

DATE

ADDRESS

Dear REP/SENATOR:

We, the undersigned, are national organizations that work to advance the interests of all people with disabilities and seniors. We write you today to convey our support for the goals of the final Home and Community Based Settings (HCBS) rule issued by the Centers for Medicare & Medicaid Services (CMS) in January 2014. This rule is the first time CMS has defined “community” for Medicaid-funded HCBS programs. Twenty-five years after the enactment of the Americans with Disabilities Act, and over fifteen years after the Supreme Court’s landmark *Olmstead* decision, we believe this rule is an important step to ensuring that people with disabilities have the opportunity to be fully integrated in their communities.

We are working to educate and inform people with disabilities, seniors, their families, disability and aging providers, and other stakeholders about the HCBS rule and how it aims to provide increased opportunities for people with disabilities to live and work in settings that provide them the full benefits of community life. Importantly, the rule focuses on the experience of people, ensuring that they have the opportunity to engage in community life, access the community, control their personal resources, and seek employment. This rule seeks to help states meet their obligation under the ADA and *Olmstead* to provide services in the most integrated setting. The rule allows states a transition period of up to five years to come into compliance with the new requirements in order to support continuity of services and minimize disruptions in service provision over the course of implementation.

As states are developing and implementing their transition plans towards compliance, we are cognizant that successful implementation will require sustained effort by states and other stakeholders. Thus, we write you to respectfully urge you to:

- 1) Protect Medicaid funding, as it is increasingly being directed to HCBS programs that are cost-effective and help people with disabilities and seniors live in their communities. As some HCBS programs transition to comply with the new rule, their costs will at least temporarily rise. Cuts to Medicaid will weaken the rule’s implementation, negatively impact crucial HCBS programs, and potentially put states at risk for violating the ADA and *Olmstead*.
- 2) Support the requested additional \$2.8 million in funding by CMS for FY 2016 to provide states with much needed technical assistance and guidance from the agency for the rule’s implementation. Programs in your state depend on this assistance so that they can successfully transition their programs using sustainable and best practices. CMS resources will be limited without extra support and this will hurt states.

- 3) Defend against policies or changes to the HCBS rule that would hinder accomplishing the spirit and goal of the rule to provide quality community services. The HCBS rule is the culmination of decades of advancement and bipartisan solutions to provide people with disabilities and seniors access to the broader community.

The HCBS rule is an important and vital step in an evolutionary process of policies and practices born out of the mid-1900s whereby our federal resources began to be directed to options other than state-run institutions. The United States has been a leader on inclusion and integration of people with disabilities. We now support children with Down syndrome, adults with autism, older Americans, and people with all disabilities to live in their family homes, work in the community, and age in place. We support the spirit of the HCBS rule because it focuses on ensuring community access and enhancing the quality of individuals' life experiences. Please join us in protecting the goals of the HCBS rule and ensuring that policies moving forward recognize its great potential for practical, economical and moral victory.

Sincerely,

LIST OF ORGS