

CMS Sends Medicaid Access Rule to OMB

Source: NAHC, January 29, 2024

On Friday, January 26, 2024, the Centers for Medicare & Medicaid Services (CMS) sent the final [Medicaid Access Rule \(CMS-2442-F\)](#) to the Office of Management and Budget (OMB) for review and clearance. OMB review is the last step in the process prior to release of a regulation in the Federal Register. Although the rule is with OMB for final clearance, it is important to note that this can take several weeks or months to occur. Due to the controversial nature of some of the provisions, the rule may not be released until the Spring. Though these are estimates and subject to change, it is important to note that the Final Rule's timetable on the OMB website projects an April 2024 release.

The [proposed Medicaid Access Rule contained a number of policies](#), including the much-discussed 80/20 provision that would require 80 percent of all Medicaid payments to be spent on direct care worker compensation for homemaker, home health aide, and personal care services. NAHC and our partners have spent considerable time and effort analyzing the rule and advocating for substantial changes due to the multitude of unintended consequences that would arise from the 80/20 policy. However, we are unsure whether any changes were made within the text of the final rule.

As part of the OMB clearance process, outside parties can request a meeting to discuss specific issues, challenges, and concerns with various parts of the rules. NAHC has requested a meeting on behalf of our association and its members to further educate OMB and advocate for changes to the rule. We will keep members informed as that meeting occurs and of any additional information we learn throughout the final clearance process.