



April 8, 2020

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Pelosi and Leader McCarthy,

The State Council on Developmental Disabilities writes today in regards to the needs of people with disabilities, their families and the professionals who support them in California as the fourth COVID-19 emergency relief package is being negotiated. As you are aware, people with disabilities are, and will continue to be, at particular high risk of complications and death if exposed to the pandemic. The Council believes that the first three COVID-19 emergency relief packages took important steps to address the emergency but did not fully and adequately address the unique, serious and urgent needs of the disability community. This is one of the many stories from California that the Council has heard and it highlights the unique needs of the disability community:

On Monday March 23th, I get a phone from my day attendant right before her shift begins saying her family member was tested for the coronavirus and what she should do. Does she come to my apartment? I was still in bed. I did not know what to do because I knew I had to protect all my staff. If she were infected, that would be bad. So, I told her not to come up and to immediately get tested. In the meantime, I was still in bed. I called my live-in, but she didn't wake up. I finally woke her up at 11. My live-in's day job as a care provider canceled because all the parks were closed, so there wasn't anything to do outside. So, my live-in took the morning shift for the week. My day staff's family member's test came back negative on Wednesday. I told her she could come back to work if she wore a mask and gloves, but she didn't feel comfortable until she got her results. During the week, I kept asking the Regional Center for guidance, but they said it was up to me as the employer and was my sole decision how to act. (Jennifer, Bay Area Resident).

As the fourth emergency relief package moves forward, the State Council requests that the following elements are included in the package. The Council also supports the recommendations of the Consortium for Citizens with Disabilities in a letter dated April 2, 2020.

Increased Resources for Home and Community-Based Services (HCBS)

The COVID-19 pandemic has shown that people with disabilities and older adults are most at risk when in nursing homes and other types of congregate settings. The Council believes one of the most important steps Congress can take to safeguard the disability community is making meaningful investments in HCBS. The Council believes that without additional meaningful investments people with disabilities could be forced out into congregate settings, at grave 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.* The Council requests that the fourth package include an increase in the Federal Medical Assistance Percentage (FMAP) match beyond the



6.2 to ensure the state has the resources to respond. Also, the Council requests the HCBS grants, such as those included in HR 6305 are fully funded to support direct support professionals and the home healthcare workforce.

Access to Personal Protective Equipment (PPE) for Direct Support Professionals (DSP)

DSPs, personal care attendants (PCA), and other direct care employees are not currently included in the definitions of essential workers who are prioritized for access to PPE. These workers are on the frontlines of the COVID-19 response, assisting people with underlying conditions and disabilities with tasks such as toileting, eating, and bathing. Often these services cannot be provided from six feet away and require close personal contact. The Council believes that DSPs, PCAs and other direct care employees' work is essential, and they must have access to the tools and resources they need to do their job safely and stay healthy. The Council requests that the fourth package include these workers as essential workers.

Increased Production of PPE and Ventilators

Without the PPE needed, health care providers, DSPs, PCAs and other direct care employees are becoming infected, transmitting the virus to other patients, and then becoming ill themselves. The same is true of professionals working in nursing homes and other congregate facilities. Nursing home residents are, overwhelmingly, some of those most likely to die due to COVID-19. The Council believes a clear federal strategy is needed to massively ramp up production of PPE. The Council believes that the healthcare workforce must have access to PPE so they can continue to do their job safely and stay healthy. If our healthcare workforce is diminished due to exposure to COVID-19, the impacts to the rest of our population will be even more disastrous. After healthcare workers and DSPs, the Council believes that PPE should be provided to people at higher risk of COVID-19 including people with underlying conditions and disabilities. In addition to the production of PPE, the disability community is put profoundly at risk by the national shortage of ventilators. The Council requests that Congress do whatever is necessary in the fourth package, up to and including nationalizing production and distribution of PPE and ventilators, to ensure a rapid, whole-of-country response that mobilizes all of America's production and logistical capacity to meet these production challenges.

Inclusion of People with Disabilities in Paid Leave

The paid sick days and paid leave provisions in the prior emergency relief packages did not explicitly include all caregivers who cannot work because they are caring for an adult with a disability or aging family member whose program has closed or whose DSP or other usual source of care is sick. The paid leave provisions also did not cover individuals who must isolate themselves because of their disability. The U.S. Department of Labor has expanded some of the definitions to account for some of these circumstances, but not all of them. The Council requests that Congress amend the paid sick days and paid leave provisions of the Families First Coronavirus Response Act in the fourth package to explicitly include all caregivers for people with disabilities and older adults and to include paid leave for individuals who must isolate themselves because of their disability.

Remove Obstacle to Stimulus Payment for SSI Recipients

Thank you for including beneficiaries of Social Security as people eligible to receive stimulus payments in third relief package. The Treasury Department announced that the economic stimulus payments will automatically be made to Social Security recipients based on their SSA-



1099 forms and other data shared between the Social Security Administration and the Internal Revenue Service. The Council is grateful that this group of people with disabilities will be able to receive their stimulus payments automatically without having to file taxes, but the Council is still concerned about the millions of people who rely on SSI and will need to file taxes to receive their stimulus payments. This group of low-income people with disabilities are not otherwise required to file taxes and requiring them to do so will delay access to their checks at a time when many people with disabilities are already experiencing increased costs to stay safe and healthy. The Social Security Administration already has data for people who rely on SSI and sends them payments every month, so it should be easy to share this information with the Treasury Department and issue automatic payments. The Council requests Congress makes this request, and if any additional authority is required, that such authority should be included fourth relief package.

Thank you for your leadership to address this public health emergency. The Council stands ready to work with you.

Sincerely,

Maria Marquez, Chair
State Council on Developmental Disabilities