

Advocacy, Outreach, and Education Committee Meeting

Thursday, November 7, 2019 from 12:15 p.m. to 1:45 p.m.

Waterbury State Office Complex

Cherry C Conference Room, HC 2 South, 280 State Drive, Waterbury, VT 05671

Meeting called by:

Sam Liss, Chair, called the meeting to order at 12:19 p.m.

Members Present:

- 1) Sherrie Brunelle
- 2) Diane Dalmasse ex-officio, non-voting
- 3) Martha Frank (via Skype)
- 4) Marlena Hughes
- 5) Sarah Launderville
- 6) Sam Liss
- 7) Bill Meirs (via Skype)
- 8) Olivia Smith-Hammond (via Skype)

Members Absent:

- 1) Cari Kelley
- 2) Calla Papademas

SRC Liaison:

James Smith

SRC Coordinator:

Debra Kobus

Interpreters:

None.

Speakers or Presenters:

None.

Guests:

Ana Kolbach (pending membership)

1) Introductions (Sam Liss)

Discussion:

Those in attendance went around the table and introduced themselves.

Conclusions:

Thanks to everyone!

Action Items, Person Responsible, Deadline:

None.

2) Approval of Agenda (Sam Liss)

Discussion:

Sam asked for any proposed additions or changes to the agenda. There were none. Sarah moved to accept the agenda and it was seconded. No further discussion. All approved. Vote unanimous 7-0-0.

Conclusions:

Motion passes: today's agenda accepted.

Action Items, Person Responsible, Deadline:

None.

3) Open for Public Comment (Sam Liss)

Discussion:

Ana Kolbach was recognized and welcomed to the meeting!

Conclusions:

Welcome Ana!

Action Items, Person Responsible, Deadline:

None.

4) Approval of Minutes for September 5, 2019 (Sam Liss)

Discussion:

Sam asked for any proposed changes or amendments to the September 5, 2019 minutes. There were none. Sarah moved to approve the minutes and it was seconded. No discussion. All approved. Vote unanimous 7-0-0.

Conclusions:

September 5, 2019 minutes were approved.

Action Items, Person Responsible, Deadline:

Upload approved minutes to SRC website, **Debra Kobus**, November 12, 2019.

5) Legislative Updates (Group)

Discussion:

Sam provided an update on the following legislation:

- ***NEW Stop the Wait Act (S2496 HR4386)**
(<https://www.govtrack.us/congress/bills/116/hr4386>)
This bill would eliminate the five-month waiting period plus eliminate the general two-year waiting period for Medicare after determination of SSDI. This bill is important because when people begin receiving the appropriate healthcare the sooner they are able to get back to work.
- **The Able Age Adjustment Act (S651)**
(<http://www.ablenrc.org/news/introducing-s-651-able-age-adjustment-act>) was introduced with strong bipartisan support. This bill increases from 26 to 46 the age threshold for tax-favored ABLE (Achieving a Better Life Experience) accounts. It requires large offsets so as not to increase taxes.

May 2, 2019 Update: The positive movement is the National Down Syndrome Society now supports it. The National Association of State Treasurers supports it as it is the right thing to do.

September 5, 2019 Update: It is gaining momentum in Congress on a bipartisan basis. Anyone who is eligible and takes out an Able Account is not subject to SSI limitation up until \$100,000 and can maintain their Medicaid no matter what they have in their account. An ABLE account is a tax-advantaged savings account available to individuals diagnosed with significant disabilities before age 26. Previously, only those who incurred disability prior to the age of 26 were eligible. This act raises eligibility up to age 46. Beth Pierce, Vermont State Treasurer and a member of the National Association of State Treasurers, is in support of this change. It would benefit our veterans. It is still in committee.

November 7, 2019 Update: Five years ago, President Obama signed into the law the original Able Act. It allowed for tax free Able Accounts to be set up for people with disabilities, but their disabilities had to set in before the age of 26, which is the key. Currently it is gaining momentum. One is the State Treasurers (including Beth Pierce of Vermont) are finding that it was greatly overestimated the number of people that would sign up. Eight million people were originally estimated as being eligible. Only 50,000 have taken advantage of it. Because of this shortage,

people are not paying the fees into the program and without this the entire program may not be sustainable. The \$2 billion scored for the program will not come close to that with the 26-year eligibility cap. If the age was raised to 46, it is estimated that 6 million for a total of 14 million would be eligible. It is hoped that in the next continuing resolution that expires November 30, 2019 that this bill would be inserted into it. November 14th is the next call in day! Get the word out to have as many people as you know call their Congressional representative to support this bill. Senator Casey is hosting a reception to gain publicity in order to pass this bill on November 19th at the Capitol Building in Washington, DC in the Russell Building in Room 385.

- **Capability Act (H.R. 3070)** (<https://www.congress.gov/bill/116th-congress/house-bill/3070>). Representatives Seth Moulton (D-MA) and Cathy McMorris Rodgers (R-WA) introduced on June 4th, 2019 an amendment to the Rehabilitation Act of 1973 in order to establish a demonstration program to assist transition-aged youth with covered disabilities in obtaining customized, competitive integrated employment. This Act may be cited as the “Customized Approaches to Providing and Building Independent Lives of Inclusion for Transition-aged Youth Act of 2019” or the “CAPABILITY Act of 2019”. The bill creates six competitive grants for states that would span four years. The states that earn the grants would use them on pre-employment transition services that support Americans with autism spectrum disorder or intellectual and developmental disabilities that comply with requirements applicable to competitive, integrated employment.

On June 3, 2019 the bill was referred to the House Committee on Education and Labor. The details will be in the regulations.

November 7, 2019 Update: No movement.

- **The Disability Employment Incentive Act (S.255)** <https://trackbill.com/bill/us-congress-senate-bill-255-disability-employment-incentive-act/1660188/>. A bill to amend the Internal Revenue Code of 1986 to include individuals receiving Social Security Disability Insurance benefits under the work opportunity credit, increase the work opportunity credit for vocational rehabilitation referrals, qualified SSI recipients, and qualified SSDI

recipients, expand the disabled access credit, and enhance the deduction for expenditures to remove architectural and transportation barriers in the handicapped and elderly.

On January 29, 2019, the bill was reintroduced. The bill text had not changed from last year. It will expand three existing tax credits to support employers who hire individuals with disabilities and make workplaces more accessible to those employees.

September 5, 2019 Update: There is bipartisan support and is just sitting in committee. 1) It would double the opportunity tax credit from \$15K to \$30K 2) employers could include those on SSDI and SSI and 3) extends credits to employers who eliminate transportation and physical barriers to employment for people with disabilities and seniors.

November 7, 2019 Update: No movement.

- **Long Term Unemployment Elimination Act (S.1920)**
<https://www.congress.gov/bill/116th-congress/senate-bill/1920?s=1&r=42>. On June 20, 2019, U.S. Senators Chris Van Hollen (D-Md.) and Ron Wyden (R-Ore.) introduced the Long-Term Unemployment Elimination Act, which would create an innovative federal program that would generate real job opportunities for people who have been unemployed for six months or more. It would provide another funding stream through the Workforce Investment Board and encourage them to utilize their influence to reduce the possibility that PWD and others with difficulty obtaining employment to have extended periods of unemployment. This bill is in the first stage of the legislative process. It will typically be considered by committee next before it is possibly sent on to the House or Senate as a whole. It is supported by a wide range of groups.

November 7, 2019 Update: No movement.

- **MFP Reauthorization/Extension Act (HR 3253) (Money Follows the Person Bill (Medicaid)) May 2:** More good news! Short-Term Money Follows the Person Extension signed into law through the end of this year! Now we need to wait (and advocate for) a long-term extension.

September 5, 2019 Update: There are several bills before congress that would allow for long term extensions of the MFP Medicaid Demonstration Act which provides federal money for people transitioning out of nursing homes and provides for spousal asset protection. Instead, Congress has passed short term extensions.

November 7, 2019 Update: No movement.

- **The Empower Care Act (Money Follows the Person Reauthorization) was introduced (HR5306 S2227)** (<https://medicaid.publicrep.org/empower-care-act-one-pager/>) that would reauthorize, and appropriate money follows the person Medicaid demonstration project that shifts money from institution care to home and community-based care. This is important because more people with disabilities could live at their homes and be able to work. The president signed three months of appropriation.

May 2, 2019 Update: We are still waiting for longer term legislation.

September 5, 2019 Update: This bill is still sitting in Congress.

November 7, 2019 Update: No movement.

- U.S. Representatives Brett Guthrie (R-KY) and Debbie Dingell (D-MI) introduced a **companion bill** in the U.S. House of Representatives which is **identical to the Senate bill S. 2227, the EMPOWER Act**. This bill would renew the Money Follows the Person (MFP) program as well as improve it.

September 5 Update: This bill is still sitting in Congress.

November 7, 2019 Update: No movement.

- The **National Council on Independent Living (NCIL)** has two policy proposals 1) **eliminate work disincentives for Childhood Disability Beneficiaries (CDB's)** and 2) **eliminate the termination age of 65 for MBIs (Medicaid buy ins)** as authorized in the **Ticket to Work Program of 1999**. Senator's Portman and Casey may sponsor the bill appending it to an appropriations bill or the **Empower Care Act**. It is moving slowly.

November 7, 2019 Update: There is bipartisan support of these two policy proposals, and it is hoped that these get appended to the next continuing resolution. Republican Mary Cantwell of the State of Washington would most likely support this bill but does not want to be a co-sponsor. Republican Representative Don Young from Alaska may be interested in being a co-sponsor. Both policy proposals would slightly change the Social Security Act. There has been requests to reopen the regulations and NCIL has written opposing reopening them.

- **The Transformation to Competitive Employment Act** (<https://edlabor.house.gov/imo/media/doc/2019-01-29%20Transformation%20to%20Competitive%20Employment%20Act%20Fact%20Sheet.pdf>) provides states, services providers, subminimum wage certificate holders, and other agencies with the resources they need to create competitive integrated employment service delivery models and the inclusive wraparound services that some individuals with disabilities will need. The clauses are also in the **Raise the Wage Act** (Senator Sanders) (<https://www.sanders.senate.gov/download/raise-the-wage-act-of-2019?id=48B66B6B-34E4-4149-BC0D-62CF888E4C4A&download=1&inline=file>).

September 5 Update: This is a continuation of several bills presented over several congresses. For Vermont, however, it is a moot point as Vermont already dispensed with sheltered workshops with Competitive Integrated Employment being the focus. It would allow for appropriations for the sheltered workshops to transition to integrated sustainable employment.

Senator Grassley promised that when Congress reconvenes to move NCLS remove employment disincentives and Sam interpreted that he would put it in an appropriations bill.

November 7, 2019 Update: This bill would phase out sheltered workshops for people with disabilities and also has funding to transition to competitive integrated employment. This bill has bipartisan backing.

- **The Social Security 2100 Act (H.R. 860)**, Introduced in the House on 1/30/2019, this bill increases various Old Age, Survivors, and Disability Insurance (OASDI) benefits and related taxes.
 - The bill increases the primary insurance amount (e.g., the amount a Social Security beneficiary receives if the beneficiary begins receiving benefits at normal retirement age) by increasing the percentage of the beneficiary's average indexed monthly earnings used to calculate the amount.
 - The Bureau of Labor Statistics shall publish a Consumer Price Index for Elderly Consumers, which the Social Security Administration (SSA) shall use to calculate cost-of-living adjustments to benefits. Currently, the SSA uses a price index for wage earners to make such adjustments.
 - The bill increases the minimum benefit amount for individuals who worked for more than 10 years by creating an alternative minimum benefit. A qualifying beneficiary shall receive that alternative minimum if it is higher than the standard calculated benefit amount.
 - The bill increases the income threshold that a beneficiary must reach before Social Security benefits are taxable.
 - Increased benefits from this bill shall not count as income when determining an individual's eligibility or benefit amounts for (1) Medicaid, (2) the Children's Health Insurance Program, or (3) the Supplemental Security Income program.
 - Income above \$400,000 shall be included when calculating Social Security benefits and taxes. The bill also increases rates for the payroll and self-employment taxes that fund OASDI.
 - The bill establishes the Social Security Trust Fund, which replaces the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

September 5 Update: House Majority Leader Pelosi indicated that this would come to a House vote prior to the end of the year. This would extend the base of social security benefits for everyone. PWD tend to work less months than people without disabilities. The bill raises the social security benefit based upon the number of months worked. The National Council on Independent Living (NCIL) expressed the concern that it might increase the disparity but were reassured that this would not happen.

November 7, 2019 Update: No movement.

STATE Related:

- **The \$15.00/hour minimum wage/Family Leave Bill** is moving forward.

The House General, Housing and Military Affairs Committee approved legislation Friday to increase Vermont's minimum wage to \$15 by 2024. The bill has already passed the Senate. The House committee didn't make many changes to the bill, but this week's deliberations were occasionally tense as lawmakers argued for protections to prevent the bill from hurting the business community. The bill, S.23, would raise the minimum wage to \$11.50 in 2020, \$12.25 in 2021, \$13.10 in 2022 and \$14.05 in 2023. The measure seemed to hit a speed bump Tuesday after an analysis found a bill amendment would have forced the state to increase Medicaid spending by as much as \$27.9 million over the next five years.

November 7, 2019 Update: Democrats are really trying to push this bill but there is concern that it will cut programs in other places and hurt those individuals with disabilities.

- **Attendant Services Program (ASP). Background:** Advocates are working through appropriations to unfreeze the **Attendant Services Program (ASP)**. The Attendant Services Program has been frozen for more than four years. The advocates successfully advocated to have it return but with a smaller budget. The budget surplus was the rationale for the legislative push. Currently, and unique to Vermont, there is no resource/income limit for program; but there may be need to compromise to pass the bill. The program allows more people with disabilities (PWD) to gain and maintain employment. This program is for middle class individuals who would have to impoverish themselves in order to get services. Commissioner Monica Hutt agrees with the inequity but is concerned that when the legislature hears that people have funds in the bank, we may need to compromise on the resource/income limit. Bill Botzow suggested that the advocates work on the financial threshold not with the legislators in the best interest of individuals with disabilities. This will be VCIL's main legislative platform.

May 5 Update: At the last meeting, Sam reported that we were hoping to unfreeze the program to new applicants. Unfortunately, there is currently a gap in the State's budget. The bill is in Senate Appropriations and it is not considered a priority. Many individuals

testified. It doesn't look good for the program to be unfrozen this session. Currently, no one can even apply so there is no wait list. The main advantage of the program is that those that are not eligible for Medicaid can receive their personal attendant care services but can also direct their care without impoverishing themselves.

September 5 Update: Unfreezing the ASP Program (General Funded PDAP) didn't get anywhere last legislative session. It has been suggested that we should at least implement a waiting list as this wouldn't cost anything. In addition, you can gauge the interest in the program. If we can't get it passed any other way, perhaps having a high-income limitation.

November 7, 2019 Update: No movement.

Conclusions:

There is much legislation moving forward and it is important for members of this committee to keep abreast of these. Please see above.

Action Items, Person Responsible, Deadline:

See above.

6) Calendar of Upcoming Events (Group)

Discussion:

- **December 2, 2019 Governor's Summit on the Employment of People with Disabilities** (aka Disabilities Transportation Summit). It will be held at the DoubleTree Inn (formerly the Sheraton in So. Burlington). The Governor has approved the summit. The morning will be on transportation barriers as related to employment. Providers will be there. The State Independent Living Council (SILC) wants to make sure that not only providers are there but people with disabilities that are experiencing transportation barriers can attend too. SILC wants to make sure that transportation is provided if needed and will provide some funding. The Vermont Department of Transportation will contribute what they can. There will be a luncheon open to the public. The keynote speaker will be in the afternoon. We are hoping to get former State Senator Ted Kennedy Jr. to be the speaker. We are looking for business sponsors to offset some of the costs.

September 5 Update: State Senator Ted Kennedy Jr. declined to be the keynote. Martha will forward the name of several people to Sam that she thinks might be good.

November 7, 2019 Update: The Governor has committed to attending so we are finalizing the agenda. Travis Roy is the Keynote Speaker. Martha asked Diane if there has been consideration about reaching out to the Youth Advocacy Council and include them? Diane said that may be a great time to include them is during the facilitated conversation part of the agenda. SILC is contributing \$5,000 towards the conference.

- ***New December 20, 2019 Vermont Coalition of Disability Rights (VCDR) Board of Governor's Meeting**
- **April 2, 2020 Save the Date for VFN's 2020 Annual Conference in South Burlington! More details to follow!**

November 7, 2019 Update: We are hosting three conferences in three locations in the state with one presenter. This information is available on our website

<https://www.vermontfamilynetwork.org/events-news/annual-conference/>. Sara Forward is performing the presentation.

"Opening Doors in a Small Town" is the name of her presentation.

Our annual conference next year will have a whole new look! We're excited about our new half-day format that will happen in 3 different locations around the state. We'll have the same presenter and topic at each location.

We hope to reach more families of children with disabilities or special health needs and the professionals who support them especially those who may have never had an opportunity to attend in the past.

Dates / Locations:

- Saturday, March 28, 2020 from 10 am – 2 pm at a location to be determined in Springfield, VT
- Tuesday, March 31, 2020 from 4 pm – 8 pm at the Eastside Restaurant in Newport, VT
- Thursday, April 2, 2020 from 8:30 am – 1 pm at the Delta Hotel (formerly Trader Duke's) in South Burlington, VT

- **April 2, 2020 Save the Date for the Card Room Event, State House! More details to follow!**

November 7, 2019 Update: An agenda will be formed as we move closer to the event.

- **May 2020 SILC Olmstead Summit.** The State Independent Living Council (SILC) hasn't had this event for three years. We were asked by the Vermont Affordable Housing Coalition and Housing Conservation Board to present before the Olmstead Meeting.

September 5 Update: This is the 20th anniversary of the SCOTUS Olmstead decision that forced the integration mandate in 1990. The Vermont Olmstead Plan is gathering dust with legislators never hearing of it. We are looking to find out what has been done to date to fulfill the Olmstead requirements and what needs to be done going forward.

November 7, 2019 Update: There has been much interest and more information will be available as the date approaches.

Conclusions:

See above for events to attend or participate in planning!

Action Items, Person Responsible, Deadline:

See above.

7) Other Business (Group)

Discussion:

None

Conclusions:

None

Action Items, Person Responsible, Deadline:

None.

8) Adjournment (Sam Liss)

Discussion:

Sam asked if there was a motion to adjourn. Sherrie moved to adjourn, and it was seconded. No further discussion. All approved. Vote unanimous 7-0-0.

Conclusions:

Motion to adjourn approved at 1:50 p.m.

Action Items, Person Responsible, Deadline:

- Draft minutes uploaded to SRC website, **Debra Kobus**, 11/12/19.
- Draft minutes emailed to Committee members, **Debra Kobus**, 11/12/19.
- Minutes approved, **Committee**, 1/2/20.
- Approved minutes uploaded to website, **SRC Coordinator**, 1/7/20.