

AUCD Public Policy Report to the Board, Committee and other Network Leaders



Prepared by AUCD public policy staff
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Budget and Appropriations

Congressional leaders and the White House reached a two-year budget deal on October 26. The deal includes an increase to the debt limit. Defense and nondefense spending will both be raised by \$50 billion in FY 2016 and \$30 billion the following year. The increases in spending will be divided between defense and nondefense programs evenly. The increases are enough to prevent any sequestration cuts this year. The deal also contains a reallocation between Social Security trust funds which will prevent pending cuts to SSDI beneficiaries. The President signed the bill.

Negotiations have begun on an omnibus bill combining the 12 annual funding bills into one. The time period before the current continuing resolution expires is short (Dec. 11); and there are concerns about controversial riders being tacked on to the L-HHS-ED bill e.g. related to Planned Parenthood or Affordable Care Act funding, thus preventing it from being included in the omnibus and not receiving any of the increases from the budget deal. AUCD is advocating for the highest possible allocation and for quick action on the Labor, HHS, Education bill that provides most of the funding for AUCD network and other disability programs.

Education

ESEA

It remains unclear whether this Congress will be able to come together to reauthorize the Elementary and Secondary Education Act (ESEA). No action has been taken since the House and Senate bills (HR 5/S. 1177) passed their respective chambers in mid-July. However, it is likely that Committee staff have been working behind the scenes so that when a conference committee is named, the legislation can move quickly. AUCD and most other disability and civil rights groups are opposed to the House bill and are conditionally supportive of the Senate bill if the accountability provisions are strengthened. AUCD

joined with CCD and the LCCHR on hill visits with targeted Members of Congress over the summer to urge the conferees to strengthen the accountability in any final bill. It is possible that action on this bill takes place the week of the AUCD conference. Advocates were planning a Hill day for Nov. 18 when this report was going to press.

Higher Education

The reauthorization of the Higher Education Act was on the short list of priorities for the House and Senate Education Committee chairmen. AUCD took the lead on developing principles for the Consortium for Citizens with Disabilities regarding disability in the HEA. Unfortunately, bipartisan negotiations appear to have stalled in the Senate; therefore, the House and Senate Education Committees have put HEA on the back burner and are currently working on the reauthorization of the Carl D. Perkins Career and Technical Education (CTE) Act. AUCD again helped to put together a set of principles and recommendations on how to include students with disabilities within the Perkins reauthorization. AUCD staff recently met with staff of key members of the HELP Committee working on the CTE bill to discuss the recommendations.

Health and Long Term Services and Supports

Affordable Care Act (ACA)

The third round of [open enrollment](#) in the ACA's Health Insurance Marketplace begins November 1, 2015. AUCD has joined as an official partner in the National Disability Navigator Resource Collaborative, an effort to improve the disability knowledge of the Health Insurance Navigators funded by CMS and the states, and facilitated NDNRC grants to centers to improve outreach, enrollment, and education for people with disabilities and their families.

ACA – Section 1557

AUCD, with input from the Policy and Multicultural Committees, has been working with CCD Health, Rights, and Tech Task Forces to provide comments for the proposed regulations on [section 1557](#) of the Affordable Care Act (ACA) nondiscrimination provisions. The coalition urged the Department to provide additional guidance in the final rule concerning what constitutes disability-based discrimination in health insurance; including discriminatory benefit design, discriminatory payment structures, and discriminatory coverage decisions. The proposed rule offers no information to beneficiaries about their rights under Section 1557 and no plan to educate administrators, Medicaid officials, and others about their obligations under Section 1557. Among other detailed recommendations, the group urges the Administration to ensure that covered entities and protected individuals must have more guidance concerning the meaning of disability-based discrimination in health insurance.

Home and Community Based Services

AUCD continues to take a lead nationally, as well as with technical assistance to states, implementing the home and community-based services regulation released by the Centers for Medicare and Medicaid Services in January. The website <http://HCBSadvocacy.org>, launched in partnership with our DD network partners at NDRN and NACDD, has received over 40,000 visitors and terrific engagement from state and national advocates and state government.

AUCD works closely with the Administration for Community Living to provide TA to the DD Network about the rule and to encourage states and CMS to implement the rule with fidelity to the values of community living that inspired it. We are also working in cross-disability coalition (including aging, DD, and mental health groups) to share information and analyses of each state's progress on the rule.

Transition to Independence

AUCD has been working with several CCD Task Forces to provide comments on a bipartisan bill ([S. 1604](#)) introduced by Sens. Chuck Grassley of Iowa, Ron Wyden of Oregon and Bob Casey of Pennsylvania. CCD sent a support letter last week with recommendations to further strengthen the goal of decreasing segregated employment and increasing competitive, integrated employment for people with disabilities. The Transition to Independence Act creates a Medicaid Buy-In Option demonstration program, which will give ten of the existing Medicaid Buy-In states an opportunity to receive bonus payments for meeting benchmarks tied to expanding individual integrated employment and reducing subminimum wage work, congregate setting work, or facility-based day habilitation placement for people with disabilities who receive Medicaid-funded home or community-based services (HCBS), and for taking other actions that help expand employment opportunities for people with disabilities within the state, which will improve opportunities for individuals with disabilities to obtain employment in the community, gaining self-determination, independence, productivity, and integration and inclusion.

Home Health Care Rule

The U.S. Department of Labor (DOL) issued a regulation in late 2013 governing home care services for people with disabilities and seniors. After extensive litigation, an appeals court in Washington, DC, upheld the rule on August 21. The effect of this may impact some state's long-term care programs. To help consumers and advocates take action, AUCD—together with Bazelon Center for Mental Health Law, American Association of People with Disabilities Justice in Aging, the National Association of Councils on Developmental Disabilities, the National Council on Independent Living, and the National Disability Rights Network -- issued [Action Steps for Consumers and Advocates Regarding the Home Care Rule](#) and an accompanying summary, [Home Care Rule Advocacy Fact Sheet](#), to help people with disabilities, seniors, and advocates take action. These were shared with the AUCD network.

Medicaid Managed Care

In July, AUCD worked with the CCD Long-Term Services and Supports (LTSS) Task Force to provide comments regarding the [NPRM](#) on Medicaid Managed Care and Children's Health Insurance Program (CHIP) delivered in Managed Care. CCD expressed appreciation for CMS's effort to align Medicaid managed care rules with the rules for Medicare Advantage (MA) and private health insurance sold on the Marketplace, and advised CMS to update its regulations to take into account the increasing coverage of LTSS for people with disabilities, older adults, and children and adults with special health care needs through Medicaid managed care. While it is clear that CMS has given serious thought to how to address these issues, CCD believes the rule should be more specific to ensure that the needs of beneficiaries with disabilities or special health care needs, and those receiving LTSS services are adequately met.

Social Security

The Bipartisan Budget Act of 2015 that was just signed into law (see *Budget* above) not only provides sequestration relief for two years, but also makes several changes to shore up the Social Security Disability Insurance (SSDI) program, including a reallocation of the payroll tax from the old-age trust fund sufficient to extend the life of the SSDI trust fund for six years. SSDI provides benefits to workers who pay into Social Security and develop a serious disability that limits their ability to work. The budget deal also renews SSA's demonstration authority to test new ideas for improving SSDI and employment outcomes for people with disabilities. It also authorizes an evaluation of the demonstration projects to help build an evidence base for future efforts. The budget agreement also takes steps to strengthen

program integrity and improve SSDI procedures. Some of these policy initiatives were taken directly from the Bipartisan Commission working to strengthen the Social Security Disability program on which AUCD staff participates. AUCD will be closely monitoring in the implementation of these efforts.

International Disability Rights

AUCD continues to support the implementation of the Convention on the Rights of Persons with Disabilities (CRPD). The Congress shows no sign of renewing ratification efforts in the near future, with the Senate having failed to reach the necessary 67 votes when the treaty was last considered in 2013. As of 2015, 159 countries have ratified the treaty.

AUCD staff also closely followed the recent United Nations measures to make international development more inclusive of individuals with disabilities. On September 25, leaders from around the world adopted the UN Sustainable Development Goals (SDGs), which lay out a set of universal targets concerning international development and efforts to eradicate global poverty over the next fifteen years. The SDGs, which create a framework of major shared priorities for future development projects by the UN and national governments, have drawn praise from the global disability community for including commitments to equal and accessible education for persons with disabilities, promoting inclusive economic growth and equal employment access, and making urban infrastructure fully accessible to individuals with disabilities. This also marks the first time the UN has incorporated inclusiveness of persons with disabilities as a major international development priority.

Many disability advocates view the incorporation of disability rights into the SDGs as a potential turning point for disability-inclusive development given that the Goals will provide an informal set of universal standards for planning global development projects. Consequently, they may influence governments and international organizations to design future development programs so that they prioritize accessibility and inclusiveness for all. AUCD's Policy Fellow is currently working on a blog that explores the SDGs and their implications for individuals with disabilities in depth. The blog will be posted on AUCD's website.

Tuesdays with Liz

Tuesdays With Liz: Disability Policy for All has been very successful in its first year. The purpose is to make sure policies are accessible and under stable by everyone, so that everyone can advocate for what they need and want on both the federal and state level. Since its launch in December of 2014, there have been 3,346 views. After *Tuesday With Liz* is shared on AUCD'S social media outlets, it is shared by others outside of the network, generating a lot of interest. Self-advocates, parents and others have given positive feedback, saying they really appreciate the effort to make the information more accessible. Liz is now getting requests from disability leaders to be interviewed. Liz proactively seeks out influential leaders to interview on current policy topics. The videos have been watched in 6 countries, as well as in the United States. AUCD staff, Ben Jackson and Anna Costalas, have provided substantial support in the production of TWL.