



July 9, 2020

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate  
Washington, DC 20515

The Honorable Charles Schumer  
Minority Leader  
U.S. Senate  
Washington, DC 20515

Dear Leaders McConnell and Schumer:

The undersigned organizations are reaching out about the very critical and specific needs of the disability community, service providers, and the workforce. Our organizations collectively represent the vast provider network that supports individuals with disabilities in their homes and communities.

We write in response to the continuing outbreak of COVID-19 across the United States and the urgent needs of people with disabilities in the face of this pandemic that thus far have not been recognized in the COVID-19 relief packages. The disability community includes millions of individuals with underlying or pre-existing conditions, their families, direct care workers, and disability service providers who support them. People with disabilities are, and will be, particularly at risk as COVID-19 continues to spread across the country, facing high risk of complications and death if exposed to the outbreak. Current policies and system limitations make it extremely difficult to self-isolate and reduce risk of exposure.

We already wrote to highlight that the HEROES Act that passed the House of Representatives on May 15, 2020 had several components the disability provider community has been advocating for since before the first COVID-19 legislation was passed. The dedicated funding for Medicaid Home and Community-based (HCBS) services is of utmost importance for Medicaid service providers. Those funds are necessary to support the workforce that supports people

with disabilities, the providers that employ that workforce, and the people with disabilities who rely on those services to live safely in their homes and communities.

As we have met with Senate offices to highlight this issue, we have become concerned around some misunderstandings about how large of a positive impact elements like the Paycheck Protection Program (PPP) loans and Provider Relief Fund disbursements have been for disability service providers. We are grateful that Medicaid HCBS providers were able to apply for PPP loans, for those that did, that funding provided **temporary** relief at the beginning of the pandemic. These funds, while helpful, were not available to all providers, and was not sustaining funding. Many disability service providers that applied early used their funds to keep employees on the payroll who would otherwise have been furloughed given the shutdowns of the organization. That money was spent in accordance with the rules in place at the time and the intent of Congress, and now as disability service providers are beginning to reopen, they are facing massive increases in costs against vastly reduced revenues. These organizations are vital to the disability service infrastructure and are at risk. An immediate infusion of financial support dedicated to disability service providers is needed.

The Provider Relief Funds, and the Department of Health and Human Services' (HHS) June announcement that Medicaid providers would be included in the recent disbursement. was welcome news to providers. The rollout of the Medicaid and CHIP Provider Relief fund, however, has been far from ideal, with inconsistent and inadequate communication from HHS. The disbursement has focused on "healthcare" and "patients," and a required attestation provision that suggests a necessity to have cared for a COVID patient. This is language that disability service providers generally do not use and therefore many providers have assumed they are not eligible for the funds. It is not surprising that many are reluctant to sign a required attestation that applies to medical providers as opposed to disability service providers. Even after we have worked to educate providers on what we believe is the intent of the HHS disbursement, many providers have either once again been left out, or are being blocked from accessing the full amount of funding they are due, because of the lack of information and flexibility of HHS. We strongly recommend that Congress ask HHS to keep the Medicaid and CHIP Provider funding portal open past the July 20 deadline and to provide further instructions using more inclusive language that will make it clear to disability service providers that they are eligible for these funds. We also ask that the \$15 billion allocated from the \$175 billion that HHS was asked to disburse be increased to provide truly meaningful relief to disability service providers.

Both the access to PPP loans and the Provider Relief Fund disbursements have been raised as potential reasons to not include dedicated HCBS funding in the July COVID-19 relief package. As

outlined above, that is not accurate. Disability service providers have not received substantial relief from either the PPP loans or the Provider Relief funds. Moreover, the dedicated HCBS funding is not only to assist providers, the funds would support the state HCBS systems that service providers work within, and flexibilities and funding for the workforce that service providers employ.

While we are asking for HHS funding to be increased and the HHS rollout to be expanded, that is not enough without additional HCBS funding. The need for dedicated HCBS funding in the next COVID-19 package is abundantly clear. We know that we must act now to prevent much of the worst impact of the pandemic, and we are grateful for the prompt action so far taken. But we urge the Senate to address the unfinished business discussed in this letter. If you have any questions, feel free to contact any of us below.

Sincerely,

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