



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

# COVID-19 Legislative Response

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APRIL 9, 2020

# Welcome

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HEATHER ANSLEY, CCD CHAIR



# Housekeeping

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- All lines are muted.
- **For Closed Captioning** – Please visit the link included in your registration reminder. You may also visit <http://www.captionedtext.com> and input confirmation number 4410091 at the top right of the screen.
- The webinar is being recorded and the recording will be made available to CCD member organizations to distribute to their communities and grassroots.
- No Q&A, but CCD resources and Task Force Co-chair contact information will be made available.

# COVID-19 & People with Disabilities

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- January 31, 2020 – U.S. Department of Health and Human Services Secretary issues public health emergency declaration
- March 11 – World Health Organization declares COVID-19 a pandemic
- March 13 – U.S. President issues national emergency declaration
- People with disabilities and/or who are immunocompromised are at particular risk, facing high risk of complications and needing to isolate themselves for protection

# CCD's Advocacy Through COVID-19

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As Congress considers legislative packages to provide support and relief through the COVID-19 pandemic, CCD has been advocating for support in many areas including:

Access to Health Care & Long-term Services and Supports

Social Security

Disability Rights

Housing &  
Transportation

Education &  
Employment

Emergency  
Management

# Purpose of Webinar

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- Educate CCD members on the progress made to date in Congress's first three COVID-19 relief and support packages
- Inform members about what remains to be done, as Congress considers additional COVID-19 relief and support packages
- Provide information to help organize and activate the broader disability community

# Progress Made So Far

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NICOLE JORWIC, BETHANY LILLY & LAURA WEIDNER

# Home- and Community-based Services & Medicaid

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- **Money Follows the Person:** Extended through Nov. 30, 2020
- **Spousal Impoverishment Protections:** Extended through Nov. 30, 2020
- Allows people receiving HCBS under 1915(c) waivers to have their direct support professionals assist them during short-term hospital stay
- Funding for the Administration for Community Living and specifically for home- and community-based services and support for family caregivers



# Misc.

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- **Unemployment:** Expanded unemployment to include people with disabilities who work part time (such as those on SSI/SSDI), boosted benefits by \$600 per week above standard state benefits, and allows for up to four months of benefits when the individual remains unemployed
- **Housing:** Funding for various important housing programs including \$1.25 Billion for the Housing Choice Voucher Program & \$15 million for Section 811 Housing for Persons with Disabilities
- **Education:** \$30.75 billion for an education stabilization fund, some of which is to help meet the needs of students with disabilities

# Stimulus Payments, SSI and Social Security

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- The Third COVID-19 Bill included “Recovery Rebate” payments for most people in America.
- If you file taxes, the payment will be made immediately.
- But most people on Supplemental Security Income (SSI), certain Veterans benefits, and many people who receive Social Security benefits do not file taxes.
- The IRS and the Social Security Administration fixed this problem for people who receive Social Security benefits.
- Updates: [www.irs.gov/coronavirus](https://www.irs.gov/coronavirus)

# Paid Leave

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- The Second COVID-19 Bill included emergency paid sick days and paid leave for people to use during the COVID pandemic.
- **Paid Sick Days:** 2 weeks of paid sick leave for several different reasons, including for COVID-19 diagnosis and treatment, if your doctor has told you to stay home, and to care for someone with COVID-19 or who has been told to stay home.
- **Paid Leave:** 12 weeks of leave (2 unpaid that can be covered by the Paid Sick Days) for parents who need to care for children (of all ages) who have lost their usual source of care.
- Many people are left out:
  - Caregivers who are not parents.
  - You are not eligible if you work for an organization that has more than 500 employees.
  - If you work for an employer with less than 50 employees or you are a health care worker, you may not be eligible.
- Caregiving leave is only paid at 66%.

# Progress So Far – Medications

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- **Medicare:** CARES Act provided for 90-day supplies
- **Medicaid:** most states have taken action for early fills, longer-fills, and 90-day supplies
  - Some states require a State Plan Amendment
- **Private Payers:** most national payers have taken action, including for their Medicare and Medicaid plans
  - Some Medicaid MCOs require a CMS-approved contract amendment
- **Controlled Substances:** DEA has issued guidance on flexibilities, additional changes are up to the states

# What Remains to be Done

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# Home- and Community-based Services (HCBS) Funding

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- HCBS Grant Program outlined in S. 3544 and H.R. 6305 the bills are titled “A Bill to Assist Older Americans and People with Disabilities affected by COVID-19”
- Working on gaining bi-partisan support
- The bill would promote and provide funding for HCBS
- Provide wage support and flexibilities for direct support professional, home health and personal care attendant workforces
- Based on 15% of state’s Medicaid HCBS Spending



**Nicole Jorwic**

Co-chair, CCD Long-term  
Services and Supports  
Task Force

# Workforce Support & Funding

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- The HCBS grant program will provide funds to support retention and recruitment for the workforce
- In addition we are seeking to deem this workforce as essential so that they have the desperately needed Personal Protective Equipment (PPE) and medical supplies that they need.
- Working to ensure that the definitions in every proposal is inclusive of all services that this workforce provides, including employment services.



**Nicole Jorwic**  
Co-chair, CCD Long-term  
Services and Supports  
Task Force

# Disability Rights

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- Require government agencies to track displacement of people with disabilities into institutional settings as a result of COVID pandemic (including through Section 1135 waivers)
- Fund additional government enforcement of *Olmstead* to prevent needless institutionalization of people with disabilities as a result of the pandemic



**Jennifer Mathis**  
Co-chair, CCD Rights Task  
Force



# Disability Rights (cont.)

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- Address Disability Discrimination in Rationing of Life-Saving Medical Treatment
  - Majority of states have rationing protocols that deny or give lower priority for treatment to people based on their disabilities
  - HHS has issued brief guidance under Section 504 and Section 1557 of the Affordable Care Act
  - HHS Office of Civil Rights resolution of first of a series of disability discrimination complaints (Alabama)
- Provide additional funding to states to ensure that the right to private, independent, accessible voting is maintained as absentee and mail-in voting are expanded
- Guard against weakening of ADA or other civil rights laws

# Paid Family Medical Leave

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- **Targets:** Members of Congress, the Department of Labor
- **Ask for Members of Congress:**
  - Expand Paid Leave (the longer one!) for people with disabilities who need to self-isolate and to ensure that caregivers other than parents can take time off to be there for their loved ones.
  - Make sure ALL caregivers are included.
  - Pay caregivers just like everyone else.
- **Ask for Department of Labor:**
  - Allow health care workers to take paid leave if they are diagnosed with COVID-19 to protect everyone.
  - Expand paid leave (the longer one) for ALL caregivers and for caregivers who need to care for someone who must be in self-isolation.
  - Ensure that all caregivers can use leave intermittently.
  - You can use the template comments here:  
<https://drive.google.com/file/d/1oxvs5Pqk8Hy17tyBikj8pUhEalcepHEm/view?usp=sharing>



**Bethany Lilly**  
Co-chair, CCD Financial  
Security & Social Security  
Task Forces and Lead, CCD  
Paid Leave Working Group

# Stimulus Payments, SSI & Social Security

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- **Targets:** Members of Congress, the IRS/Treasury, and the Social Security Administration
- **Hashtags:** #FixtheGlitch, #WeAreEssential
- **Ask for Congress:**
  - Please tell IRS/Treasury, SSA, and the VA to work it out.
  - If not, please order them to in the next COVID-19 bill.
- **Ask for IRS/Treasury, SSA, and the VA:**
  - Please share data and make these payments automatically.



**Bethany Lilly**  
Co-chair, CCD Financial  
Security & Social Security  
Task Forces and Lead, CCD  
Paid Leave Working Group

# Medications

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## **Federal:**

- DEA to issue guidance on what states can do to relax controlled substance rules without violating federal law

## **State:**

- Governors for early fills, longer fills, and use of mail order in Medicaid
- Attorneys General should allow the same for controlled substances
- Insurance commissioners should require early refills, longer fills, and use of mail order pharmacies by private payers



**Rachel Patterson**  
Co-chair, CCD Health  
Task Force

# Transportation

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## Capitol Hill Requests

- Allocate emergency stimulus for USDOT's Section 5310 program.
- Convene the Coordinating Council on Access & Mobility to identify solutions to accessing services if transit shuts down.
- Maintain ADA paratransit service areas.
- Maintain as much as possible during, and reestablish all transit bus routes entirely after the pandemic.
- Provide alternative transportation to all riders in need, including direct care workers, if transit is unavailable.



**Carol Tyson**  
Co-chair, CCD  
Transportation Task Force

# Transportation (cont.)

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## **Requests for U.S. Department of Transportation (DOTs), DOTs, Local Transit Agencies**

- Ensure PPE for bus, rail, paratransit, on-demand and Amtrak operators and workers.
- Adopt rear boarding policies that considers the needs of riders with disabilities.
- Please consider sharing these asks and the memo with your chapters to raise with their local transit agencies.

## **Resources**

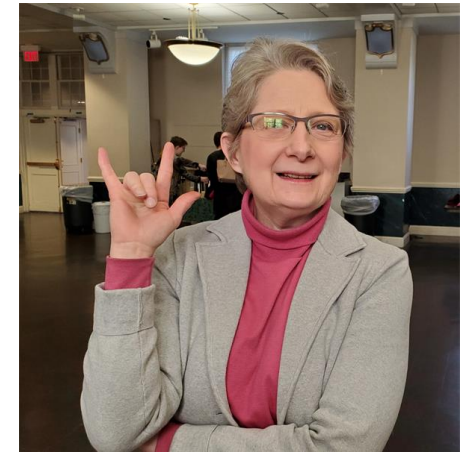
- CCD Letter to USDOT Letter regarding Access, Safety During and After COVID 19 [[Link](#)]
- Eno Center Op-Ed on Passengers with Disabilities and Workers in COVID 4 [[Link](#)]
- Memo to Transit Agencies Regarding Rear Door Boarding Accessibility [[Link](#)]

# Emergency Management

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Amplify requests to protect the rights of people with disabilities and prevent involuntary institutionalization by incorporating actions that are reflected in the Real Emergency Access for Aging and Disability Inclusion (REAADI) for Disasters Act and Disaster Relief Medicaid Act, including:

- Funding state and local government entities to track displacement of people with disabilities into skilled nursing facilities (SNF) and other institutions with or without the use of a CMS 1135 Blanket Waiver.
- Requiring and funding federal, state, and local government entities to ensure disability services and supports are provided in the most integrated settings appropriate to the person.
- Funding federal entities to monitor recipients and subrecipients of federal funds to ensure compliance with disability rights laws throughout all disaster-related placement decisions within 30 days, and with quarterly reports to Congress.
- Adopting the recommendations for legislative action outlined in the 2019 report from the National Council on Disability report: Preserving Our Freedom: Ending Institutionalization of People with Disabilities During and After Disasters



**Susan Prokop**  
Co-chair, CCD Emergency  
Management & Veterans  
Task Forces

# Emergency Management (cont.)

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- Establishment and funding of Disability, Emergency and Disaster Technical Assistance Centers led and managed by disability inclusive emergency management experts, operational within 30 days of enactment in order to meet the immediate life-saving and life sustaining needs and protecting the rights of Americans with disabilities and all who have access and functional needs in a disaster or public health emergency.
- Amend the Stafford Act - Use of Disaster Response and Recovery Funds -
  - To fund certain “nonprofit entities” in Category B language - amended to define funding for a training & technical assistance center.
  - To fund disability-led organizations providing life-saving and life-sustaining assistance in a federally declared, Stafford Act eligible disaster or emergency.
- Enactment, funding and implementation of all elements of the Real Emergency Access for Aging and Disability Inclusion (REAADI) in Disasters Act (HR 3208/S 1755) and Disaster Relief Medicaid Act (HR 3215/S 1754) not otherwise specified in the recommendations to ensure that the rights of people with disabilities are protected and that their needs are met in concurrent and future disasters.



# Housing

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## Top Housing Priorities:

- Broad, comprehensive moratorium on evictions and foreclosures for the duration of the emergency
- Create a new emergency assistance fund to provide short-term financial assistance and housing stabilization services
- Expand housing resources, including increases for the Section 8 Housing Choice Voucher program, the Section 811 Supportive Housing for Persons with Disabilities, National Housing Trust Fund, the HOME Investment Partnerships program, and the Low-income Housing Tax Credit

## Overall:

- Ongoing need to respond to coronavirus among people experiencing homelessness and for flexible, effective emergency rental assistance



**Molly Burgdorf**  
Co-chair, CCD Housing  
Task Force

# Education

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- Increase funding for IDEA early intervention, preschool, k-12 special education and related services, parent information, personnel development, technology, and other services.
  - The CARES Act only included \$13 Billion for all K-12 education, and serving students with disabilities is only one of many allowable uses
- Oppose waivers of any part of IDEA or the Rehab Act
  - The CARES Act required the Secretary of Education to prepare a report to Congress by April 26 on recommended flexibilities for IDEA, the Rehab Act and other laws
- Do not allow for federal education funding to be used to create voucher programs
- Ensure that distance education is accessible to students with disabilities



**Laura Weidner**

Vice-chair, CCD, on behalf  
of Task Force Co-chairs

# Employment

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- **Increase Investment in WIOA Title Formula Funding.** The nation’s workforce system needs further investment by Congress to ensure that it is equipped to retrain laid off workers, connect disclosed workers to new opportunities and meet the unique needs of jobseekers with disabilities.
  - The nation’s workforce system, defined in the titles (I, II, III, and IV) of the Workforce Innovation and Opportunity Act (WIOA), stands ready to meet the needs of workers with and without disabilities caught up in this crisis.
  - However, funds are needed now to address the massive scope of job losses due to COVID-19.
  - According to the Campaign to Invest in America’s Workforce (CIAW), the workforce system experienced “a 234 percent increase” in clients during the Great Recession. The current situation is projected to be far worse
  - Investment at least comparable to the American Reinvestment and Recovery Act of 2009 (ARRA) is desperately needed.
- **Ensure that Unemployment Doesn’t Threaten Benefits.** The supplemental federal payment for individuals collecting unemployment must not count toward income-based eligibility for Supplemental Security Income, Medicaid, or other means-tested programs.

# Supports & Systems for Families

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Emergency funding to ensure that children and adults with disabilities and their family caregivers have the information, support, tools, resources, and protections they need, particularly when usual sources of care are unavailable. These needs can be met with additional support via these existing programs:

- DD Act programs;
  - Funding is needed for ongoing accessible (e.g. plain language) emergency outreach and communication; training and technical assistance to caregivers, direct service providers and health providers; protecting individuals with developmental disabilities by empowering them and advocating on their behalf for equal access to testing, supports and acute medical care; and collection and analysis of data
- Family 2 Family Health Information Centers; and
- The Leadership in Education in Neurodevelopmental and Related Disabilities (LEND).

# Technology & Telecommunications

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- At least \$30 million for Section 4 State Assistive Technology Act Programs to address the programs' current front-line needs to accommodate remote working environments; meet the need of consumer demands for devices to combat social isolation, educational needs, employment needs (possibly due to working remotely); and create innovative solutions
- Significantly increase funding for the Lifeline program which provides discounted or free phone services and devices for low income households who qualify based on federal or state-specific eligibility criteria, such as Medicaid and Medi-Cal.

# Resources & Contact Information

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- **CCD's website:** [www.c-c-d.org](http://www.c-c-d.org)
- **CCD COVID-19 Webpage:** <http://c-c-d.org/rubriques.php?rubpage=58>
- **CCD Task Force Co-chair Contact Information (for questions):**  
<http://c-c-d.org/rubriques.php?rubpage=18>

# Action Plan & Next Steps

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LAURA WEIDNER, VICE-CHAIR, CCD

# Action Plan

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- CCD sent its priorities for inclusion in COVID-19 package 4 to Capitol Hill on April 2. CCD's letter can be viewed here: <http://c-c-d.org/fichiers/FINAL-CCD-Asks-for-COVID-19-Package4.pdf>
- Will provide sample action alert
- Will provide sample social media



# Timing

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- Expect package 4 to move in late April, although it is unclear when conversations will start.
- Interim emergency legislation in the meantime
- Congress is expected back April 20<sup>th</sup>
- The House is expected to draft the first version

# Wrap-up

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HEATHER ANSLEY, CHAIR

# Wrap-up

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- If you have any follow up questions, please contact the appropriate CCD Task Force Co-chairs for any policy-related follow up: <http://c-c-d.org/rubriques.php?rubpage=18>.
- The weekly CCD digest includes COVID resources and information from CCD members. Please check it out.
- The webinar recording should be available by late next week.

# Thank you for your advocacy!

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WITH DISABILITIES