

Legislative Committee Annual Members Meeting, June 27, 2021

REPORT

Legislative Committee meets monthly on the second Tuesday of each month. Joanne St. Amand has been Committee chair since September 2021. Those who have served as members over the past two years include Hugo Dwyer, Sam Friedman, Larry Innis, Sue Jennings, Peter Kinzler, Caroline Lahrmann, Linda Lotzi, Darrell Pickney, Joe Valenti, Steve Wallace (previous chair), Debra Wallace and Rita Winkler.

According to the By-laws, Article XII, Duties of Standing Committee, Section 7. The Legislative Committee shall monitor legislation that affects persons with intellectual disabilities as it proceeds through Congress and organize membership response, including Washington Initiatives, Action Alerts, and other such activities, as the Committee deems necessary and appropriate.

Highlights for the past year include:

Money Follows the Person (MFP) – despite actions by VOR Executive Director, Board and Members, we reported that MFP has been reauthorized by the Consolidated Appropriations Act, 2021, H.R. 133, which became law on 12-27-20 and extends MFP through fiscal year 2023. On March 12, H.R.1880 – *“To amend the Deficit Reduction Act of 2005 to make permanent the Money Follows the Person Rebalancing Demonstration”* was introduced, for permanent MFP reauthorization, by Debbie Dingell, (D-MI). She currently has no cosponsors. In the past, MFP bills have had few cosponsors but have managed to get attached to other bills and be approved by voice votes, without any discussion. So far, there is no companion bill in the Senate. We continue efforts to stay on top of changes and to oppose legislation to authorize MFP.

<https://www.congress.gov/bill/117th-congress/house-bill/1880>

The American Rescue Plan Act – we followed the FMAP (federal medical assistance percentage) increases addressed in American Rescue Plan Act. Hugo, Sam, and Peter contacted members of Congress about our concerns with the inequity of funding between the ICFs and Home and Community Based Services (HCBS) in the American Rescue Plan Act. As written, that language excludes Medicaid increases for those people with I/DD who are in ICFs. VOR composed a letter pointing out this inequity and asked members of the Senate to amend this provision to include all people with IDD, not just those living in HCBS settings. Hugo has put the letter on our website. While the bill was being debated in the House, Hugo sent the letter to the leadership of both the House and the Senate. In addition, a VOR Action Alert was distributed to VOR members asking them to forward a similar pre-written letter to their own member of the House and their two Senators.

Unfortunately, the Senate passed its COVID-19 relief legislation 50-49 on Saturday, March 13, with a provision that will create a \$12 billion influx for the HCBS program with nothing equivalent for ICFs. The House-passed COVID-19 relief bill originally had an FMAP increase for the HCBS portion of 7.35 percent, which was bumped to 10 percent by the Senate shortly before signed into law by President Biden.

Home and Community Based Services Access Act (HCBS AA) – The offices of Senators Hassan, Brown, and Casey, and Rep Dingell disseminated a discussion draft of a bill called the Home and Community Based Services Access Act (HAA) to gather detailed comments and suggestions, which were due April 26, 2021. The Legislative Committee determined this to be a good opportunity for VOR to reintroduce ourselves to members of Congress, as well as voice our concerns and recommendations to amend the bill. During the near completion of our draft letter, we consulted with soon to be hired HPS were able to include input and suggestions from Gayle prior to the deadline. A copy of our submission letter is on the VOR website and includes the following recommendations to their draft bill:

VOR encourages the drafters to drop the provisions that would have the federal government define what is best for individuals with I/DD and to address head-on the unmet needs of the I/DD population. Specifically, VOR calls on the drafters to amend the bill in the following ways:

- 1. Remove the provisions that would eliminate the ICF option and include additional funds for people on the waiting lists. The new funds should be provided on an even-handed basis so the individuals can choose the residential setting they believe is best for them.*
- 2. Provide for increased wages for direct care staff in all settings, making sure that there are commensurate additional funds for all providers to cover the additional costs.*
- 3. Establish standards for improved oversight of HCBS homes. Replace existing inefficient and burdensome paperwork requirements with sufficient analytical and IT support to implement streamlined approaches to capturing data to be analyzed in determining systemic causes and solutions.*

Status of work with Health Policy Source (HPS) – At the end of April 2021, VOR hired HPS to represent VOR in Washington and guide us on legislative matters. We had an initial meeting on May 4 with Dan Boston, President, Keith Snider, Health Policy Director and Gayle Gerdes, Health Policy Analyst. Since then, we have been working closely with Gayle who in addition to her council on the HCBS AA submission prior to VOR contracting with HPS, has attended the May and June Legislative Committee meetings. She participated in our Legislative Initiative on May 16 and the de-briefing session on Monday, May 17. She reviewed and consulted on our documents for the Legislative Initiative virtual folder which included VOR positions on:

- (1) Who we are and Our Concerns for the 117th Congress.
- (2) HCBS Access Act of 2021
- (3) The American Job Act
- (4) 14c Certificates and the Myths and Facts about Voc Centers for People with I/DD

Gayle worked with VOR to set our Legislative priorities for the immediate future. She also informed us about the hearing of for HHS Secretary Becerra at the House E&C Hearing on FY2022 HHS Budget and helped develop and submit a question for the Secretary. Although the question was not asked publicly at the hearing, it will be part of the public record for the hearing.

Administration for Community Living (ACL) - Alison Barkoff was sworn into office as the Principal Deputy Administrator of the Administration for Community Living (ACL) on January 20, 2021. She has as one of her goals to permanently authorize MFP. Ms. Barkoff testified against VOR and the Goodlatte Bill. Hugo and Sam participated in a meeting hosted by Ms. Barkoff along with representatives of NCSA, TFC, and ACCSES. They conveyed our concerns and discussed (1) being left out of the FMAP increase, (2) the need to keep open vocational centers and the importance of 14(c) certificates, and (3) the problem of federally funded class action lawsuits against ICFs, as Ms. Barkoff now controls the purse strings of P&As and has supported these suits in the past.

Legislative Initiative 2021 – due to the pandemic, VOR did not hold the Annual Conference and Legislative Initiative in Washington in 2020. This year, Legislative Offices in Washington were again only meeting virtually. Important to maintain our presence with members of Congress, we conducted a virtual Legislative Initiative for 2021.

Events where via Zoom and hosted by Hugo and Peter. Members scheduled their own appointments either either via ZOOM or conference call. The schedule was:

- Briefing on the virtual folder - Sun, May 16 at 4PM.
- Virtual Hill Appointments suggested during the week of May 17th and 24th.
- Online de-briefing - May 17 and 18, 6:30-8PM Eastern
- A third day was added on June 1, 6:30 Eastern.

Bill Watch – each month Hugo publishes a spreadsheet of all current bills of concern to VOR. The spreadsheet contains much information included the name and number of bills, sponsors, actions taken to date, links and is color coded to indicate bills we support and those we oppose.

Respectfully submitted.

Joanne St. Amand, chair
VOR Legislative Committee
June 27, 2021