

COVID-19 Legislative Updates

To: State Aging and Disability Directors
From: Damon Terzaghi, Senior Director, Advancing States
Re: COVID-19: Second Disaster Relief Package Passage
Date: March 19, 2020

Background

Last night, the Senate voted to pass the “Families First Coronavirus Response Act.” This bill had already passed the House and President Trump then promptly signed it into law. This legislation includes funding for a wide range of services, supports, and relief for communities, families, and individuals impacted by the pandemic.¹ Some of the provisions within the bill are far-reaching, including establishing paid sick leave for certain employees; expanding Supplemental Nutritional Assistance Program (SNAP) benefits; and expanded Unemployment Insurance benefits. Notably, for Aging, Disability, and Long-term Services and Supports (LTSS) services, there are several important provisions. These include:

Additional Funding for Older Americans Act (OAA) Meals Programs

The bill allocates \$160 million of additional funding for OAA home delivered meals and \$80 million for congregate meals. The bill also appropriates \$10 million of additional funding for Title VI tribal nutrition services. In addition to the extra funding, the legislation waives the usual state matching requirements for these services.

We also note that, for states with closures of senior centers, the recent ACL guidance on transfer authority and disaster relief payment provides additional flexibility. We encourage you to leverage this flexibility to provide personalized interventions that support the health and welfare of individuals and adhere to the Federal Government’s social distancing recommendations. States will need to send a request to ACL to use the expanded flexibility. We have asked ACL leadership to provide us with guidance on how they want states to make that request and hope to have answers for you shortly.

Medicaid Federal Match Increase

The bill provides a 6.2 percent increase of the Federal Medical Assistance Percentage (FMAP) for the duration of the emergency. In order to secure this increased FMAP, states may not implement

¹ <https://www.congress.gov/bill/116th-congress/house-bill/6201>

eligibility standards, methodologies, or procedures that are more restrictive than those in place as of January 1, 2020. States also cannot increase premiums above the levels in place on January 1, 2020. Lastly, in order to receive the FMAP increase, states must cover testing for COVID-19 through their Medicaid program with no cost-sharing requirements. In addition to the FMAP increase, the bill also increases Medicaid allotments for the Territories.

Third COVID Relief Package

Congress began negotiating a third relief package before the second bill had passed. The third bill is expected to be a sweeping measure that addresses a wide range of economic relief due to the disruptions caused by the pandemic. Although the package is still in flux, there are several priorities that have been outlined by key players in the negotiations. The Treasury Department has released a proposal outlining financial relief for individuals and families in the form of direct payments and support for struggling businesses.² Senate Majority Schumer also outlined a wide range of priorities in a March 17th memorandum. This includes increased funding for the health care response, child care, education, and other social services. Notably, Senator Schumer's proposal includes money to support home and community-based services (HCBS) for older adults as well funding for the direct-care workforce.³

ADvancing States has also engaged with Congress regarding issues that should be addressed in the third relief bill.⁴ Some of the requests include:

- A delay in the deadline for several federal requirements, including Electronic Visit Verification and the Medicaid HCBS Settings Rule;
- Increased support for Aging and Disability Resource Centers;
- Funding to secure personal protective equipment for LTSS providers delivering direct care; and
- Increased access to meals for older adults and people with disabilities.

At this time, it is unclear which provisions will ultimately be included in the final package. Some projections estimate that the third package could cost more than \$1 trillion.

Next Steps

² <https://int.nyt.com/data/documenthelper/6822-treasury-stage-three-proposal/985f6745b43a7daf1186/optimized/full.pdf>

³ <http://www.kelleydrye.com/KelleyDrye/media/General-Documents/C-3-Appropriations-and-Policy-Summary.pdf>

⁴ <http://www.advancingstates.org/sites/nasquad/files/u24453/Letter%20on%20COVID-19%203rd%20bill%20FINAL%20%28002%29.pdf>

We believe that Congress will ultimately pass a third relief bill, but the timing and exact contents are not yet known. We also encourage states to be creative and flexible with service delivery during these challenging times. As always, please feel free to contact anyone on the Advancing States team with questions, concerns, or requests for assistance.