**Paid Family Caregiving Resolution**

What it is:

* Paid family caregiving is a phrase used to describe flexibilities, policies and/or programs that allow for the payment of family members who provide care to a loved one, who is usually enrolled in some type of Medicaid long-term supports and services (LTSS) waiver.

What happens now:

* TennCare, the state of Tennessee’s Medicaid agency, generally forbids the payment of family caregivers who are legal guardians, children, spouses or live in the home with the person to whom they provide care for the services they provide.
* Much of this unpaid labor takes the place of services that the state has been unable to fulfill
  + This includes hours of service that TennCare/providers are unable to staff, a lack of specialty providers for care, respite, etc.

Precedents:

* At least 19 states have flexibilities, policies and/or programs that allow for some sort of payment to caregivers, including legal guardians, spouses, or children who live in the home.
* During the public health emergency resulting from the Covid-19 pandemic, the Centers for Medicare and Medicaid allowed states flexibility to change their policies to pay nearly all family caregivers
  + This choice was found in “Appendix K” and simply required states to choose this option
  + 39 states chose to implement this flexibility, but Tennessee declined to do so

Solutions:

* Direct TennCare to develop a flexibility, policy and/or program that permits and facilitates payment for caregiving services provided by *all* family members
* This is likely best accomplished by passing a resolution, giving TennCare the opportunity to choose to do so
  + In the absence of action, additional legislation may be necessary to require that TennCare do so

Obstacles:

* It is long-standing TennCare policy-in-effect to prohibit payment to most family members, citing them as “natural supports” essential to caring for waiver participants
* Resolutions are non-binding – passage would simply “urge” TennCare to develop and implement this policy, which they would only do of their own volition and on their own timeline
* Should this effort require legislation eventually, it will likely trigger a fiscal note and dedicated revenue stream, which can be difficult to pass through the General Assembly
* Some will present concerns about safety, citing a lack of accountability for providing care and services, monitoring for abuse and/or neglect or the quality of the care and services provided
* Some will present concerns about fraud, saying that it is possible that people take money for caregiving and then do not provide care or services