

# United States Senate

WASHINGTON, DC 20510

July 29, 2020

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
S-230, The Capitol  
Washington, DC 20510

Dear Majority Leader McConnell:

We write to urge you to include key provisions related to Medicaid home and community-based services (HCBS) and direct service providers in the House-passed HEROES Act in any future COVID-19 relief package. These policies will help support and protect seniors and people with disabilities, who represent a population that is at the greatest risk of illness and death from the virus.

Since January, the COVID-19 pandemic has taken the lives of almost 150,000 Americans.<sup>1</sup> The vast majority of those Americans have been older adults, people with chronic health conditions and people with disabilities.<sup>2</sup> Communities of color have also been disproportionately affected by the virus. Almost 60,000 deaths of residents and workers have occurred in nursing homes and other long-term care settings. This accounts for over 40 percent of deaths from the virus. One independent analysis found that long-term care settings serving predominately Black and Hispanic residents were particularly likely to see COVID-19 infections;<sup>3</sup> another found that “nursing homes with the lowest percent white residents were more than twice as likely to have COVID-19 cases or deaths as those with the highest percent white residents.”<sup>4</sup> Yet, many are unable to access long-term services and supports in their homes and communities, forcing them to choose congregate settings.

According to the Kaiser Family Foundation, there are almost 800,000 people across the country on wait-lists who wish to receive home-based care and services through Medicaid.<sup>5</sup> Eliminating these wait-lists and expanding access to HCBS is one of the best ways to address the rapid spread of COVID-19. Investing in Medicaid HCBS will help ensure people who wish to remain

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<sup>1</sup> The New York Times. (2020, March 03). Coronavirus in the U.S.: Latest Map and Case Count. Retrieved July 29, 2020, from <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>

<sup>2</sup> “COVID-19 Provisional Counts - Weekly Updates by Select Demographic and Geographic Characteristics.” Centers for Disease Control and Prevention. Centers for Disease Control and Prevention, July 22, 2020. [https://www.cdc.gov/nchs/nvss/vsrr/covid\\_weekly/index.htm](https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/index.htm).

<sup>3</sup> Gebeloff, Robert, Danielle Ivory, Matt Richtel, Mitch Smith, Scott Dance, Jackie Fortier, Elly Yu, and Molly Parker. “The Striking Racial Divide in How Covid-19 Has Hit Nursing Homes,” May 21, 2020. <https://www.nytimes.com/article/coronavirus-nursing-homes-racial-disparity.html>.

<sup>4</sup> Konetzka, Tamara. “Testimony of R. Tamara Konetzka, PhD before the Senate Special Committee on Aging.” Senate Special Committee on Aging, May 21, 2020. [https://www.aging.senate.gov/imo/media/doc/SCA\\_Konetzka\\_05\\_21\\_20.pdf](https://www.aging.senate.gov/imo/media/doc/SCA_Konetzka_05_21_20.pdf).

<sup>5</sup> Kaiser Family Foundation. “Medicaid Enrollment by Race/Ethnicity.” KFF, December 12, 2017. <http://www.kff.org/medicaid/state-indicator/medicaid-enrollment-by-raceethnicity/?currentTimeframe=0>.

at home are not forced to enter a nursing home, or other congregate settings, in the midst of this pandemic. With home health and care supports, remaining at home is safer and healthier for those who are older and have chronic health conditions or secondary health conditions due to their disabilities.

In recognition of this, the House-passed HEROES Act includes provisions to support an expansion of HCBS and appropriately compensate direct service providers. First, Section 30101 would provide states with a critical Federal Medical Assistance Percentage (FMAP) increase of 14 percentage points from July 2020 through June 2021. This funding stream is critical to stabilizing services for the over 75 million children, youth and adults throughout the country who rely on Medicaid for their medical coverage and long-term supports.

In addition, Section 30103 would provide states with an enhanced FMAP of 10 percentage points specifically for HCBS. As our country has aged, HCBS has become a key method for making it possible for older adults to age at home in the community. HCBS has also made it possible for people with disabilities to live close to their families and friends, be active members of their communities and live lives as full citizens.

Almost five months into the pandemic, home and community based services are critically unstable. Many of the agencies providing HCBS are at risk of closing because of lack of funds.<sup>6</sup> If services are discontinued, seniors and people with disabilities will be left with a false choice: remain at home without the care they need to live, but safe from the virus, or live in a congregate setting to receive the services necessary to live, but live in fear of contracting COVID-19. No individual should be forced to make this decision. The dedicated stream of funding provided by Sec. 30101 would ensure that 12 million Americans maintain or gain access to these critical services and supports.

As you negotiate the next COVID-19 relief package, we urge you to ensure that Sections 30101 and 30103 are part of the package. The funds provided through these provisions are critical to protecting seniors and people with disabilities and ensuring their health and safety.

Sincerely,

/s/

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Robert P. Casey Jr.  
United States Senator

/s/

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Elizabeth Warren  
United States Senator

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<sup>6</sup> Donlan, Andrew. "Latest Round of COVID-19 Medicare Waivers Changes Little for Struggling Home Health Agencies," April 30, 2020. <https://homehealthcarenews.com/2020/04/latest-round-of-covid-19-medicare-waivers-changes-little-for-struggling-home-health-agencies/>.

/s/

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Sherrod Brown  
United States Senator

/s/

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Tammy Duckworth  
United States Senator

/s/

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Edward J. Markey  
United States Senator

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Bernard Sanders  
United States Senator

/s/

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Cory A. Booker  
United States Senator

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Maria Cantwell  
United States Senator

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Kamala D. Harris  
United States Senator

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Thomas R. Carper  
United States Senator

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Tina Smith  
United States Senator

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Chris Van Hollen  
United States Senator

/s/

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Michael F. Bennet  
United States Senator

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Kirsten Gillibrand  
United States Senator

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Richard Blumenthal  
United States Senator

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Jack Reed  
United States Senator

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Amy Klobuchar  
United States Senator

/s/

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Christopher Murphy  
United States Senator

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Tammy Baldwin  
United States Senator

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Christopher A. Coons  
United States Senator

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Robert Menendez  
United States Senator

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Doug Jones  
United States Senator

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Dianne Feinstein  
United States Senator

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Margaret Wood Hassan  
United States Senator

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Mazie Hirono  
United States Senator

/s/

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Tim Kaine  
United States Senator

/s/

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Jeanne Shaheen  
United States Senator

/s/

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Debbie Stabenow  
United States Senator

/s/

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Angus S. King, Jr.  
United States Senator

cc: Charles Schumer, Senate Minority Leader  
Nancy Pelosi, Speaker of the House  
Steny Hoyer, House Majority Leader  
Kevin McCarthy, House Minority Leader