



# Washington Update

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## **BIPARTISAN BILL TO IMPROVE AVAILABILITY OF VA HCBS INTRODUCED IN THE HOUSE**

For several months, PVA's Government Relations team has been working with House Veterans' Affairs Committee (HVAC) staff on legislation that would greatly improve the availability of VA's Home and Community-Based Services (HCBS) for our members. That bill, H.R. 6823, the Elizabeth Dole Home and Community Based Services for Veterans and Caregivers Act of 2022, was introduced on February 25 and it would make urgently needed improvements to VA HCBS.

If passed, H.R. 6823 would raise existing caps on noninstitutional care from 65 percent of the cost of nursing home care to 100 percent. It also requires VA to establish a Veteran Directed Care (VDC) program at each VA medical center and ensure the program is available in the U.S. territories as well. It would also allow catastrophically disabled veterans to continue to use funds under the VDC program during a period of hospitalization to hire an attendant to assist with their non-medical needs during hospitalization.

Other provisions in the bill help pave the way for greater veteran participation in critical support programs such as Homemaker and Home Health Aide, Home-Based Primary Care, and Skilled Home Care. Additional language ensures careful consideration is given to the health care needs of any veteran who is removed from the Program of Comprehensive Assistance for Family Caregivers (PCAFC), ensuring they receive a smooth and personalized transition from the PCAFC to an appropriate program within VA that meets their needs for noninstitutional extended care services. The bill also includes a pilot program to address direct care worker shortages.

PVA thanks HVAC, Subcommittee on Health Chairwoman Julia Brownley (D-CA) and Ranking Member Jack Bergman (R-MI) for introducing this extremely important legislation that targets so many of our concerns about current VA HCBS program shortfalls. We call on Congress to quickly pass this desperately needed legislation.

## **DOJ ISSUES GUIDANCE ON BALLOT DROP BOX ACCESSIBILITY REQUIREMENTS UNDER THE ADA**

The Department of Justice (DOJ) has issued



guidance under the Americans with Disabilities Act (ADA) on how to ensure that ballot drop boxes are accessible to voters with disabilities. The publication, "[Ballot Drop Box Accessibility, the Americans with Disabilities Act](#)," is intended to help election officials understand the ADA's requirements, including the physical accessibility standards applicable to ballot drop boxes, and for voters with disabilities to understand their rights under federal law.

The publication covers the elements and features of a ballot drop box that election officials should consider to meet the ADA's accessibility requirements. Specifically, it discusses accessibility features of a ballot drop box such as a handle or lever that can be operated with one hand and without tight grasping, pinching, or twisting of the wrist. It also covers the requirements for an accessible route to a ballot drop box, such as a level walkway without gaps and steps. Finally, the guidance includes a checklist of the accessibility standards used to assess a ballot drop box.

DOJ intends the guidance to be used with the "[ADA Checklist for Polling Places](#)," a guidance document that discusses local governments' obligations under the ADA to provide polling places that are physically accessible to voters with disabilities. The ADA Checklist for Polling Places covers the accessibility requirements for features that may be present at a ballot drop box location, such as parking, passenger drop off areas, and building entrances.

Those interested in learning more about the ADA may call DOJ's toll-free information line at 800-514-0301 or 800-514-0383 (TDD), or access its ADA website at [www.ada.gov](http://www.ada.gov). ADA complaints may be [filed online](#). Information about the department's enforcement of federal civil and criminal laws related to voting may be found [here](#).

### FEDERAL FUNDING UPDATE

The President recently signed a temporary funding bill that finances the federal government through March 11. The measure is the third continuing resolution for fiscal year 2022 but Congress is reportedly nearing a deal on an omnibus appropriation measure to fund the government

through September 30. In mid-February, House and Senate leaders told reporters they reached agreement on a spending framework that included top-line funding levels, but those numbers have not yet been made public. Also, the two chambers have not settled on spending amounts for individual federal programs and offices.

### VA SECRETARY PROVIDES STATUS UPDATE FOR THE DEPARTMENT

On February 16, VA Secretary Denis McDonough held a press conference providing information regarding the status of various VA initiatives. He reported that the Veterans Health Administration (VHA) conducted three million in-person health care appointments in January, an increase of 11 percent compared to the same time last year. VHA also provided 827,000 telehealth appointments (three percent increase) and approved 543,000 Community Care authorizations (20 percent increase). Part of these increases can be attributed to veterans seeking services that were previously unavailable or delayed due to the pandemic.

The Secretary also said VA is currently experiencing its highest turnover of nurses in many years. He noted that nurses can make upwards of \$200,000 working in the private sector whereas VA's compensation rates are less and limited by statute. The Secretary has spoken with numerous lawmakers about the problem, and they recognize the nursing shortage is not just a VA problem, but rather a national one. He urged Congress to move quickly on H.R. 5575, the VA Nurse and Physician Assistant RAISE Act, (PVA-supported legislation) to make VA salaries more competitive by allowing the department to raise existing pay caps for many of its providers and nurses. He also stressed the importance of Congress providing VA with its full fiscal year 2022 budget allocation verses another continuing resolution, noting that doing so would allow the department to absorb the cost of the higher salaries.

Secretary McDonough also talked about the upcoming Asset and Infrastructure Review (AIR) Commission. He expects VA's recommendations will be released in mid-March even though the members of the AIR Commission itself have not yet

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been named and confirmed. VA does not expect to leave any market, but he indicated they may not maintain a full VA facility at some of its existing locations. Instead, VA plans to use outpatient care coupled with strategic collaboration and increased use of local providers and hospital systems to ensure veterans receive the care they need. Once it is posted, you can view the Secretary's press conference on VA's [YouTube page](#).

### **MORE ON THE RAISE ACT**

As indicated in the previous article, H.R.5575, the VA Nurse and Physician Assistant RAISE Act, would increase the pay limitation on salaries for nurses, advanced practice registered nurses, and physician assistants employed by VA so the department can attract, and most importantly, retain top health care talent to ensure veterans receive timely, high-quality care. VA's mission is to honor America's veterans by providing exceptional health care that improves their health and well-being. The department's ability to fulfil that mission has been impaired in recent years due to insufficient numbers of health care providers. Many of VA's key personnel shortages can be traced to pay caps established more than a decade ago which limit the department's ability to provide competitive salaries or the flexibility to recruit and retain valuable staff.

PVA endorsed the RAISE Act at an October 13, 2021, House Veterans' Affairs, Health Subcommittee legislative hearing. On February 2, the full Committee approved an amended measure which now awaits consideration by the full House.

### **SENATE HELP COMMITTEE EXAMINES BARRIERS TO EMPLOYMENT FOR PEOPLE WITH DISABILITIES**

On February 8, the Senate Health, Education, Labor, and Pensions (HELP) Committee held a hearing on barriers to employment for workers with disabilities and ways to overcome them, focusing on innovative practices adopted in the wake of COVID-19 such as the widespread use of flexible schedules and remote work options. Witnesses included the Chief Accessibility Officer for Microsoft, Jenny Lay-Flurrie, who highlighted the importance of digital accessibility and Workforce Program Coordinator for Iowa Workforce Development, Brian Dennis,

who described the state's involvement with the federal government's Disability Employment Initiative in which they placed benefits planners in several Iowa jobs centers to aid Social Security disability beneficiaries in navigating return to work. Dr. Lisa Schur, Professor for Labor Studies and Employment Relations at Rutgers University, outlined several of the challenges in the labor market faced by individuals with disabilities. Disability advocate Francis Kineavy described his own experiences as a sports writer with the Rutgers athletic department. The video and testimony from the hearing can be found [here](#).

### **NEWS OF NOTE**

#### **PVA Wants to Hear from You!**

PVA is always interested in hearing your experiences. We want to hear from you if you have a compelling story about engaging with VA programs and benefits that you believe would help move our [legislative priorities](#). Specifically, we would like to hear if you have had issues with the Home Improvements and Structural Alterations or Auto Allowance grants or if you have experienced barriers to accessing mammography services at VA or in your community. If you feel comfortable sharing them, please contact Julie Howell, Associate Legislative Director, at [JulieH@pva.org](mailto:JulieH@pva.org).

#### **ACL Resources for Older Americans Month**

May is Older Americans Month and the theme for 2022 is "Age My Way" with a focus on ways to enable seniors to remain in their communities and age in place. The Administration for Community Living (ACL) has a variety of [resource and information materials on its website](#) to support local observances.

#### **VA Proposes Updates to Rating Schedules for Respiratory, Auditory, and Mental Disorders**

VA is planning to make [changes to the VA Schedule for Rating Disabilities related to respiratory, auditory, and mental disorders](#). VA believes the changes will allow the department to use current data to offer veterans with these conditions more consistent decisions. The proposed

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changes would not impact veterans' current ratings, but if finalized, those rated for one or more of these conditions may apply for an increase. The decision is open for public comment until April 18.

## HEARINGS & WEBINARS

### Social Security Disability Benefits and Work Incentives

The National Disability Institute and American Dream Employment Network will host a [webinar](#) on Thursday, March 17 from 2:00-3:00 p.m. ET on Social Security disability benefits and work incentives. The webinar will cover key questions concerning the impact of work on benefits. Registration is required but there is no cost to attend.

### Upcoming Hearings

On March 8 at 10:00 am ET, the House and Senate Veterans' Affairs Committees will host a joint hearing to learn about the priorities of veterans service organizations. PVA National President Charles Brown will testify on behalf of PVA. To view the hearing, please click [here](#).

For the latest on other upcoming VA hearings, please visit the [House](#) and [Senate](#) Veterans' Affairs Committee pages.