



## **COVID – 19 4<sup>th</sup> Relief Bill Protection and Advocacy (P&A) Funding Proposal**

Protection and Advocacy (P&A) agencies comprise the nationwide network of congressionally created and mandated, legally based disability rights agencies. P&A agencies have the authority to provide legal representation and other advocacy services, under federal laws, to **all** people with disabilities.

Congress gave P&A agencies the ability to protect people with disabilities through programs such as the Protection and Advocacy for Individuals with Developmental Disabilities (PADD) program, the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program and the Protection and Advocacy for Individual Rights (PAIR) program no matter their disability, where they may live, work, or receive services. In these uncertain times, the work of the P&As to ensure that the rights of people with disabilities are not violated is more important than ever and P&As are working to fulfill this critical mandate and support the disability community.

COVID-19 related issues P&As are seeing right now include: lack of educational services under the IDEA with the shift to online learning; concerns about the spread of the virus in congregate facilities (including nursing homes, prisons and juvenile detention facilities); medical rationing; how to access assistive technology devices and services for use in remote education and employment; changes in voting processes and requirements due to the pandemic, and violation of individual rights around Do Not Resuscitate orders.

When the pandemic ends we know that there will be numerous issues to address inclusive of the items listed above, but also: education and employment discrimination issues; ensuring people that lived in the community are able to return to those living arrangements; inaccessibility issues impacting people with disabilities in the elections later this year, and reconnecting people with disabilities to needed services and supports including health care, employment supports, assistive technology, educational services, and home health care.

During this pandemic, additional funding is vital to ensure that P&A agencies across the country can continue to protect and advocate on behalf of all people with disabilities.

### **Need for Additional Funding**

Today, P&As around the country are on the frontlines of the COVID-19 pandemic as they work with persons with disabilities in facilities (like nursing homes) and in the

community to protect them from abuse and neglect and ensure access to needed services and supports (like COVID -19 testing).

- P&As must use their access authority during this pandemic to monitor facilities (like nursing homes and prisons) requiring special training and personal protective equipment (PPEs) for staff to protect against COVID-19.
- P&As are adding more staff to the front lines of intake to cover the increase in information and referrals related to COVID-19 ranging from how students with disabilities can access education to concerns about medical rationing, to how the individual checks authorized in the COVID - 3 relief bill will affect state and federal recipients.
- Most P&As have moved to virtual offices. P&As have had to invest in more laptops, internet services, and cell phones to cover staff who do not have those resources at home or must share with children who are also learning from home.
- The reintegration of people with disabilities back into the community, school, and the workforce once this pandemic passes will come to the forefront and require immediate attention by the P&As.
- Rights violations are and will happen under the emergency declarations as many policies are not taking people with disabilities into consideration. Only the P&As will be there to advise and protect people with disabilities.

### **Proposal Specifics**

- An overall \$30 million increase to the nationwide network of P&A agencies. To ensure the cross disability nature of the work of the P&A agencies we request a \$10 million increase in the Protection and Advocacy for Individuals with Developmental Disabilities (PADD) program at the Department of Health and Human Services, Administration for Community Living (ACL); a \$10 million increase in the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program in the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA), and the Protection and Advocacy for Individual Rights (PAIR) program, at the Department of Education, Rehabilitation Services Administration (RSA).
- Similar to the language in COVID – 3 that reiterated the authority of the Long-Term Care Ombudsman, we request similar language around the P&A's authorities so as not to create delays in providing needed services or protections. That language would read as follows: Protection and Advocacy systems shall continue to have reasonable, unaccompanied access (directly or through the use of technology) to facilities for the purposes of investigation and monitoring (or other access through the use of technology) to long-term care facilities, to

residents, and to appropriate records during any portion of the public health emergency relating to coronavirus beginning on the date of enactment of this Act and ending on September 30, 2021, to provide services described in 42 U.S. Code § 15043 et seq.

- Similar to the language in COVID - 3, we believe the funding should be available to the P&A agencies from date of enactment until September 30, 2021 and would request that be explicitly stated. Given that we are already half way through the fiscal year, it is important that the P&As be given some additional time to expend these funds that are needed to provide services this fiscal year, but will also be needed to fund services in the next fiscal year.
- Similar to the language in COVID – 3, we believe this funding should be designated as emergency funding.