

# JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

November 30, 2017

By electronic delivery to [PACEQMcomments@econometricainc.com](mailto:PACEQMcomments@econometricainc.com)

Centers for Medicare and Medicaid Services  
Econometrica, Inc. Project Team

## **Re: Development, Implementation, and Maintenance of Quality Measures for the Programs of All-Inclusive Care for the Elderly (PACE) – Stream 2**

Justice in Aging appreciates the opportunity to provide comments on the above-referenced proposed PACE measures.

Justice in Aging is an advocacy organization with the mission of improving the lives of low-income older adults. We use the power of law to fight senior poverty by securing access to affordable health care, economic security and the courts for older adults with limited resources. We have decades of experience with Medicare and Medicaid, with a focus on the needs of low-income beneficiaries and populations that have traditionally lacked legal protection such as women, people of color, LGBT individuals, and people with limited English proficiency.

We appreciate the value of the PACE program to providing an integrated care option to older adults and people with disabilities, including especially those who qualify for both Medicare and Medicaid. We also have appreciated the many innovations in care developed through PACE and the pioneering work of many PACE programs in providing culturally competent care to older adults in limited-English proficient communities and communities of color.

Overall, we support the inclusion of all the measures proposed in Stream 2, as each measure addresses needs for Medicare and Medicaid beneficiaries that should be prioritized.

### **Advance Directives**

We believe that the measures addressing the Percentage of Participants with an Advance Directive or Surrogate Decision-Maker and Percentage of Participants with an Annual Review of Their Advance Directive or Surrogate Decision-Maker are valuable as important elements of determining the extent to which person-centered care is delivered. We have concerns, however, about the framing in the introduction with its emphasis on cost reduction as a major benefit for offering beneficiaries opportunities to express their choices. We urge that care be taken to ensure that the message to programs and to participants is clear: participant choice, whether or not that choice results in savings, should be honored.

We also offer one additional suggestion related to this measure. In the definitions section, there is a statement that the documentation of an advance directive “must be reviewed using terms the participant can understand.” We urge that there be more explicit reference to the needs of participants with limited English proficiency or with communications disabilities. We urge adding a sentence such as:

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“This may require use of interpreters, including sign language interpreters, translated documents, materials in alternate formats or other accommodations to ensure that the participant or, if appropriate, the surrogate decision-maker can fully understand explanations and express preferences or concerns.”

### **Nursing Home Stays**

We believe that the measure of Percentage of Participants Not in Nursing Homes is a key indicator of the program effectiveness and success at promoting community integration for participants. PACE programs are designed to allow participants to continue to live in the community, even at the high care need level that characterizes PACE participants. It is appropriate and necessary to measure the extent to which programs achieve those goals.

### **Depression Treatment**

We also support the measure of Percentage of Participants with Depression Receiving Treatment. The evidence that depression is under-diagnosed and under-treated among older adults is overwhelming, including the studies cited in the announcement. Measuring the extent to which PACE programs address depression among participants will encourage programs to prioritize providing appropriate treatment and help identify promising practices.

Thank you for considering our comments. If any questions arise concerning this submission, please contact me at [jgoldberg@justiceinaging.org](mailto:jgoldberg@justiceinaging.org).

Sincerely,



Jennifer Goldberg  
Directing Attorney