

December 12, 2021

Re: Appeal for increased funding and provisions to protect all Individuals with Intellectual and Developmental Disabilities in the Build Back Better Act

Dear Senators and Members of the House of Representatives,

As the Senate considers the Build Back Better Act, we are reaching out to urge you to make sure the bill will improve standards of care and opportunities for employment for all individuals with intellectual and developmental disabilities (I/DD) and aging Americans who receive services through various Medicaid programs and/or are engaged in employment programs regulated by the U.S. Department of Labor.

For nearly four decades, VOR has been a leading national non-profit organization advocating for the needs of all individuals with I/DD, but focusing on the specific needs of the most vulnerable, those with severe/profound I/DD and/or autism, often accompanied by complex medical or behavioral conditions. Our families have some serious concerns about provisions in the Build Back Better Act as it passed the House, and request your attention to these issues.

1. Section 30712 would provide a 6 percentage point FMAP increase for 10 years for HCBS programs in “HCBS improvement states”, including a requirement that they have in effect a program to support self-directed care. VOR supports self-directed care for those for whom it is appropriate, but it is also essential to provide appropriate, life-saving federal funding to protect the rights and well-being of those who are incapable of self-directed care.

We ask that Congress approve a 6 percentage point increase in the FMAP over the next 10 years for all people receiving services through Medicaid programs, encompassing those receiving HCBS services as well as individuals residing in Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs), Nursing Homes, farmsteads, and other non-HCBS residential options.

2. Section 30711 addresses the crisis in the shortage of Direct Support Professionals (DSPs). There is a need to increase wages and training for the entire workforce of DSPs, not only those working in HCBS settings. Private ICFs and other non-HCBS providers rely on the same pool of workers as HCBS service providers. For Congress to approve wage increases and better training for DSPs who work in HCBS environments and not provide equally for those who work in ICFs, nursing homes, farmsteads, or other facilities would have disastrous impacts on the ability of those providers to staff essential services.

We ask that Congress alter the language of the House-passed section of the bill to cover all Direct Support Professionals, regardless of setting, in order to provide them all with competitive wages and career-path training.

3. Section 22201 of the BBB Act offers states grants to create programs to increase opportunities for competitive integrated employment. While we support those programs, we are concerned that the grants would mandate the elimination of programs that provide employment opportunities to individuals with I/DD to be paid commensurate wages under Section 14(c) of the Fair Labor Standards Act. This is not only unnecessary, as those who wish to leave sheltered workshops and move into competitive employment are free to do so, but it would discriminate against those who are not candidates for competitive employment – those

who are incapable of competitive employment but benefit from working in environments overseen by DSPs who can attend to their needs and the challenges inherent in their disabilities and those who prefer working in the community of their peers instead of being forced to compete with non-disabled individuals. Grants to states for employment opportunities should supplement, not supplant, these important programs.

We ask that the Senate remove from Section 22201 the requirement that programs offering grants to states to increase competitive, integrated employment programs must phase out or eliminate work programs that provide employment opportunities to individuals with I/DD to be paid commensurate wages under Section 14(c) of the Fair Labor Standards Act.

In conclusion, it is our position that the Build Back Better Act should provide improvements in services for all people in the I/DD and aging communities equally, not selectively increase funds for one group while denying others. We believe Congress has a responsibility to improve wages and training for all DSPs, regardless of the type of facility where they serve. We contend that there is no need to eliminate existing employment opportunities that meet the needs of some people with IDD in order to create new programs that benefit others.

It is our hope that Congress will improve the Build Back Better Act to ensure that it benefits *all* people with intellectual and developmental disabilities.

Thank you for your consideration,



Hugo Dwyer - Executive Director



Harris Capps - President, VOR Board of Directors