AUTISM SOCIETY

*Improving the Lives of All Affected by Autism*

# STATE ADVOCACY TOOLKIT

TAKE ACTION NOW FOR COVID-19

www.Autism-Society.org

# FEDERAL RELIEF LAWS AND FUNDING

## Overview

As of April 15, Congress has passed three bills to assist federal, state and local governments to respond to the COVID-19 outbreak. The following is a summary of provisions in these relief packages that affiliates should be aware of to help advocate for people with autism and families during this crisis. These funds can also be used to help build capacity in the state for recovery efforts and long term reforms. Each section provides suggested action to take at the state level.

## General Aid

**$150 billion Coronavirus Relief Fund.** State, tribal, and local governments can use this money to meet costs connected to the virus. Each state will receive at least $1.25 billion — though the District of Columbia will only receive about $500 million — while the most populous states (California and Texas) will receive an estimated $10 billion each. In most states, a portion of the funding will go to local governments serving populations over 500,000. Tribal governments will receive $8 billion. See how much each state will receive.

## TAKE ACTION NOW

- Advocate with Governors to ensure that some of this money is used for essential needs of people with autism and other developmental disabilities.
- Build or join a state coalition with other disability organizations to advocate for these funds together such as the DD Councils, University Centers for Excellence in DD, and state Disability Rights network.
- Advocate that the state create a task force working to allocate the funding and ensure that the task force includes people with disabilities and advocates.

# FEDERAL RELIEF LAWS AND FUNDING

## Disability Specific Funds

**$955 million for programs authorized** under the Administration for Community Living (ACL) to support nutrition programs, home and community based services, support for family caregivers, and expand oversight and protections for seniors and individuals with disabilities. This includes:

- $100,000 for the National Family Caregiver Support Program that provides support to older caregivers (55 and older) to adult family members with disabilities;
- $50 million for Aging and Disability Resource Centers (ADRC) that are mandated to provide one-stop services for people with all types of disabilities and all ages who need long term services and support;
- $85,000,000 for Centers for Independent Living (CIL) authorized under the Rehabilitation Act. These programs are authorized to provide services to individuals with all types of disabilities, including autism.

## TAKE ACTION NOW

- Contact the Aging and Disability Resource Centers (ADRC) in your state to advocate for a portion of these funds to be used to support people with autism. Use the locator service to find one near you.
- Work with the Centers for Independent Living (CIL) to ensure that people with autism are supported with these new funds.

## Preparedness & Response

**$100 billion for a new program** to provide grants to hospitals, public entities, not-for-profit entities, Medicare and Medicaid enrolled suppliers and institutional providers to cover unreimbursed health care-related expenses or lost revenues attributable to the public health emergency resulting from the coronavirus.

## TAKE ACTION NOW

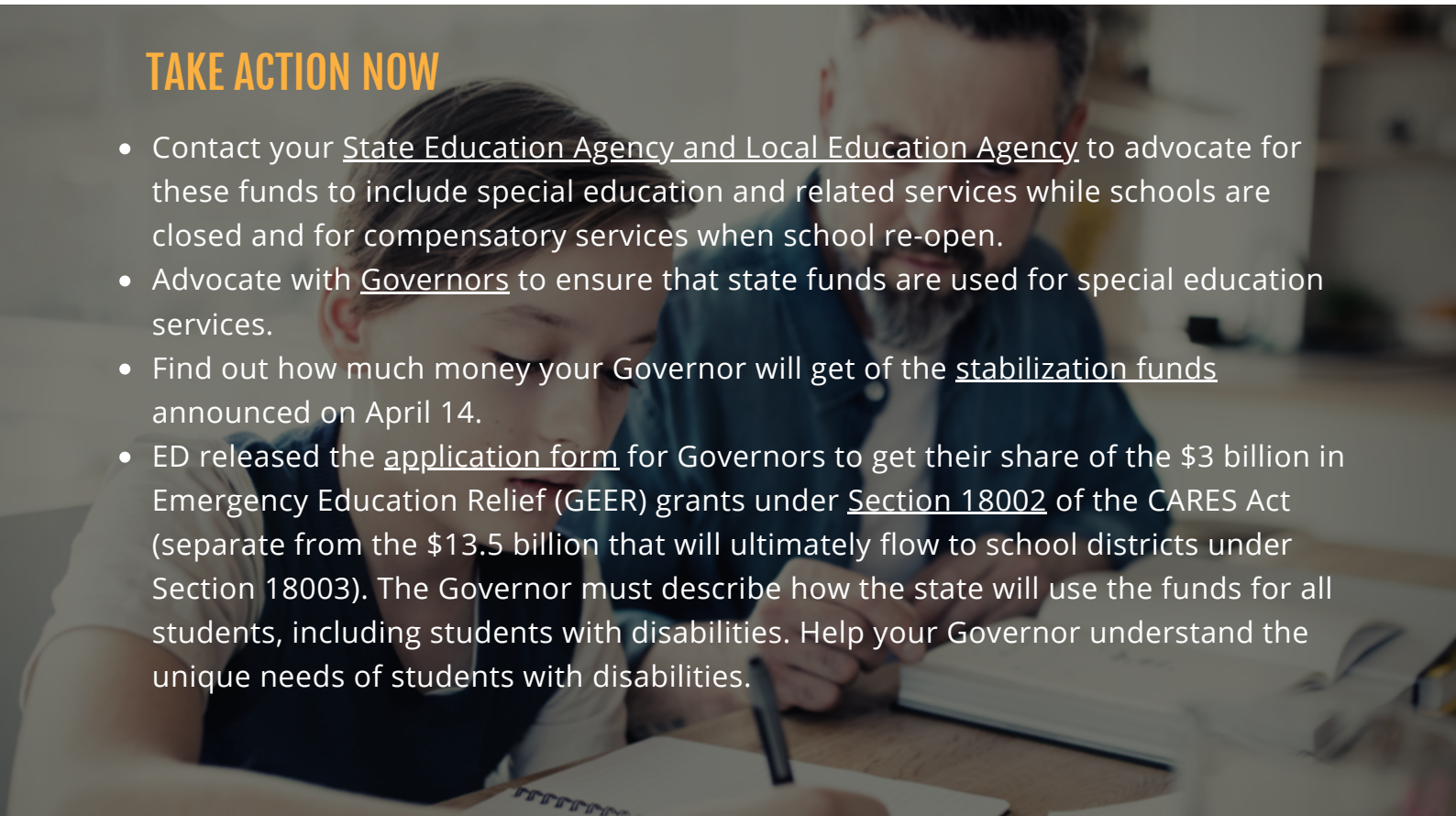
- Advocate with Governors, State DD Agencies, state and local departments of health to ensure that these funds are used to address the needs of people with autism.

# FEDERAL RELIEF LAWS AND FUNDING

## Education

Access this resource from the Center for Law and Education to learn more about the provisions and requirements in the CARES Act and how to advocate for the best use of available funds.

- GEER Funds ($3 bil) to Governors made available April 14
- ESSER Funds ($13.2 bil) to SEAs/LEAs made available April 23
- ESF-REM and ESF RWP federal discretionary funds made available 4/27



## TAKE ACTION NOW

- Contact your State Education Agency and Local Education Agency to advocate for these funds to include special education and related services while schools are closed and for compensatory services when school re-open.
- Advocate with Governors to ensure that state funds are used for special education services.
- Find out how much money your Governor will get of the stabilization funds announced on April 14.
- ED released the application form for Governors to get their share of the $3 billion in Emergency Education Relief (GEER) grants under Section 18002 of the CARES Act (separate from the $13.5 billion that will ultimately flow to school districts under Section 18003). The Governor must describe how the state will use the funds for all students, including students with disabilities. Help your Governor understand the unique needs of students with disabilities.

# FEDERAL RELIEF LAWS AND FUNDING

## Child Care

The law supports child care and early education programs by including $3.5 billion for the Child Care Development Block Grant. This funding will allow child care programs to maintain critical operations, including meeting emergency staffing needs and ensuring first responders and health care workers can access child care while they respond to the pandemic.

### TAKE ACTION NOW

Contact your local child care office to ensure these funds are being used to include support for children with autism and the direct care providers.

## Community Services Block Grant

The bill includes $1 billion for CSBG to help communities address the consequences of increasing unemployment and economic disruption. It can also be used for family support.

### TAKE ACTION NOW

Contact state CSBG office. Advocate for the additional funds to be used to support family support needs during this crisis.

## Housing

- $1.25 billion for the Housing Choice Voucher program
  - $850 million for both administrative expenses and other expenses of public housing agencies for their section 8 programs, including Mainstream vouchers
  - $400 million for adjustments in the calendar year 2020 section 8 renewal funding allocations, including Mainstream vouchers, for public housing agencies that experience a significant increase in voucher per-unit costs due to extraordinary circumstances or that, despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding
- $1 billion for Project-Based Rental Assistance
- $15 million for Section 811 Housing for Persons with Disabilities
- $65 million for Housing Opportunities for Persons with AIDS (HOPWA) program

### TAKE ACTION NOW

Contact the state and local housing authorities
Advocate to ensure that some of these funds are allocated to assist in the emergency housing needs of people with autism.

# FEDERAL RELIEF LAWS AND FUNDING

## Centers for Medicare & Medicaid Services

The bill includes $200 million for CMS to assist nursing homes with infection control and support states' efforts to prevent the spread of coronavirus in nursing homes.

## Medicaid

$100 billion for a new program to provide grants to hospitals, public entities, not-for profit entities, and Medicare and Medicaid enrolled suppliers and institutional providers to cover unreimbursed health care related expenses or lost revenues attributable to the public health emergency resulting from the coronavirus. This section would allow state Medicaid programs to pay for direct support professionals or other caregivers trained to help with activities of daily living, to assist individuals while in the hospital. $200 million is allocated to assist nursing homes with infection control and support CMS and states as they work to mitigate the spread of COVID-19.

## Mental Health Services

The relief package provides $425 million to increase access to mental health services in our communities through Community Behavioral Health Clinics, suicide prevention programs, and emergency response spending that can target support where it is most needed.

### TAKE ACTION NOW

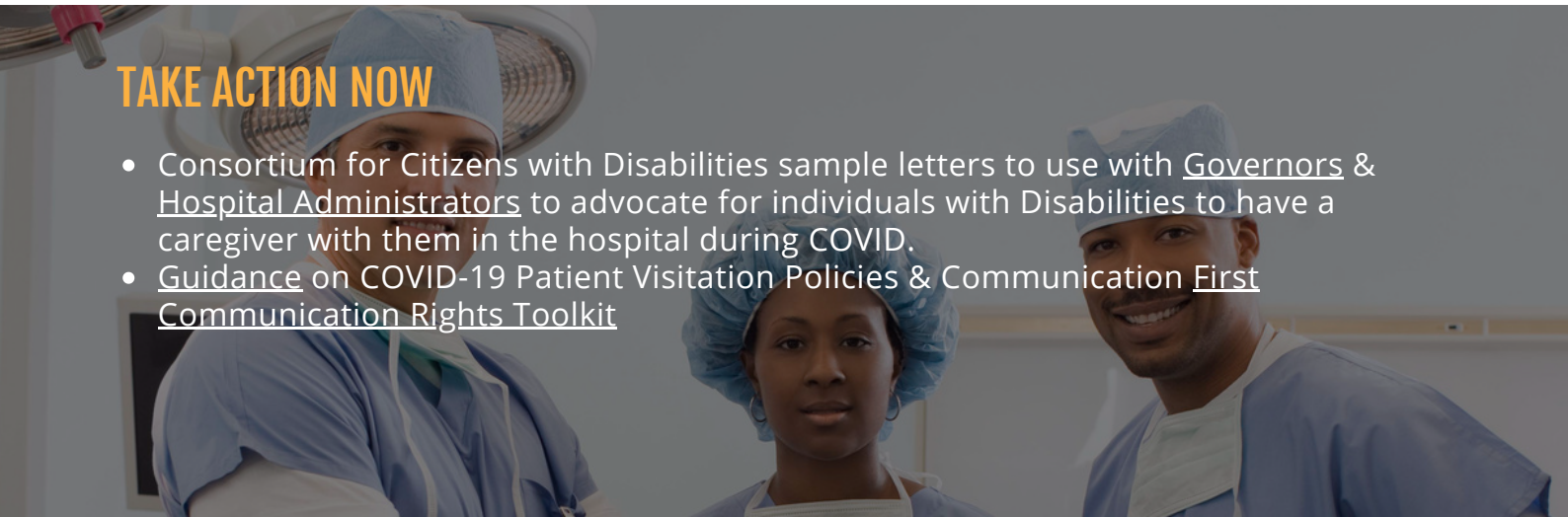
Contact your local Community Behavioral Health Clinic to advocate for some of these resources to be used for mental health services for people with autism.

## Giving To Charities

The bill includes a $300 tax deduction for any American who donates at least that amount to charity.

### TAKE ACTION NOW

Encourage the public to take advantage of this opportunity to give to the Autism Society affiliates and national office.



### TAKE ACTION NOW

- Consortium for Citizens with Disabilities sample letters to use with Governors & Hospital Administrators to advocate for individuals with Disabilities to have a caregiver with them in the hospital during COVID.
- Guidance on COVID-19 Patient Visitation Policies & Communication First Communication Rights Toolkit

# FEDERAL RELIEF LAWS AND FUNDING

## Prescription Drugs

In the CARES Package, Congress included a 90-day supply of medication in Medicare. In most states, Medicaid programs have allowed for early refills and longer-fills, relaxed prior authorization, and allowed for out-of-state pharmacies. Private plans also have been taking similar actions. See CMS guidance on prescription drugs. However, work remains in Medicaid, private payers, and for controlled substances. While most states have taken action, not all have. States don't need CMS to relax their refill limits or use of mail order pharmacies, so they can do this on their own. For controlled substances, DEA has put out extensive guidance, and has made clear that remaining limits are regulated at the state level.

## Unemployment Benefits

The Act creates a Pandemic Unemployment Assistance (PUA) program which will be available for a large swath of workers who are not otherwise eligible for state unemployment insurance (UI). Eligibility for the program runs from January 27, 2020 through December 31, 2020, so eligibility is retroactive. The duration is 39 weeks.The Act also creates a Pandemic Unemployment Compensation (PUC) benefit of an additional $600 per week for anyone receiving regular state UI or PUA. PUC will last through July 31, 2020 and will not be paid retroactively.Finally, it enacts 13 weeks of Pandemic Emergency Unemployment Compensation (PEUC) for those who were classified as employees who have exhausted or will exhaust state UI benefits without finding a new job.

## TAKE ACTION NOW

- Our partners at the American Association of People with Disabilities have put together template letters for use with state Insurance Commissioners, Governors, and Attorneys General. We encourage you to use these letters as a starting point to engage in state-level advocacy.
- Letter to Governors and Attorneys General on Medicaid and Controlled Substances
- Letter to Insurance Commissioners on Private Payers

## TAKE ACTION NOW

- Assist people with autism in applying for unemployment benefits if they have lost their jobs.

# FEDERAL RELIEF LAWS AND FUNDING

## Individual One-Time Cash Payments

All U.S. residents with adjusted gross income up to $75,000 ($150,000 married), who are not a dependent of another taxpayer and have a work eligible social security number, are eligible for the full $1,200 ($2,400 married) rebate. In addition, they are eligible for an additional $500 per child. This is true even for those who have no income, as well as those whose income comes entirely from non-taxable means-tested benefit programs, such as SSI or Disability benefits.

**No action needed by most taxpayers.**

**For benefit recipients with dependents, extra step needed to claim $500 for children.**

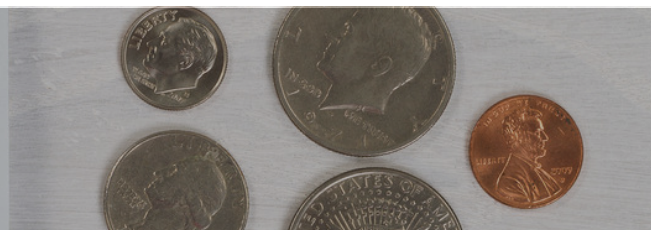
The law provides eligible taxpayers with qualifying children under age 17 to receive an extra $500. For taxpayers who filed tax returns in 2018 or 2019, the child payments will be automatic.

However, many benefit recipients typically aren't required to file tax returns. If they have children who qualify, an extra step is needed to add $500 per child onto their automatic payment of $1,200 if they didn't file a tax return in 2018 or 2019.

For those who receive Social Security retirement or disability benefits (SSDI), Railroad Retirement benefits or SSI and have a qualifying child, they can quickly register by visiting special tool available only on IRS.gov and provide their information in the Non-Filers section. By quickly taking steps to enter information on the IRS website about them and their qualifying children, they can receive the $500 per dependent child payment in addition to their $1,200 individual payment. If beneficiaries in these groups do not provide their information to the IRS soon, they will have to wait until later to receive their $500 per qualifying child.

For information about Social Security retirement, survivors and disability insurance beneficiaries, please visit the SSA website at SSA.gov.

General information about the Economic Impact Payments is available on a special section of IRS.gov.



# FEDERAL WAIVERS & GUIDANCE RELATED TO COVID-19

## Social Security Administration

SSA has established a Social Security and Coronavirus update page to provide information about operational changes during the COVID-19 pandemic.

## Centers for Medicare & Medicaid Services (CMS)

CMS is taking several actions in response to COVID-19 aimed at allowing providers, health care facilities, and states more flexibility as they respond to the virus, and has established a Medicaid.gov COVID-19 Resource Page with the most up-to-date information. Selected resources are included below and can be used to help address safety in group homes and other congregate residential settings.

- CMS COVID-19 Waivers and Flexibilities Webpage
- Frequently Asked Questions (FAQs) for State Medicaid and CHIP Agencies (4/2/20)
- The COVID-19 Section 1115 Demonstration Opportunity makes available a number of authorities to assist states in enrolling and covering beneficiaries in Medicaid and to focus agency operations on addressing the COVID-19 pandemic.
- The Section 1135 Waiver COVID-19 State/Territory Request Template includes a checklist of relevant and commonly requested temporary flexibilities under Section 1135 authorities that are now available as a result of the national emergency declaration.
- 1915(c) Appendix K Template
- Medicaid Disaster State Plan Amendment Template
- Emergency Declaration Health Care Providers Fact Sheet
- Section 1135 Waiver Approvals
- Fact Sheet on Coverage and Benefits Related to COVID-19 Medicaid and CHIP
- Disaster Preparedness Toolkit for State Medicaid Agencies

## Medicaid Telehealth Guidance to States

States have flexibility to cover and support delivery of covered Medicaid services through various telehealth technologies, including live video-conferencing, telephone, email, and remote patient monitoring. CMS has released guidance describing fee-for-service payment options for telehealth within Medicaid to help mitigate COVID-19. Telehealth delivery methods that can also be used in response to COVID-19 are outlined in an April 2, 2020 Center for Medicaid & CHIP Services Informational Bulletin on the use of telehealth in Medicaid for rural communities and substance use disorder treatment services as required by the SUPPORT Act.

# FEDERAL WAIVERS & GUIDANCE RELATED TO COVID-19

## Department of Education Guidance

- Fact Sheet: Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary School While Serving Children with Disabilities (Mar. 21, 2020)
- Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students (Mar. 16, 2020)
- Sec. DeVos Authorizes New Funding Flexibilities (Apr. 6, 2020)
- Educating All Learners: An alliance dedicated to equity for complex learners
- A hub of curated tools, strategies, tips and best practices for supporting students with disabilities online
- Analysis of IDEA Waivers and Provisions (Apr. 8, 2020)

## Housing and Urban Development

- HUD's COVID-19 Information and Resources landing page has links to the latest guidance and information to assist homeless service systems, public housing agencies, assisted-housing providers, and other partners as they work together to address this crisis and support vulnerable households at the local level.

## Department of Labor

- Unemployment Insurance Relief Guide During COVID-19 Outbreak

## Contact your State Policymakers

Sample letter for Affiliates to use to advocate on the local, state, and federal letter for COVID response.

- Word Version
- Send letter to State Elected officials using Action Alert - over 550 letters have been sent since 4/27 by Autism Society advocates

## Other Resources

- ANCOR COVID state resources includes a state tracker
- Guide for States to Use Medicaid During COVID Crisis
- SNAP Benefits and Online Grocery Delivery State by State Tracker
  - Urge your Governor to apply for SNAP Online Delivery Program using this Template letter

**Email State Legislators**