



Center for Public Representation



Disability Community Asks for COVID-19 Legislation

The disability community includes millions of individuals with underlying or pre-existing conditions, their families, and the direct care workers 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 and needing to isolate themselves for protection. Our needs are serious and urgent. If they are not addressed right away, people with disabilities will lose important services that support us in our homes, schools, and communities. We will not get the health care that we need, and our civil rights will be violated. We will die. **We urge Congress to focus on people with disabilities and our needs in the fourth COVID-19 bill, before it is too late.**

Specifically, as the fourth piece of legislation moves forward, we urge Congress to ensure that these crucial elements are included in the next COVID-19 legislative package:

Economic Stimulus and Social Security Benefits

- Congress should mandate that the Social Security Administration, the Department of Veterans Affairs, and Treasury should share the necessary data to automatically process Recovery Rebates to low-income individuals with disabilities and older adults who rely on Supplemental Security Income and certain Veterans benefits.
- Social Security and Supplemental Security Income benefits should be boosted for the duration of the epidemic to help people with disabilities afford the increased costs of health care supplies and medically necessary isolation.

Home and Community-Based Services (HCBS) in Medicaid

- Increase FMAP match beyond the 6.2 bump to ensure that Medicaid and state governments have the resources they need to ensure care for people with disabilities. Ensure strong protections around state maintenance of effort are retained.
- Fund HCBS grants, such as the ones found in the [Corona Virus Relief for Seniors and People with Disabilities](#) to support the Direct Support Professional (DSP), Personal Care

Attendant, and Home Health Workforce. Without additional resources, aging adults and people with disabilities will be forced out of their homes and communities and into congregate settings, at risk to their health and in violation of their rights under the Americans with Disabilities Act (ADA) and the Supreme Court's decision in *Olmstead v. L.C.* Meaningful investments in Home and Community-Based Services are one of the most important steps Congress can take to safeguard the disability community.

- Direct Support Professionals, Personal Care Attendants, and other direct care workers should be designated essential personnel to ensure access to PPE.

Medication/Treatment

- Ensure that all testing and treatment for COVID-19 are provided at no cost for all individuals whether insured or not. The Families First Coronavirus Response Act focuses on testing, not treatment.
- As Congress recognized in the Coronavirus Aid, Relief, and Economic Security (CARES) Act, everyone should have access to medication and supplies refills for 90 days, including allowances for partial fills and controlled substances, without cost sharing and with financial assistance to allow for self-isolation for at-risk people with disabilities. The protections extended in the CARES Act to Medicare beneficiaries should be extended to all payers and should include controlled substances, as well as flexibilities for mail-order pharmacies.
- Ensure that service providers have access to the necessary training, equipment and medical supplies.
- Allow the Dept of Veterans Affairs to provide their non-veteran employees access to COVID testing.
- Take action to prevent and address shortages of medication and medical supplies.
- Ventilator and PPE Production: Congress must appropriate funds specifically for ramping up production of both Personal Protective Equipment and ventilator production. The Secretary of Health and Human Services should be given authority to expedite bringing new production facilities online and do everything possible to mobilize a "whole-of-country" response to meet these production challenges.

Paid Leave/Sick

- Ensure paid sick days and paid leave provisions include all caregivers who can't work because they are caring for an adult with a disability or aging family member whose program has closed or care worker is sick and that paid leave provisions include people with disabilities who must self-isolate because of their disability.

Rights

- Ensure the rights of individuals with disabilities and older adults, to be free from discrimination on the basis of disability or age in programs and activities, are protected during all phases of disaster preparation, response, recovery, and mitigation.
- Do not allow any weakening of the protections of the ADA for businesses or in the building of new facilities if necessary.

- Provide additional funding to states to ensure the right to independent and accessible voting as states are moving to absentee and mail-in voting.

School/Education

- Ensure that any legislation to support access to virtual education and other supports are inclusive of the unique needs of people with disabilities, including requirements under the Individuals with Disabilities Education Act.

Transportation:

- Make Non-Emergency Medical Transportation a mandatory benefit under Medicaid.
- Fund transit & rail during and after the pandemic, including section 5310 funds which support many small transit providers in rural areas.
- Convene the Coordinating Council on Access & Mobility to identify alternatives to receiving services, groceries, care, etc. if / when transit shuts down and traveling is not an option (it already has in some areas).
- Provide protective gear and cleaning supplies for transportation providers.
- Maintain paratransit service areas during and after COVID-19.
- Prohibit discrimination in COVID-19 transportation policies.

We know that we must act now to prevent much of the worst impact of this outbreak. We urge Congress to act quickly, incorporate urgent disability community priorities in the 4th COVID-19 legislative package, and promptly pass this crucial legislation.

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