



The Arc of the United States

*People First, Visionary Leadership,
Community Participation, Diversity, Integrity and Excellence*

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November 4, 2009

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, D.C. 20515

RE: The Arc of the United States Supports H.R. 3962

Dear Speaker Pelosi:

On behalf of The Arc of the United States, I am writing to express our strong support for the Affordable Health Care for America Act of 2009 (H.R. 3962). The Arc is the world's largest community-based organization of and for people with intellectual and developmental disabilities and their families. The individuals we represent are among the most medically underserved populations in our country. Ensuring that community health supports for our constituents address physical and mental health needs in an affordable, accessible, comprehensive, and non-discriminatory manner has been a top priority of The Arc's since its founding.

The provisions of H.R. 3962 that will benefit our constituents are too numerous to mention in this letter. We are especially grateful for the following provisions which are of specific importance to people with disabilities.

Insurance Market Reforms

The insurance market reforms in H.R. 3962, such as the elimination of pre-existing condition exclusions, requirements of guaranteed issue and renewal, prohibition of discrimination based on health status, and the elimination of annual and lifetime caps constitute a sea change in the American health care system. We are especially pleased that effective January 1, 2010, H.R. 3962 shortens the time that plans can look back for pre-existing conditions from six months to thirty days and shortens the time plans may exclude coverage of certain benefits generally from twelve months to three months.

Long Term Services and Supports

Ensuring that individuals with intellectual and developmental disabilities can live in the community is the top priority for The Arc. We recognize the importance of Medicaid in providing long term services and supports to our constituents. We also believe that it is time to develop an approach that takes some of the pressure off of the Medicaid program and helps individuals and families avoid poverty. We applaud the inclusion of the Community Living Assistance Services and Supports (CLASS) Act, a new actuarially sound, premium-based, national long term services insurance program to help adults with severe functional impairments to remain independent, employed, and a part of their communities, without having to impoverish themselves to become eligible for

Medicaid. In addition to increasing independence for people with disabilities, this measure, as the Congressional Budget Office has determined, will decrease Medicaid costs over time.

Medicaid

The Arc is especially grateful that H.R. 3962 increases the Medicaid reimbursement rate for primary care providers to the Medicare rate with significant federal funding. Low Medicaid reimbursement rates have been a significant barrier in accessing quality primary care for Medicaid beneficiaries with intellectual and developmental disabilities. We believe that this critical provision will go a long way toward improving quality health care for our constituents.

As you know, the recession has taken a significant toll in the ability of states to provide Medicaid services across the country. Many of our chapters have experienced serious reductions in their programs, primarily due to state budget crises. We are therefore thrilled that H.R. 3962 contains a six month extension in the American Recovery and Reinvestment Act's increase in federal Medicaid spending.

We also believe this is the right time to address the institutional bias in the Medicaid program. Approximately 73% of Medicaid long term services funds are spent on institutional services, even though most beneficiaries prefer getting services in their own home. Therefore, when considering the final House and Senate legislation, we urge you to support the provisions in the Senate Finance Committee bill that expand Medicaid home and community based services, including the Community First Choice option program and increased FMAP for states that undertake structural reforms to increase diversions from institutions to the community.

The Health Insurance Exchange

H.R. 3962 requires the essential benefits package of plans in the new Health Insurance Exchange to contain critical services for children and adults with disabilities such as:

- Rehabilitation and habilitation services;
- Durable medical equipment (e.g. wheelchairs), prosthetics, orthotics, and related supplies;
- Behavioral health treatment, and
- Mental health services in compliance with the Wellstone-Domenici parity law.

Many of our constituents have multiple disabilities and chronic conditions. These services will increase their ability to function independently.

Other Important Provisions

We are extremely pleased that the following provisions are included in H.R. 3962. All are of great importance to people with disabilities:

- Wellness grants that prohibit the use of discriminatory incentives;
- Inclusion of "disability" as a category for purposes of health disparities; and
- Inclusion of "disability" as a subpopulation in the Comparative Effectiveness Research (CER) provisions. Thank you for your tremendous leadership on health care reform. The Arc looks forward to working with you and your staff to secure swift passage of the Affordable Health Care for America Act.

On behalf of the millions of individuals with intellectual and developmental disabilities that we represent, thank you for your tremendous leadership. We look forward to working with you, your colleagues, and your staff to secure swift passage of the Affordable Health Care for America Act of 2009.

Sincerely,

A handwritten signature in cursive script that reads "Lynne A. Cleveland".

Lynne A. Cleveland
President

cc: The Honorable Steny Hoyer
The Honorable Henry Waxman
The Honorable Charles Rangel
The Honorable George Miller
The Honorable Frank Pallone
The Honorable Pete Stark