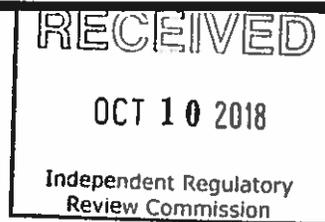


3160

Kathy Cooper

From: SSpreat@woods.org
Sent: Wednesday, October 10, 2018 2:23 PM
To: IRRC
Subject: IRRC#3160



I am writing to offer comment on newly proposed regulations promulgated by the Department of Human Service/Office of Developmental Programs. I believe that the IRRC references these regulations as #3160.

6100.571.e of the proposed regulations requires the Department to refresh the data used to set rates every three years. Of course, this means that rates that are adequate at the time of the refresh will fall behind each subsequent year due to inflation. Perhaps a better idea would be to set first year rates as the legitimate rate plus 1 year anticipated inflation. Thus, in Year 1 (of 3), the providers would actually be overpaid. Year 2 they would be properly paid, and Year 3 they would be underpaid. This approach would prevent the providers from getting 2 years behind by the third year in the cycle.

It should be recognized that the regulations do not require an adjustment of rates; the department must merely update the data from which rates might be set. Of course, failure to adjust rates if the data indicated that an adjustment was needed could be construed to be a violation of federal CMS regulations.

My larger concern is that there is nothing in the regulations that would prevent a negative reset of rates, or worse, a retroactive negative reset of rates. A negative adjustment would be understandable under certain economic conditions, but a retroactive negative adjustment is trying to take back money already spent. This must be prevented.

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