



## **UPDATE FROM WASHINGTON**

AS OF: 10/30/2009

Hello Legislative Liaisons and Chapter Presidents,

This is your first official update from Washington! There have been various discussions related to many different issues that affect the lives of citizens with disabilities. I have condensed my notes from the various meetings to give you a simpler picture of what has been happening on a national level. At the end, I have brief summaries of the various legislation and/or issues I referred to in the update. Also, I have listed actions that YOU can take to ensure that the needs and concerns of citizens with disabilities are heard loud and clear.

As always, if you have questions or would like more information or direction, do not hesitate to contact me at [Stephanie@apse.org](mailto:Stephanie@apse.org) or (920) 495-9688. Thank you and remember, *“A small body of determined spirits fired by an unquenchable faith in their mission can alter the course of history”* (Gandhi).

### **EMPLOYMENT/TRANSITION:**

- How can we transition youth out of high school into employment or higher education? What type of support do they need?
- Continued Sub-minimum wage discussion
- APSE co-signed a letter to Senator Harkin re: the need for comprehensive employment legislation. Please see APSE's website for a copy of the letter.
- The CCD (Consortium of Citizens with Disabilities) has proposed the following recommendations in encouraging businesses to hire individuals with disabilities:
  - Tax policy reform
  - Medicaid Buy-in improvement
  - Continued discussion of SE (supported employment)
  - Simplification of WOTC (Work Opportunities Tax Credit)

- Highlight the benefits of hiring individuals with disabilities
- There is currently the development of a proposal/set of guidelines regarding transition principles through the CCD.
- Discussion has ensued over the follow two questions:
  - 1.) What exactly defines an employment outcome?
    - *Some have called for the inclusion of sheltered workshop as an acceptable employment outcome under WOTC.*
  - 2.) How do you/should you define the term “significant disability”?
- ODEP recently gave a grant at the end of summer to fund TA (Technical Assistance) Centers for employers to aid in the process of hiring individuals with disabilities.

### **SSI/SSDI/ASSET DEVELOPMENT:**

- Increasing the SSI/SSDI asset limits from \$2,000 to \$10,000.
- Improvement of the PASS program currently through SSI.
- PNA issues in Virginia and Indiana: district courts have heard cases regarding PNA access and this issue will presumably go before the U.S. Supreme Court (assuming the Court agrees to hear the case). There is a concern that the Court will use this issue as a way to make a statement regarding federalism instead of addressing the needs of individuals with disabilities.
- In September APSE co-signed a letter calling for an increase in the age limit for the Medicaid Buy-in program. The age limit should match that of Social Security’s current normal retirement age to ensure that individuals with disabilities do not have to face a gap in time between their eligibility for Medicaid and their eligibility for Medicare from retirement.

### **HEALTHCARE:**

- Home and Community Based Incentives Act of 2009 (APSE is listed as a supporting organization).
- CLASS Act and CCA - continued support of these two pieces of legislation is needed. The CLASS Act is losing its momentum within in Congress.
- Senator Conrad (D- ND) is posing as a threat to the survival and passage of the CLASS Act.

- Wellness programs within health insurance: they tend to be discriminatory towards individuals with disabilities because they penalize those who cannot meet standards or goals set by the agency. Programs must instead be incentive-based.

- GINA (Genetic Information Non-discrimination Act) discussion

### **OTHER:**

- Hate Crimes legislation has been passed by Congress and was signed into law by President Obama on Oct. 29<sup>th</sup>, 2009.

- “Being American: A Way Out of Poverty” document by WID (World Institute on Disability) proposes a social insurance program that is funded through an increase in FICA taxes. Discussion has been around the feasibility of such program, the criteria for enrollment and the lifespan of such a program.

- WIA (Workforce Investment Act) and Rehab Act reauthorizations have been discussed.

- At a recent CCD meeting, a relatively new program called “Food Fundamentals” was introduced. The program is a skills training and career exploration program that focuses primarily on employment within the food service industry. This is not a federal program but a guest presenter at the CCD meeting shared her development of this program.

### **TERMS:**

PASS: Plan to Achieve Self-Support is a program under the Social Security Administration for individuals who are blind or disabled. This program allows individuals to put aside either income or their resources in order to reach a work goal. Any money that is saved or accumulated through PASS will not count towards asset limits. (<http://www.socialsecurity.gov/ssi/spotlights/spot-plans-self-support.htm>)

SSI/SSDI: Social Security Income is different than Social Security Disability Insurance. Both programs are run out of the Social Security Administration and you must be blind or disabled to qualify, however, in order to receive SSDI, you must have already been working and paid into social security. Visit SSA’s website for a more detailed comparison. (<http://www.socialsecurity.gov/redbook/eng/overview-disability.htm#4>)

Home and Community Balanced Incentives Act of 2009: “A bill to amend title XIX of the Social Security Act to establish financial incentives for States to expand the provision of long-term services and supports to Medicaid

beneficiaries who do not reside in an institution, and for other purposes.”  
([http://www.opencongress.org/bill/111-s1256/news\\_blogs](http://www.opencongress.org/bill/111-s1256/news_blogs))

**CLASS Act:** Community Living Assistance Supports and Services Act is a piece of legislation that will “...amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.” (<http://www.opencongress.org/bill/110-h3001/show>)

**CCA:** Community Choice Act will “...amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.” (<http://www.opencongress.org/bill/111-h1670/show>)

**GINA:** Genetic Information Non-discrimination Act of 2008 is a piece of legislation with the intent of protecting individuals from being discriminated against based on their genetic information with regards to health insurance and employment. (<http://www.genome.gov/24519851>)

**Rehab Act:** According to the Department of Education, “The Rehabilitation Act is the Federal legislation that authorizes the formula grant programs of vocational rehabilitation, supported employment, independent living, and client assistance.” (<http://www.ed.gov/policy/speced/reg/narrative.html>)

**WIA:** Workforce Investment Act is designed to further enhance vocational rehabilitation services and other employment services provided to individuals with and without disabilities. It was signed into law in 1998. (<http://www.doleta.gov/USWORKFORCE/WIA/Runningtext2.htm>)

**Medicaid Buy-In Program:** An optional program that is state-run that allows individuals to obtain continued Medicaid coverage even when their earnings are above the current Medicaid limits.  
(<http://www.ssa.gov/disabilityresearch/wi/buyin.htm>)

**FICA TAXES:** This term refers to the taxes collected under the Federal Insurance Contributions Act of 1935. These taxes are taken out of payroll and are referred to as Social Security taxes.  
(<http://www.ssa.gov/mystatement/fica.htm>)