



October 1, 2020

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

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

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Leader McConnell, Leader Schumer, Speaker Pelosi, and Leader McCarthy:

We write today as the Disability Provider Group to make yet another plea for additional funding for disability service providers who right now are doing the work to keep their businesses open and to provide services to people with significant disabilities. These businesses are at risk. If they go under, the cost to this government will soar. We are asking you to step up and protect vital services for the benefit not just of providers but for individuals with disabilities, their families, and for the vast workforce of individuals with disabilities who have engaged in essential employment throughout this pandemic. We appreciate the efforts of the House in passing the HEROES Act in May and in making a second attempt to reach an agreement with the Senate on much needed relief this week. Let us be clear: the fact that months have passed with no agreement is a gross disservice to disability service providers and the people with disabilities they serve.

While the Paycheck Protection Program was an initial support, those providers that were able to get a PPP Loan primarily used it in the way the federal government intended – to keep people employed in those early days of the pandemic. The Medicaid and CHIP Provider Relief Fund rolled out in a very confusing fashion and we did a great deal of the heavy lifting to try to get clarification of whether disability service providers were even eligible. Some providers never

applied due to the confusion. While CMS did yeomen's work on the Appendix K waivers early in the pandemic, most of those have now expired. PPP, the Medicaid and CHIP Provider Relief Fund, and certainly the Appendix K waivers were lifelines for many providers. Even now, however, several States are clawing back some of that money by reducing rates paid to providers for the services they are providing in this pandemic.

That is what the government has done. Let us look for a moment at what providers have done: many had to close their brick and mortar businesses in March, but they did not shut down. They reconfigured, found ways to provide virtual services, supported employment, and personal services, scoured the country for personal protective equipment (we know, because we did everything we could to help), and tried to keep people engaged. Many provided services that will never be reimbursed just to keep people with disabilities and staff engaged. This has been a difficult time for America and a particularly difficult time for people with disabilities with complex medical conditions who are in the high-risk category for the Coronavirus. Providers understand how important it is to keep people engaged. Now, as providers are trying to reopen to provide more in-person services, they are taking on the expense of increased PPE and cleaning supplies to keep people safe.

Please help the most vulnerable in our society and the disability service providers on which they rely by doing the right thing now. We have made these asks in the past, so we will be brief:

- Provide a global 14% FMAP (Medicaid match) increase retroactively to July 1, 2020 and continuing through at least September 30, 2021 to support Home and Community Based Services (HCBS) including workforce support, personal protection equipment for direct support personnel, and other HCBS provisions.
- Amend the CARES Act to provide the Department of Health and Human Services with the funds to give the equivalent of 4.5% of a disability service provider's annual revenue from 2017, 2018, or 2019, whether or not that disability service provider is Medicaid-reimbursed. A simplified portal specifically for disability service providers would make an immediate difference for disability service providers.
- Disregard Unemployment Insurance (UI) payments from income and asset tests for means-tested programs, including SNAP and SSI, which prevents the lowest income children with disabilities on SSI from having their benefits reduced due to parental UI benefits and people with disabilities on SSI from losing SSI because of UI.
- Provide for a second round of paycheck protection funding for businesses and include larger nonprofits.
- Amend the CARES Act to cover 100% of a self-insured nonprofit's unemployment expenses.

→ Defer the implementation of CMS's Electronic Visit Verification requirements and penalties for Medicaid reimbursement (which requires legislative action) from January 2021 to January 2023. Many States have not yet developed an EVV system. Moreover, providers have so much on their plates simply trying to navigate this pandemic and to provide services to people who desperately need them, taking this worry off their plates would be very beneficial.

We cannot overstate how vital it is that you stand up now for disability service providers and the individuals with disabilities they serve. They have fought hard throughout this pandemic and they need your help. If providers close, it will destabilize the disability service system, cost thousands of people their jobs, negatively impact the most vulnerable citizens, and ultimately cost the government far more money.

This can wait no longer. Disability service providers are at high risk of closing permanently if they do not receive immediate help. The disability service system relies on providers and, to be blunt, there has been little to nothing in the COVID relief packages that have been passed to date intended to help providers and the people they serve. It would be unconscionable for our Senators and Representatives to go home without correcting this oversight.

Please feel free to reach out to any of the people below with questions.

Sincerely yours,

Kate McSweeney
kmsweeney@accses.org

Julie Christensen
julie@apse.org

Connie Garner
cgarner@easterseals.org

Sarah Meek
smeek@ancor.org

Nicole Jorwic
jorwic@thearc.org

Armando Contreras
acontreras@ucp.org