



Hot off the Press:

House Members Return to DC for Vote on HEROES ACT

The Democratic leadership in House of Representatives introduced the HEROES Act on Tuesday, May 12, and after 9 p.m. on Friday, May 15, the House members passed their fifth bill to provide economic relief and stimulus to address the COVID-19 pandemic. The \$3 trillion HEROES Act, H.R. 6800, was passed 208 – 199, on a largely partisan vote. Passage of the first four bills was overwhelmingly bipartisan given the urgency of the various aspects of the pandemic that needed to be addressed. This bill was not bipartisan (with one exception) and it will likely take weeks to work out a compromise with the Senate on the next COVID-19 emergency bill. Some are saying that final passage before the July 4th recess is the likely scenario. The bill includes \$10,000,000 for activities authorized in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and \$5,000,000 for activities authorized in the Assistive Technology Act of 2004.

A few additional items of interest:

- F-MAP increase to 14% for July 2020-June 2021, then reverting back to 6.2% July 2021 for remainder of emergency period. Includes specified 10% increase for HCBS services.
- HCBS language supports agencies that employ direct support professionals (DSPs).
- Anti- discrimination clause for COVID testing includes disability status.
- CDC Field Studies charged to study the impact of disability status on health care access and disease outcomes.
- Emergency leave to care for a loved one.
- Provisions to address accessibility for voting.
- Disability (ADA definition) included as eligibility criteria for immediate release of vulnerable and at-risk individuals who are currently incarcerated.

Link to Congress.gov info on the bill:

<https://www.congress.gov/bill/116th-congress/house-bill/6800?q=%7B%22search%22%3A%5B%22hr+6800%22%5D%7D&s=2&r=1>

Link to the bill: <https://www.congress.gov/bill/116th-congress/house-bill/6800>

Link to the Rules Committee or Manager's Amendment:

https://amendments-rules.house.gov/amendments/LOWEY_033_xml5142012090595.pdf

Link to the summary:

<https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/documents/Heroes%20Act%20Summary.pdf>

For a sense of the scope - From Congress.gov:

Among other things, the bill

- provides FY2020 emergency supplemental appropriations to federal agencies;
- provides payments and other assistance to state, local, tribal, and territorial governments;
- provides additional direct payments of up to \$1,200 per individual;
- expands paid sick days, family and medical leave, unemployment compensation, nutrition and food assistance programs, housing assistance, and payments to farmers;
- modifies and expands the Paycheck Protection Program, which provides loans and grants to small businesses and nonprofit organizations;
- establishes a fund to award grants for employers to provide pandemic premium pay for essential workers;
- expands several tax credits and deductions;
- provides funding and establishes requirements for COVID-19 testing and contact tracing;
- eliminates cost-sharing for COVID-19 treatments;
- extends and expands the moratorium on certain evictions and foreclosures; and
- requires employers to develop and implement infectious disease exposure control plans.

The bill also modifies or expands a wide range of other programs and policies, including those regarding

- Medicare and Medicaid,
- health insurance,
- broadband service,
- medical product supplies,
- immigration,
- student loans and financial aid,
- the federal workforce,
- prisons,
- veterans benefits,
- consumer protection requirements,
- the U.S. Postal Service,
- federal elections,
- aviation and railroad workers, and
- pension and retirement plans.

House Votes to Change Procedures to Allow Remote Voting and Virtual Hearings:

Article:

<https://www.nytimes.com/2020/05/15/us/politics/remote-voting-house-coronavirus.html>

From CMS: Trump Administration Announces Call for Nominations for Nursing Home Commission

As a part of President Trump's plan to Open Up America Again, the Centers for Medicare & Medicaid Services (CMS) is announcing a call for nominations for the new contractor-led Coronavirus Commission on Safety and Quality in Nursing Homes to help inform immediate and future responses to the Coronavirus Disease 2019 (COVID-19) within these facilities...

The contractor has indicated that nominations will close on May 22, 2020 at 5:00 p.m. EDT

See the full press release and a list of other Administration actions on nursing homes:

<https://www.cms.gov/newsroom/press-releases/cms-announces-actions-address-spread-coronavirus>

Legislative Updates

Coronavirus Relief for Seniors and People with Disabilities Act (S. 3544):

The bill would:

- Increase funding for nursing home surveys to promote infection control.
- Cover the cost of treatment for low-income seniors and boost the economy.
- Promote home and community-based services and protect home health workers.
- Make sure seniors and people with disabilities have healthy food and other services at home.

Here are:

- One-pager:
<https://www.aging.senate.gov/imo/media/doc/Seniors%20and%20PWD%20COVID%2019%20Relief%20Act%20OnePager.pdf>
- The bill:
<https://www.congress.gov/bill/116th-congress/senate-bill/3544?q=%7B%22search%22%3A%5B%22s3544%22%5D%7D&s=3&r=1>

COVID-19 Recovery for Seniors and People with Disabilities Act (S.3740):

The bill would:

- Require the Social Security Administration to halt unnecessary activities like continuing disability reviews and collection of overpayments for seniors and people with disabilities.
- Remove administrative barriers to accessing disability benefits and health care, and expand eligibility for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI).
- Open a Medicare Part B Special Enrollment Period (SEP) to easily and quickly enroll more people during the public health emergency.

Here are:

- One-pager
<https://www.aging.senate.gov/imo/media/doc/COVID-19%20Recovery%20for%20Seniors%20and%20People%20with%20Disabilities%20Act%20one%20pager.pdf>
- The bill:
<https://www.congress.gov/bill/116th-congress/senate-bill/3740?s=1&r=4>

Discussion Draft: Nursing Home COVID-19 Protection and Prevention Act Sponsored by: Senator Bob Casey (D-PA) and Senator Sheldon Whitehouse (D-RI):

The bill includes:

- Providing \$20 billion in emergency funding for staffing, testing, PPE and more.
- Requiring HHS to develop guidance on cohorting best practices, including on how to safeguard resident rights.
- Instructing HHS to collect and publish data on COVID-19 cases and deaths in nursing homes and intermediate care facilities.

Here are:

- One-pager:
<https://www.aging.senate.gov/imo/media/doc/Nursing%20Home%20COVID%2019%20Protection%20and%20Prevention%20Act%20OnePager.pdf>
- The bill: <https://www.aging.senate.gov/imo/media/doc/GOE20583.pdf>
- The press release:
<https://www.aging.senate.gov/press-releases/casey-whitehouse-propose-bill-to-slow-the-spread-of-covid-19-in-nursing-homes->

Strong article and letter on prioritizing needs of individuals with disabilities during the pandemic:

https://www.huffpost.com/entry/elizabeth-warren-senators-disabilities-coronavirus_n_5ea8db15c5b6123a176406fd

A Deeper Look (Articles of Interest)

Administration for Community Living Resources for Older Adults and People with Disabilities:

<https://acl.gov/COVID-19>

PBS Newshour on the Pandemic and Americans with Disabilities:

<https://www.pbs.org/newshour/show/pandemic-means-americans-with-disabilities-arent-getting-the-services-they-need>

Disability Scoop: on Group Homes and COVID Data:

<https://www.disabilityscoop.com/2020/05/11/covid-19-cases-at-group-homes-institutions-going-untracked/28313/>

From the United States International Council on Disabilities:

We have been taking action and gathering US Government, US Civil Society and International disability focused COVID-19 information, resources, blogs, and news articles.

<http://usidc.org/covid-19/>

Medicare Trustees Report Summary – From Our Friends at the Center for Medicare Advocacy:

<https://www.medicareadvocacy.org/medicare-trustees-report-projections-similar-to-last-year-and-savings-are-available/?emci=2ab8ac6f-358a-ea11-86e9-00155d03b5dd&emdi=afeb7eb-f08a-ea11-86e9-00155d03b5dd&ceid=2346462>

Hope you and your families are well.

Brian

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