



July 28, 2020

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Azar:

We write to you with some urgency regarding the Medicaid and CHIP Provider Relief Fund. We are grateful to your Department for establishing this funding opportunity. There have been some hiccups in the rollout, however, that need to be fixed before the portal closes or else it would leave many intended Medicaid providers behind.

We are national advocacy organizations representing Medicaid-reimbursed disability service providers that are struggling under this pandemic. Despite the need for funding, many are reluctant to apply for funds under the Provider Relief Fund because the instructions and the attestation for the Provider Relief Fund do not make clear that disability service providers are eligible.

Disability service providers are the foundation of the disability services system and provide a wide range of Medicaid-reimbursed services that help people with disabilities in their day-to-day lives. The Medicaid and CHIP Provider portal, unfortunately, uses language that disability service providers generally do not use, such as “health care” and “patients.” This is compounded by a requirement to sign an attestation that calls for having treated an actual or possible “COVID patient.” Not only does this language not comport with the way in which disability service

providers communicate with Medicaid, but the narrow interpretation in the attestation does not comport your Department's broad interpretation of every Medicaid "patient" being a possible COVID patient. When we explain the broad approach HHS has taken, many disability service providers remain reluctant to apply. No one wants to sign something and find out they wrong.

Setting forth eligibility in plain language will help enormously. It must happen now.

Please provide clarity that:

- Medicaid-reimbursed disability service providers are eligible for the Provider Relief Fund.
- Medicaid-reimbursed residential providers are eligible for the Provider Relief Fund, whether or not they have had active COVID cases in their residences.
- HCBS/waiver services are eligible.
- Day habilitation services are eligible.
- If a disability service provider's TIN is in the system, the disability service provider should apply for the provider relief fund.

It would be helpful, too, if the Department made clear that the existence of a PPP loan does not preclude participation in the Provider Relief Fund.

If the Department issues new guidance on the critical issue of eligibility, we will share it widely.

We also have heard from some disability service providers that are primarily Medicaid-reimbursed and are barred because of receiving a very small amount from the General Fund. We trust this will be corrected soon.

Thank you for your consideration. We are available to talk with you about this request. Please feel free to reach out to anyone of us.

Sincerely yours,

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