



May 17, 2021

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Becerra:

On behalf of the American Network of Community Options & Resources (ANCOR), I would like to congratulate you on your confirmation as Secretary of the Department of Health and Human Resources (HHS). This pandemic has been particularly difficult for individuals with intellectual and developmental disabilities (I/DD) and the service providers who support them. ANCOR is incredibly grateful to the dedicated staff at HHS for their continuing determination to ensure that people with I/DD remain healthy and safe from COVID-19 while receiving the most integrated and person-centered supports possible. We are excited to work with you and your staff to build upon the innovations in disability service delivery brought about by the pandemic so that individuals with I/DD may live independent lives and more fully participate in their communities.

ANCOR is a national, nonprofit trade association representing more than 1,600 private community providers of services to people with I/DD. Combined, we employ more than a half-million professionals to support over one million individuals with I/DD. We work to shape policy, share solutions and strengthen community so that everyone, regardless of their disability, can be included in society. The supports our members deliver help people with disabilities have full lives while staying healthy and safe, particularly during the pandemic. These supports are mainly delivered by direct support professionals (DSPs) who assist with essential tasks such as grocery shopping, daily hygiene, finding employment, maintaining relationships with family and friends, and making informed health decisions.

Encouraging the use of technology in home and community-based services

The use of remote monitoring and other technologies during the pandemic has allowed for increased access to the Home and Community Based Services (HCBS) program and enhanced independence for individuals receiving supports. To ensure that states continue these methods of service delivery after the Public Health Emergency, we ask that you write a letter to state Medicaid directors providing explicit guidance to confirm that Medicaid payments are authorized for the use of innovative technology solutions to deliver services under the HCBS program.

Codifying HCBS improvements

As the Appendix K Waivers sunset, we ask that several key provisions are made permanent as they have been extremely beneficial to service access and provision. Specifically, the administration should permanently extend key provisions in the areas of (1) technology and (2) access to and billing for services.

- Regarding technology, the Biden administration should permanently extend telehealth for remote supports, virtual training for staff, virtual case management, and acceptance of verbal and/or electronic signatures on care plans and service plans.

- Regarding access to and billing for services, the Biden administration should: permanently extend options for in-home day supports if chosen by the person leveraging the supports; allow payment to legally responsible relatives for individualized and family supports such as in-home services and companion care; and allow flexibility in the residence of the person served.

Increasing access to HCBS

To ensure that all Americans with I/DD are able to receive the needed HCBS, we ask that you include HCBS under the equal access rule, which would require Medicaid reimbursement rates are set to guarantee equal access to services.

Ensuring equitable access to HCBS

We ask that you direct the Administration for Community Living and HHS' Office of Civil Rights to identify racial and other inequities that lead to disparities in access to HCBS programs. HHS should also develop strategies for addressing those inequities, including but not limited to (1) requiring states to develop equity plans for their HCBS programs, (2) providing technical assistance and (3) providing funding for outreach to Black people, indigenous people and people of color, as well as the providers that serve them.

Implementing HCBS quality measures

We ask that HHS advocate for states to implement base quality measures for HCBS that emphasize person-centered services, compliance with the HCBS Settings Rule, equity in access to HCBS, and adherence to best practices in service delivery.

Thank you for your attention to these critical issues. ANCOR members across the country stand ready to work with you and the whole Administration to improve the Medicaid-funded disability service system and better support individuals with I/DD, their loved ones, and their DSPs. Please feel free to contact me at smeek@ancor.org should you have any questions or would like to discuss further.

Sincerely,



Sarah Meek
Senior Director of Legislative Affairs

Cc: Centers for Medicare & Medicaid Services
Administration for Community Living