

# Protecting Medicaid Home & Community Based Services During COVID-19

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**Nicole Jorwic**, The Arc

**Amber Christ**, Justice in Aging

**Stacy Dym**, The Arc of Washington State

**Lisa Turner**, TARC

**Carly Putnam**, Oklahoma Policy Institute

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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](mailto:trainings@justiceinaging.org).
- Find materials for this training and past trainings by searching the [Resource Library](https://justiceinaging.org/resource-library), [justiceinaging.org/resource-library](https://justiceinaging.org/resource-library). A recording will be posted to [Justice in Aging's Vimeo page](https://www.vimeo.com/justiceinaging) at the conclusion of the presentation, [vimeo.com/justiceinaging](https://www.vimeo.com/justiceinaging).

# COVID-19 Federal Policy Update

Nicole Jorwic, J.D.  
Senior Director of Public Policy,  
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



**The Arc**

*For people with intellectual  
and developmental disabilities*

# What Remains to Be Done

*Achieve with us.®*

# 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

FIGHTING SENIOR POVERTY THROUGH LAW

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

## JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

## FACT SHEET

### Budget Cuts to Programs for Low-Income Older Adults Must be Rejected

#### Cuts Would Disproportionately Hurt Older Adults of Color

On May 14, 2020, Governor Newsom released the [May Revision](#) of the 2020-21 budget. The disproportionate impact of the COVID-19 health crisis has been on older adults and communities of color. Yet, instead of targeting resources to these populations, the proposed budget cuts nearly every program on which these populations rely. From eliminating programs that provide care to older adults in their homes to cutting health care, economic supports, and nutrition programs, the proposed budget strips away programs and services at a time when we should be investing in them to ensure that more lives are not lost.

The proposed budget makes cuts to nearly all programs on which low-income seniors rely.

- 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

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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/](http://www.arcwa.org/action-center/)
- Sign the Petition to Stop Dire Cuts at [www.arcwa.org/action-center/](http://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

TeeSpring: <https://teespring.com/i-vote-dd?pid=370&cid=6545>.



# 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](mailto:adrienne.stuart@ddc.wa.gov)

<u>Social Media</u>	<u>Messaging</u>	<u>Outreach Templates</u>
<p><b>Hashtags to use:</b></p> <ul style="list-style-type: none"> <li>• #CutsCauseCrisis</li> <li>• #NoServicesNoLife</li> <li>• #IVoteDD</li> <li>• #ThereIsNoPlanB</li> </ul> <p><b>Videos to share (more to come):</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Bill &amp; Corinna</a></li> <li>• <a href="#">Sandra</a></li> </ul> <p><b>Images to use on social media posts:</b></p> <p><b>Example Facebook posts:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Example 1</a></li> <li>• <a href="#">Example 2</a></li> </ul> <p><a href="#">Click here for more examples of messages and social media posts</a></p>	<p><b>Example talking points—Speak plainly</b></p> <ul style="list-style-type: none"> <li>• If I don't have help, I cannot eat.</li> <li>• If I don't have help, I cannot change my clothes.</li> <li>• If I don't have help, I cannot shower.</li> <li>• If I don't have help, I cannot use the toilet or get my catheter bag emptied.</li> <li>• If my son/daughter does not have help, I will have to quit my job to care for them.</li> <li>• I am physically/emotionally/financially unable to care for my child on my own. If critical supports are cut, <b>there is no plan B.</b></li> </ul> <p><b>Who and where to share your message:</b></p> <ul style="list-style-type: none"> <li>• Community meetings</li> <li>• Social media</li> <li>• Talk with your friends, family, neighbors, and others</li> <li>• Governor and <a href="#">Legislature</a></li> </ul> <p><b>Letters/supporting documents</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Directive from OFM</a> (5/13)</li> <li>• <a href="#">Budget Values Letter</a> (6/1)</li> <li>• <a href="#">Memo from Evelyn Perez (DDA)</a> (6/5)</li> <li>• Memo from ALTSA</li> <li>• <a href="#">OFM Budget Savings Options</a> (6/8)</li> </ul> <p><a href="#">Sign a Petition</a></p>	<p><b>Email</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Email template for parent</a></li> <li>• <a href="#">Email template for parent</a></li> <li>• <a href="#">Email for advocate (who does not receive services) to legislator</a></li> <li>• <a href="#">Email template for Advocate Who Receives Services</a></li> <li>• <a href="#">Email for advocate to friend/family</a></li> </ul> <p><b>Phone</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Phone call script for advocate</a></li> <li>• <a href="#">Phone call script for parent</a></li> </ul>



# 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](mailto:Jorwic@thearc.org)
- Amber Christ, [achrist@justiceinaging.org](mailto:achrist@justiceinaging.org)
- Stacy Dym, [stacy@arcwa.org](mailto:stacy@arcwa.org)
- Cary Putnam, [cputnam@okpolicy.org](mailto:cputnam@okpolicy.org)
- Lisa Turner, [lturner@ddadvocacy.net](mailto:lturner@ddadvocacy.net)

- **Websites**

- The Arc, [www.thearc.org](http://www.thearc.org)
- Justice in Aging, [www.justiceinaging.org](http://www.justiceinaging.org)
- The Arc of Washington State, [www.arcwa.org](http://www.arcwa.org)
- Oklahoma Policy Institute, [www.okpolicy.org](http://www.okpolicy.org)
- TARC, [www.ddadvocacy.net](http://www.ddadvocacy.net)