

# The Disability and Aging Collaborative

May 26, 2020

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Charles Schumer  
Minority Leader  
U.S. Senate  
Washington, DC 20510

Dear Leaders McConnell and Schumer ,

The Disability and Aging Collaborative (DAC) is a group of national Disability and Aging organizations that work together to promote policies to support the unique needs of people with disabilities and aging adults.

People with disabilities and older adults are particularly at risk as COVID-19 spreads across the country, facing high risk of complications and death if exposed to the outbreak and needing to isolate to protect themselves. We were grateful to see that the HEROES Act that passed the House late on May 15, 2020 included several provisions that improve the systems that people with disabilities and aging adults rely on.

We were pleased to see that the HEROES Act increases the federal matching rate for Medicaid services. Millions of people with disabilities, aging adults and their families rely on Medicaid for in-home and community-based supports and for their other healthcare needs. In the face of budget crises and other stressors, States often respond by cutting Medicaid benefits, eligibility or payments to providers. During a pandemic, federal funding must increase to states to maintain the stability of the Medicaid program. Republican and Democratic governors and Medicaid Directors have strongly supported additional federal Medicaid assistance as states face unprecedented declines in revenues and historic budget shortfalls that undermine their ability to meet the growing needs of vulnerable populations. We urge you to support the 14% general (Federal Medical Assistance Percentages) FMAP increase and urge you to maintain the strong maintenance of effort (MOE) protections that were included in the Families First Act. Any altering of the MOE would put Medicaid coverage, eligibility and services at risk especially for people with disabilities and older adults whose lives depend on access to Medicaid-funded supports and services that are often the first to be cut, and even as people who have lost their jobs rely more on Medicaid to maintain coverage.

We also urge the Senate to include in the next legislative package, the additional dedicated funds for Medicaid home and community-based services (HCBS). The HEROES Act includes a temporary, targeted 10 percent FMAP increase for HCBS. Individuals living in large con are as State HCBS programs must continue to provide these life-sustaining daily in-home services even as they face staff shortages due to sickness, self-isolation, and low wages. HCBS service workers have struggled to get protective equipment even in the face of higher infection risk. The general FMAP bump, while important, does not go far enough to address these extra burdens specific to the vitally important HCBS programs. Without this dedicated funding stream, states may not be able to

sustain vital HCBS. People with disabilities and aging adults who rely on HCBS to stay safely in their homes and communities face the risk of institutionalization.

There were also several other provisions in the HEROES Act that are necessary to assist people with disabilities and older adults during this time of crisis. As negotiations continue the DAC urges you to ensure they remain along with the dedicated HCBS funding, these provisions include:

- \$100 million in funding for the Administration for Community Living, including \$10 million dedicated to Developmental Disabilities Act programs and \$10 million for health promotion/disease prevention programs.
- Provides dedicated funding to support housing costs, including \$200 million for people with disabilities. Housing is often the biggest hurdle for people with disabilities and older adults to stay in the community or transfer out of institutional care.
- Nursing home safety provisions, including assistance for infection control and strike teams to help facilities manage outbreaks
- Nondiscrimination protections that prohibits providers of services and supports funded by HEROES and the healthcare provisions of earlier COVID response legislation from turning people away due to their age, disability, sex (including sexual orientation, gender identity, and pregnancy, childbirth, and related medical conditions), race, color, national origin, immigration status, or religion.
- Provides \$850 million in child and adults with disabilities care (called Family Care) funding for essential personnel, including direct support professionals, home health workers and personal care attendants
- Includes the Direct Support Professional (DSP), home health and personal care attendant workforce in the essential workforce for funding for hazard pay and overtime.
- Codifies the regulatory requirement that state Medicaid programs cover non-emergency medical transportation (NEMT).
- Provides for a two-month open enrollment period to allow individuals who are uninsured, for whatever reason, to enroll in coverage. Currently, Americans can only enroll in an Affordable Care Act (ACA) plan during open enrollment period, or because of a qualifying life event if they were previously insured.
- Provides a new Medicare Part A & B special enrollment period to enable immediate access to coverage during the health emergency.
- Eliminates cost sharing for Medicaid beneficiaries, Medicare beneficiaries, and group and individual health plans for COVID-19 treatment and vaccines during the COVID-19 public health emergency.
- A 15% increase in the SNAP benefit level and near doubling of the minimum monthly benefit from \$16 to \$30.

In addition, DAC recommends including the following provisions in Package 4:

- Make the Money Follows the Person and the Medicaid spousal impoverishment protections for HCBS permanent, **which has bipartisan support in the Senate Finance Committee**. These programs and protections are proven to help keep people out of institutions and transition people back home and away from the congregate settings that are especially dangerous to aging adults and people with disabilities right now. Repeated short-term extensions have

undermined MFP's effectiveness in particular as states uncertain of the program's future have scaled back staff and reduced community transfers.

- Increase funding and flexibility to improve access to virtual and telephonic health promotion and disease prevention programs under the Older Americans Act, such as those that improve chronic disease management, and address depression and behavioral health concerns.
- Maintain paratransit service areas during and after the pandemic. Reestablish all transit bus routes entirely after the pandemic and maintain as much as possible during.
- Congress should also continue investment in the infrastructure of services by passing the HCBS Infrastructure Improvement Act (S. 3277).
- Eliminate or raise asset limits for people with disabilities and older adults to increase access to SSI, Medicaid, Medicare Savings Programs, Medicare Low-Income Subsidy, SNAP, LIHEAP, and other means tested programs that support basic needs.

We appreciate the expediency with which the Senate and House have acted to approve previous legislative packages to respond to the ongoing health and economic emergency facing the country. We urge lawmakers and leadership to continue their efforts to incorporate the above priorities as you negotiate the next COVID-19 legislation. If you have any questions, feel free to contact DAC co-chairs Nicole Jorwic ([jorwic@thearc.org](mailto:jorwic@thearc.org)) and Howard Bedlin ([Howard.Bedlin@ncoa.org](mailto:Howard.Bedlin@ncoa.org))

Sincerely,

American Association on Health and Disability

Association of University Centers on Disabilities (AUCD)

The Arc of the United States

Autism Society of American

Autistic Self Advocacy Network

Center for Public Representation

Community Catalyst

Easterseals

Lakeshore Foundation

Meals on Wheels America

National Association for Home Care and Hospice

National Council on Aging

National Health Law Program