections against Spousal Impoverishment to Beneficiaries of Community-Based Medicaid Services

For more than two-decades, states have been required to use eligibility rules that prevent spouses from becoming impoverished in order for their partner to qualify for Medicaid-funded nursing-home care. Spousal Impoverishment protections allow the spouse of a Medicaid-enrolled nursing facility resident to keep a minimum share of the couple's combined income and assets.¹² The spouses that benefit from these rules are most often women.

- For 5 years beginning in January 2014, states must extend the same financial protections to the spouses of recipients who receive Medicaid long-term care services at home or in the community. This provision ensures that women are not forced to institutionalize a spouse who needs long-term care in order to receive the important spousal impoverishment protection.¹³

For more information on women and the health reform law, visit the National Women's Law Center website: www.nwlc.org/reformmatters

¹ Health Care for Health Care Workers (PHI), *Women Caring for Women: Coverage is Critical to Care* (April 2008), <http://hchcw.org/wp-content/uploads/2008/04/hchcw-women-fact-sheet.pdf>

² Centers for Disease Control and Prevention, *FastStats on Nursing Home Care* (data from the 2004 National Nursing Home Survey, Residents, table 13), http://www.cdc.gov/nchs/data/nnhsd/Estimates/nnhs/Estimates_PaymentSource_Tables.pdf

³ *Women Caring for Women*, supra note 1.

⁴ Kaiser Family Foundation, *Women and Health Care: A National Profile* (July 2005), <http://www.kff.org/womenshealth/upload/Women-and-Health-Care-A-National-Profile-Key-Findings-from-the-Kaiser-Women-s-Health-Survey.pdf>

⁵ Richard W. Johnson and Joshua M. Weiner, The Urban Institute, *A Profile of Frail Older Americans and Their Caregivers* (March 2006), http://www.urban.org/UploadedPDF/311284_older_americans.pdf

⁶ *Women Caring for Women*, supra note 1.

⁷ In 2008, 56% of women ages 16 and older were employed compared to 69% of men. U.S. Bureau of Labor Statistics, *Women in the Labor Force: A Databook* (September 2009), <http://www.bls.gov/cps/wlf-databook-2009.pdf>

⁸ In 2007, 29% of working men had a non-working wife while only 12% of working women had a husband who did not work. Health Boushey, Center for American Progress, *Women Breadwinners, Men Unemployed* (July 2009), http://www.americanprogress.org/issues/2009/07/breadwin_women.html

⁹ Alliance for Home Health Quality and Innovation, *Home Health Care: An Essential Solution to America's Health Care Challenges* (undated), http://www.ahhqi.org/download/File/AHHQI_HomeCareDataBookv4.pdf, Last accessed on May 5, 2010.

¹⁰ Families USA, *Helping People with Long-Term Health Care Needs: Improving Access to Home- and Community-Based Services in Medicaid* (April 2010), <http://www.familiesusa.org/assets/pdfs/health-reform/help-with-long-term-health-needs.pdf>

¹¹ For instance, states can offer more types of services without obtaining special federal permission and will no longer be allowed to limit HCBS to certain geographical areas or to establish enrollment caps for HCBS programs.

¹² National Women's Law Center, "Women's Access to Health Care Services: Long-Term Care", in *Making the Grade on Women's Health: A National and State-by-State Report Card* (2007) <http://hrc.nwlc.org/Policy-Indicators/Womens-Access-to-Health-Care-Services/Long-Term-Care.aspx>

¹³ *Helping People with Long-Term Health Care Needs*, supra note 10.