Protecting Medicaid Home & Community Based Services During COVID-19

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Housekeeping

• All on mute. Use Questions function for substantive questions and for technical concerns.

• Problems with getting on to the webinar? Send an e-mail to trainings@justiceinaging.org.

• Find materials for this training and past trainings by searching the Resource Library, justiceinaging.org/resource-library. A recording will be posted to Justice in Aging's Vimeo page at the conclusion of the presentation, vimeo.com/justiceinaging.
COVID-19 Federal Policy Update

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The Arc of the United States
COVID-19 & People with Disabilities

• January 31, 2020 – U.S. Department of Health and Human Services Secretary issues public health emergency declaration

• March 11 – World Health Organization declares COVID-19 a pandemic

• March 13 – U.S. President issues national emergency declaration

• People with disabilities and/or who are immunocompromised are at particular risk, facing high risk of complications and needing to isolate themselves for protection
COVID-19 Packages Passed So Far

• Package 1: The Coronavirus Preparedness & Response Supplemental Appropriations Act (CPRSAA)
• Package 2: The Families First Coronavirus Response Act (FFCRA)
• Package 3: The Coronavirus Aid, Relief, and Economic Security (CARES) Act
• Package “3.5”: The Paycheck Protection Program and Health Care Enhancement Act (PPPHCEA).
Progress So Far—Bills That Have Become Law

- **Housing:** Funding for various important housing programs including $1.25 Billion for the Housing Choice Voucher Program & $15 million for Section 811 Housing for Persons with Disabilities

- **Education:** $30.75 billion for an education stabilization fund, some of which is to help meet the needs of students with disabilities
Progress So Far—Home- and Community-Based Services & Medicaid

• Money Follows the Person: Extended through Nov. 30, 2020
• Spousal Impoverishment Protections: Extended through Nov. 30, 2020
• Allows people receiving HCBS under 1915(c) waivers to have their direct support professionals assist them during short-term hospital stay
• Funding for the Administration for Community Living and specifically for home- and community-based services and support for family caregivers
What Remains to Be Done
Priority Asks for Package 4

• **Funding for a Medicaid grant program** to support access to home and community-based services to limit the risk of people with disabilities being put into institutions and support the workforce. Congress should pass the Coronavirus Relief for Seniors and People with Disabilities Act.

• **Personal protective equipment (PPE)** for direct support professionals. This is urgently needed to protect the health and safety of this critical workforce. Direct support professionals must be designated as essential workers so that they can get access to the PPE and medical supplies they need.

• **Paid leave for caregivers.** As more people with disabilities lose their usual sources of care, family caregivers are scrambling and need access to paid leave and sick days to help their loved ones. Congress should include all family caregivers in the emergency paid leave provisions.

• **Economic impact payments for all people with disabilities.** Tell Congress to pass H.R.6420, the All Dependent Children Count Act, and make sure that adults with disabilities who are claimed as dependents get their $500 economic credit.
Heroes Act

• House Speaker Nancy Pelosi unveiled a more than $3 trillion coronavirus aid package last week, providing nearly $1 trillion for states and cities, "hazard pay" for essential workers and a new round of cash payments to individuals. It is called the Heroes Act.

• This is a large bill, and it passed the House on May 15, 2020.

• Senate Majority leader McConnell has indicated the Senate won’t act until after the 4th of July recess.
Medicaid

- Provides a global FMAP bump of 6.2% through June 30 (this aligns with package 2). Effective July 1, it provides a 14% FMAP increase.
- Includes an HCBS-specific FMAP increase in lieu of a separate grant program. An additional 10% FMAP from July 1, 2020 to June 30, 2021 is available to be used to support Home and Community Based Services (HCBS) including workforce support, personal protection equipment for DSPs and other HCBS provisions.
Recovery Rebates

• Expands the economic stimulus payments to adult dependents and issues another round of payments, including everyone this time.
• Stimulus funds will not impact eligibility for means tested programs
Paid Leave

• The paid leave provisions are expanded to the same leave purposes as paid sick days, with expanded definition of caregiving to include a broad definition of family members caring for an adult with a disability (including siblings and grandparents).
Workforce

• Provides $850 million in child and adults with disabilities care (called Family Care) funding for essential personnel, including DSPs.
• Includes the DSP workforce in the essential workforce for funding for hazard pay and overtime.
• Note on the Heroes fund
Healthcare

• 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.

• Eliminates cost sharing for Medicaid beneficiaries, Medicare Parts A and B, and group and individual health plans for COVID-19 treatment and vaccines during the COVID-19 public health emergency.
Timing

- Senate negotiations are already underway
- Expecting a vote sometime in late July
Recovery Packages, What to Watch For?
Justice in Aging is a national organization that uses 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.

Since 1972 we’ve focused our efforts primarily on fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ individuals, and people with limited English proficiency.
To achieve Justice in Aging, we must:

- Acknowledge systemic racism and discrimination
- Address the enduring negative effects of racism and differential treatment
- Promote access and equity in economic security, health care, and the courts for our nation’s low-income older adults
- Recruit, support, and retain a diverse staff and board, including race, ethnicity, gender, gender identity and presentation, sexual orientation, disability, age, economic class
California Budget Proposal

• Proposed on May 15, 2020
• Eliminate Community Based Adult Services (CBAS)
• Eliminate Multi-Purpose Senior Services Program
• Cut In-Home Supportive Services Hours by 7%

46,000 older adults & people with disabilities would lose access to services entirely

625,000 would see their hours reduced
Policy Arguments

- Cannot cut health care in a pandemic
- Equity
- Nursing Home/Institutional Risk
- Olmstead/ADA
- Forfeit Federal Funding
Coalition Building

• Aging & Disability Advocates
• Health Care Advocates
• Equity Advocates
• Legal Services
• Home and Community Based Service Providers
• National Advocates
Advocacy Actions

• Education – webinars, fact sheets
• Teletown Halls
• Letter writing
• Legislative virtual visits
• Public comment
• Governor calls/meetings
• Days of Action – #CareNotCuts
• Local – county board of supervisor letters; city councils; local legislators
California Final Budget

No cuts to any aging and disability programs in final budget!

• Work continues
  • Federal advocacy for relief to states – increased HCBS FMAP; and other increases
  • State level advocacy – building and maintaining infrastructure; transitions/diversions
The Arc of Washington State

STACY DYM, EXECUTIVE DIRECTOR
JULY, 2020
Washington State DD Landscape

- 120,000 People with I/DD
- 50,000 enrolled in DDA services
- 14,000 No Paid Services
- 551 Long Term Residents in state institutions
- 67 ready to leave
- $4B budget (about $2B GFS, $2B federal
- 40% Community Residential
- 40% Community Based Services
COVID-19 Budget Implications

- $8.8 Billion Operating budget shortfall through 2023
- Regressive Tax Structure
- $3 Billion reserves
- 15% “Exercise” across all agencies - $140M GFS
- Developmental Disabilities
- Freeze on all state hiring, spending vetoes, state employee furloughs
- Relying on federal financial assistance
- Possible Special Session
- Severe cuts to HCBS, close one state institution, consolidate remaining institutions
- Severe cuts to other programs
Advocacy Campaign

• 6 Weekly Virtual Advocacy Days – Zoom
• “I Vote DD” t-shirts and masks
• Candidate’s Questionnaire: https://arcwa.org/advocacy/2020-elections/
• Respond to The Arc’s Action Alert at www.arcwa.org/action-center/
• Sign the Petition to Stop Dire Cuts at www.arcwa.org/action-center/

Use the Developmental Disabilities Council’s Advocacy Toolkit
• Know your legislative district: https://app.leg.wa.gov/DistrictFinder/

Email your Legislators: (FirstName) .(Last Name) @leg.wa.gov
• Post concerns and links on Social Media #CutsCauseCrisis #IVoteDD
• Join an advocacy group: Self Advocates in Leadership (SAIL@arcwa.org), Parent Coalitions
Zazzle $16

Developmental Disabilities Budget Crisis Advocacy Toolkit

If you have any questions about this toolkit or need support, please contact Adrienne Stuart: adrienne.stuart@ddc.wa.gov

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<th>Messaging</th>
<th>Outreach Templates</th>
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<td>Hashtags to use:</td>
<td>Example talking points—Speak plainly</td>
<td>Email</td>
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<tr>
<td>• #CutsCauseCrisis</td>
<td>• If I don’t have help, I cannot eat.</td>
<td>• Email template for parent</td>
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<tr>
<td>• #NoServicesNoLife</td>
<td>• If I don’t have help, I cannot change my clothes.</td>
<td>• Email template for parent</td>
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<td>• #IVoteDD</td>
<td>• If I don’t have help, I cannot shower.</td>
<td>• Email for advocate (who does not receive services) to legislator</td>
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<td>• #ThereIsNoPlanB</td>
<td>• If I don’t have help, I cannot use the toilet or get my catheter bag emptied.</td>
<td>• Email template for Advocate Who Receives Services</td>
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<td>Videos to share (more to come):</td>
<td>• If my son/daughter does not have help, I will have to quit my job to care for them.</td>
<td>• Email for advocate to friend/family</td>
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<td>• Bill &amp; Corinna</td>
<td>• I am physically/emotionally/financially unable to care for my child on my own. If critical supports are cut, there is no plan B.</td>
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<td>• Sandra</td>
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<td>Phone</td>
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<td>Images to use on social media posts:</td>
<td>Who and where to share your message:</td>
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<td></td>
<td>• Community meetings</td>
<td>• Phone call script for advocate</td>
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<td></td>
<td>• Social media</td>
<td>• Phone call script for parent</td>
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<td>• Talk with your friends, family, neighbors, and others</td>
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<td>• Governor and Legislature</td>
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<td>Example Facebook posts:</td>
<td>Letters/supporting documents</td>
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<td>• Example 1</td>
<td>• Directive from OFM (5/13)</td>
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<td>• Example 2</td>
<td>• Budget Values Letter (6/1)</td>
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<td>• Memo from Evelyn Perez (DDA) (6/5)</td>
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<td>• Memo from ALTSA</td>
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<td>• OFM Budget Savings Options (6/8)</td>
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<td>Click here for more examples of messages and social media posts</td>
<td>Sign a Petition</td>
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The Oklahoma Situation
Medicaid Expansion on the Horizon!

- Medicaid expansion passed by popular vote on 06/30
  - Constitutionally protected
  - Followed years of grassroots advocacy
- Must implement by July 2021
  - State Plan Amendment must be submitted in 90 days
  - Legislature will likely fund in spring legislative session
- 200,000+ to gain coverage
HAO Waiver Pending?

- In January, Gov. Stitt announced pursuit of new Healthy Adult Opportunity (HAO) policy from CMS
  - Two-stage proposal: one year of full expansion (SPA) followed by HAO
  - New block grant/per capita cap option for expansion population for state, in addition to work requirements, premiums, ending EPSDT/NEMT
  - State and federal comment periods in March and June
An Unclear Future

• Still need to expand Medicaid
  • Legislature facing $1.3 billion budget shortfall
  • Although protected, not completely tamper-proof

• Oklahoma’s HAO plans currently unclear
  • Gov. Stitt vetoed funding, withdrew SPA in May
  • HAO waiver application currently before CMS

• Gov. Stitt may attempt to merge HAO with voter-passed expansion
  • Questionable legality
Thank you!
Questions/Resources

• Email Us
  • Nicole Jorwic, Jorwic@thearc.org
  • Amber Christ, achrist@justiceinaging.org
  • Stacy Dym, stacy@arcwa.org
  • Cary Putnam, cputnam@okpolicy.org
  • Lisa Turner, lturner@ddadvocacy.net

• Websites
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  • TARC, www.ddadvocacy.net