



Center for Public Representation

Updates on Federal Disability Policy

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GCDD Council Meeting
April 16, 2020

Topics We'll Cover Today

- COVID-19 Legislation
 - Passed packages
 - Priorities for package four
- Overview of medical rationing
- *GAO v Georgia* (GNETS) update



COVID-19 Legislation

Refresher: What legislation has passed?

Three bills have passed in response to the COVID-19 outbreak.

- **“Package 1”** was a comparatively small emergency funding bill
- **“Package 2”**- Families First Coronavirus Response Act:
 - Increased funding for states’ Medicaid programs and federal nutrition assistance programs, but not as much as will be needed
 - Provided emergency paid leave and free coronavirus testing
- **“Package 3”**- CARES Act:
 - Ensured direct cash assistance is available to all people and won't count against means tested programs like Medicaid
 - Provided additional funding for education, housing, nutrition, Centers for Independent Living (CILs) and some aging programs.

What are our priorities for Package Four?

- The top priority is additional grant funding for home and community-based services (HCBS)
 - *Sharing your story is really important!*
- Other priorities include:
 - Access to personal protective equipment (PPE) for direct care workers
 - Increased production of PPE and ventilators
 - Addressing barriers to accessing direct cash payments for people with disabilities and others who don't normally file taxes

Resources

- CPR's COVID-19 Legislation Page:
<https://medicaid.publicrep.org/feature/covid-19-legislation>
- Disability Community Priorities:
<https://medicaid.publicrep.org/wp-content/uploads/2017/06/Disability-Community-Package-4-COVID-19-Asks.pdf>
- Information on Weeks of Action:
<https://medicaid.publicrep.org/feature/covid-19-advocacy>

Medical Rationing

Overview

- CPR and partners have filed multiple complaints with the US Health and Human Services Office of Civil Rights (HHS OCR) about discriminatory crisis guidelines and treatment protocols
- HHS OCR issued a bulletin affirming that federal disability rights laws apply to decisions about access to care during COVID-19
- CPR and other national advocates have issued a guidance document explaining the bulletin and what states and health care providers concrete steps can take to modify policies and practices to avoid disability discrimination and an evaluation framework to help stakeholders reviewing crisis standards of care

Resources

- CPR Medical Rationing Page: <https://www.centerforpublicrep.org/covid-19-medical-rationing>
- HHS OCR Bulletin: <https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf>
- Advocate Guidance: https://www.centerforpublicrep.org/wp-content/uploads/2020/04/Guidance-to-States-Hospitals_FINAL.pdf
- Evaluation Framework: <https://www.centerforpublicrep.org/wp-content/uploads/2020/04/Evaluation-framework-for-crisis-standards-of-care-plans-4.9.20-final.pdf>

GAO v. Georgia **(GNETS)**

Motion to Dismiss

- On March 19, a federal judge **denied** a motion to dismiss the lawsuit filed by the Georgia Advocacy Office (GAO), CPR, the Arc of Georgia and other partners
- Lawsuit claims Georgia is **illegally segregating students with disabilities in GNETS** in violation of the Americans with Disabilities Act and *Olmstead* and the US Constitution
- The judge decided the plaintiffs had stated a claim for violations of federal law and that the case can now move forward

Resources

- CPR's GNETS Case Page:
https://www.centerforpublicrep.org/court_case/gao-v-georgia
- Denial of Motion to Dismiss:
https://www.centerforpublicrep.org/court_case/gao-v-georgia



Questions?
