



# Update on Federal Disability Policy

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# Relevant Legislation and Laws

- ▶ **The ABLE Age Adjustment Act** (S. 331/H.R. 1219)

As of June 15, 2021:

60 co-sponsors in the House of Representatives

12 co-sponsors in the Senate

Bipartisan support

- ▶ Permanency for Medicaid's **Money Follows the Person (MFP)** (H.R. 1880)

Sponsored by Representative Dingell (D-MI)

- ▶ Home- and Community-Based Services in the **American Rescue Plan Act** and the **American Jobs Plan**

# What the Legislation or Law Does

- ▶ **ABLE Age Adjustment Act:** Allows people who acquire their disability before they are 46 years old to establish a tax-free savings account for disability-related expenses, without risking eligibility for SSI or Medicaid. Currently an individual must become disabled prior to age 26 to qualify.
- ▶ **Money Follows the Person:** A bipartisan-supported temporary demonstration that helps people with disabilities and older adults leave an institution or nursing home if they choose and instead live at home or in the community with support. H.R. 1880 would make it permanent within Medicaid.
- ▶ **American Rescue Plan Act:** Temporary \$12.67B increase in federal funding for Home- and Community-Based Services (HCBS).
- ▶ **American Jobs Plan:** \$400B for HCBS and would make MFP permanent

# American Rescue Plan Act (ARPA) Funding

- ▶ \$12.67B funding increase
- ▶ Federal Medical Assistance Percentage (FMAP) bump
- ▶ April 1, 2021 – March 31, 2022; spent by March 31, 2024
- ▶ Funding to to “supplement – not supplant.”
  - ▶ Wide variety of HCBS programs, services, and supports
- ▶ CMS Guidance to States (May 13, 2021)



# Select Examples of Allowable HCBS Uses for ARPA Funds

- ▶ Increase provider rates
- ▶ Overtime and/or hazard pay
- ▶ Recruitment and retention for direct care workers
- ▶ Cost of personal protection equipment
- ▶ Reduce waiting lists and expand capacity
- ▶ Respite care for family caregivers
- ▶ Expand capacity for behavioral health providers including funds for health IT (electronic health records)
- ▶ Lots more
- ▶ Successful advocacy on the part of JFNA

# JFNA's Priorities for American Jobs Act \$400 billion on HCBS

- ▶ Minimum 40% FMAP increase for HCBS beyond American Rescue Plan year of funding tied to higher HCBS provider reimbursement rates
- ▶ Expand the types of services included in HCBS to include low-income, accessible housing and transportation
- ▶ Continued telehealth to provide Medicaid HCBS
- ▶ Ensure that states use the additional funding to supplement, not supplant, their service spending, and to pay living wages and benefits
- ▶ Provide for retroactive Medicaid coverage for HCBS
- ▶ Permanently authorize Medicaid's Money Follows the Person program and the HCBS Spousal Impoverishment Protection
- ▶ Equitably distribute services throughout the country with an emphasis on supporting communities of color and other marginalized groups
- ▶ Bolster pipeline programs through increased training and certification opportunities
- ▶ Uphill battle

# Thank you

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