

ACCSES



**The Voice of Disability
Service Providers**

March 31, 2008

The Honorable John Dingell
Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20510

The Honorable Tim Murphy
United States House of Representatives
Washington, D.C. 20510

RE: Support for HR 5613: Protecting the Medicaid Safety Net Act of 2008

Dear Chairman Dingell and Congressman Murphy:

I am writing on behalf of ACCSES, a national organization representing disability service providers, to state our strong support for the *Protecting the Medicaid Safety Net Act of 2008* (HR 5613), legislation to place a one-year moratorium on several harmful Medicaid regulations.

ACCSES is concerned that implementation of the Medicaid regulations addressed in HR 5613 will place significant stress on already financially strapped states and threaten access to care for Medicaid recipients. ACCSES is particularly concerned with three of the regulations which would specifically impact individuals with disabilities - the rehabilitative services option, the school-based services, and the targeted case management regulations.

A common element among these three regulations is the devastating failure by CMS to recognize the importance of community-based services and supports for individuals with disabilities. Currently, under the rehabilitative services option, ACCSES members provide vital evidence-based, community rehabilitative services to individuals with disabilities and know that such services often mean the difference between independent living and institutionalization for their clients. Unfortunately, with this regulation, CMS is attempting to dramatically reduce access to these important services, specifically for those with developmental disabilities and mental illnesses.

Similarly, the Medicaid school-based regulation would restrict access to appropriate school-based administrative and transportation services used in the school setting to ensure that children with disabilities receive the community-based services they need.

Finally, case management is a necessary support for individuals with disabilities transferring into the community and adapting to independent living. However, CMS' recent interim final rule on targeted case management goes far beyond the Congressional directive in the Deficit Reduction Act of 2005 to implement new restrictions that would reduce the availability of transitional and community-based case management to individuals with disabilities. This new policy would force more people with disabilities into institutional settings rather than home and community-based settings, making this policy simply inconsistent with the Olmstead Supreme Court decision.

Because of the harmful impact of the Medicaid regulations, ACCSES encourages immediate passage of HR 5613 in order to prevent these sweeping regulatory changes from going into effect this year. We believe HR 5613 will allow Congress additional time to thoroughly examine the policy issues targeted in the regulations and determine what changes to the underlying Medicaid statute may be necessary.

Thank you for your commitment to protecting all vulnerable Medicaid recipients, including those with disabilities, and we look forward to working with you toward enactment of this important legislation.

Sincerely,



John D. Kemp
CEO
ACCSES