

National HCBS Rule Letter

July 28, 2015

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 against cuts to Medicaid funding, as Medicaid dollars are increasingly being directed at 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 supports that provide people with meaningful access to community life. 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 the more than half a century evolution of policies and practices to direct disability service system resources 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 and adults of all ages with a range of intellectual, developmental, psychiatric, and physical disabilities to live in their own homes, work and participate 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,

American Association on Health and Disability
The American Association of People with Disabilities
American Network of Community Options and Resources (ANCOR)
The Arc of the United States
Association of People Supporting EmploymentFirst
Association of University Centers on Disabilities
Autism Speaks
Autistic Self Advocacy Network
The Bazelon Center for Mental Health Law
Best Buddies International, Inc.
Brain Injury Association of America
Caring Across Generations
Christopher & Dana Reeve Foundation
Collaboration to Promote Self-Determination
Community Catalyst
Disability Rights Education and Defense Fund
Easter Seals
Justice in Aging (formerly National Senior Citizens Law Center)
Lakeshore Foundation
Lutheran Services in America Disability Network
Mental Health America
National Alliance on Mental Illness
National Association of Councils on Developmental Disabilities
National Association of State Directors of Developmental Disabilities Services
The National Association of State Directors of Special Education
National Association of State Head Injury Administrators
National Association of State Mental Health Program Directors (NASMHPD)
National Association for Home Care & Hospice
National Consumer Voice for Quality Long-Term Care
National Council on Independent Living

National Disability Institute
National Disability Rights Network
National Down Syndrome Congress
National Down Syndrome Society
National Health Law Program
National Multiple Sclerosis Society
Parent to Parent USA
Paralyzed Veterans of America
PHI (Paraprofessional Healthcare Institute)
TASH
TILRC
United Spinal Association

For any questions or further information, please contact Esmé Grant Grewal at the American Network of Community Options and Resources at egrant@ancor.org.