



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

May 29, 2020

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

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

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

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

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

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The co-chairs of the CCD Long-Term Services and Supports (LTSS) taskforce write in response to the growing outbreak of COVID-19 across the United States, and the dire needs of people with disabilities in the face of the pandemic. While the first three legislative packages all but ignored the critical needs of the disability community, we were glad to see that the HEROES Act, which passed the House of Representatives on May 15, 2020, included several provisions that the disability community has been advocating for since before the first COVID-19 legislation was passed. In particular, the dedicated funding for Medicaid Home and Community-based (HCBS) service is of utmost importance to the disability community. Those funds are necessary to sustain the workforce that supports people with disabilities, the service providers that employ that workforce, and the people with disabilities who rely on those services to live safely in their homes and communities.

We were pleased to see that the HEROES Act included a broad FMAP increase for Medicaid. Millions of people with disabilities, aging adults and their families rely on Medicaid to support them in their homes and communities and for their other healthcare needs. When states face budget crises and other stressors, states have often responded by cutting Medicaid benefits, eligibility or payments to providers. During a pandemic, it is imperative that funding flows to states to support the stability of the Medicaid program. We urge you to support a broad FMAP increase and to maintain the strong maintenance of effort (MOE) protections that were included in the Families First Act. Any weakening of the MOE would put Medicaid coverage, eligibility and services at risk.

The HEROES Act also includes a targeted 10 percent FMAP increase for Medicaid home and community-based services (HCBS). These dedicated funds are desperately needed and must be included in the package negotiated in the Senate. The broad FMAP enhancement, while important, is not targeted to vitally important HCBS programs, which every state relies on to keep people out of, or enable them to transition from, institutions. As a result, the broad enhancement will not be sufficient to allow states to avoid massive and unsustainable cuts to these indispensable programs, which are often first on the chopping block because they are not considered “mandatory” under Medicaid law.

The dedicated funding is necessary to keep people with disabilities and aging adults safely in their homes and communities, and avoid reliance on costly institutional settings that have proven particularly dangerous during this epidemic. We look forward to working with you to make a crucial clarification: The definition of HCBS in the HEROES Act must be clarified so that it explicitly includes community-based services for all people with disabilities and older adults, including those who need community-based mental health services.

We must act now to prevent much of the worst impact of this outbreak, and we urge the Senate to address the serious, destabilizing deficits facing our nation’s only publicly funded long term care system by including both the broad enhanced FMAP and the targeted enhanced FMAP in its coronavirus response package. If you have any questions, feel free to contact Nicole Jorwic (jorwic@thearc.org).

Sincerely,

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