



# Overview of Assisting People with Disabilities in the Marketplace

By Vicki Gottlich and Daniel Davis, Administration for Community Living (ACL), February 28, 2014



# ACL: Who We are and What We Do

- Established in April 2012
- ACL is charged with developing policies and improving supports for seniors and persons with disabilities of all ages.
- New HHS Operating Division brings together:
  - Administration on Aging (AoA)
  - Office on Disability (OD)
  - Administration on Developmental Disabilities (ADD)

# About ACL

- Mission

- Maximize the independence, well-being, and health of older adults, people with disabilities across the lifespan, and their families and caregivers.

- Vision

- All people, regardless of age and disability, live with dignity, make their own choices, and participate fully in society.

# Why the Affordable Care Act Matters for People with Disabilities

“By opening the doors of the private insurance market to them, we will finally bring an end to a system that forced many people with disabilities to make a terrible choice between the income they gained from work and qualifying for the health coverage they needed.”

▶ **Secretary Kathleen Sebelius, speech to American Association of People with Disabilities (3/5/2013)**

# Consumers with Disabilities: Who Are They?

## ▶ **Workers with Disabilities**

- Includes some previously excluded from individual or small business insurance due to preexisting condition discrimination or lifetime limits

## ▶ **Individuals on SSDI in the two year Medicare Waiting Period.**

## ▶ **Families with dependents under age 26 with disabilities**

# Consumers with Disabilities: Who Are They?

▶ Some consumers with disabilities are “young invincibles” in excellent health, who are not overly high users of health care services.

- Seattle Seahawks Fullback **Derrick Coleman** who is deaf
- Paralympian track athlete, **Tatyana McFadden**
- Boston Marathoner **Josh Crary**, who is blind.



# U.S. Consumers with Disabilities: By the Numbers

<b>Subject</b>	<b>Total (Estimate)</b>	<b>With a disability (Estimate)</b>	<b>Percent with a disability (Estimate)</b>
Population 18 to 64 years	193,478,987	19,606,506	10.10%
With a hearing difficulty	(X)	3,964,136	2.00%
With a vision difficulty	(X)	3,424,125	1.80%
With a cognitive difficulty	(X)	8,265,823	4.30%
With an ambulatory difficulty	(X)	10,004,843	5.20%

Source: American Community Survey, US Census Bureau, 2012

# Rehabilitation Act of 1973, Section 504

## Program Access Requirements under Section 504 of the Rehabilitation Act for Recipients of Federal Funding

**“No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . .”**

► If you are an entity that receives federal funding, such as a federally qualified health center, your entity is required to comply with the Program Access Requirements under Section 504. Therefore, if you are a CAC organization that receives federal funding, even if that funding is not being provided to specifically fund your organization’s CAC program, your organization must comply with Section 504’s Program Access Requirements.

# How to Assist People with Disabilities

## ▶ Regulations Applicable to Navigators in Federally-Facilitated Marketplaces (45 CFR 155.215 (d))

- Accessible consumer education materials, Web sites, or other tools utilized for consumer assistance purposes;
- Provide auxiliary aids and services for individuals at no cost where necessary for effective communication or when requested by the consumer;
- Provide assistance to consumers in a location and in a manner that is physically and otherwise accessible to individuals with disabilities;

# How to Assist People with Disabilities

## ▶ Regulations Applicable to Navigators in Federally-Facilitated Marketplaces (45 CFR 155.215 (d)) *continued*

- Ensure legally authorized representatives are permitted to assist with making informed decisions;
- Acquire sufficient knowledge to refer people with disabilities to local, state, and federal long-term services and supports programs when appropriate; and
- Be able to work with all individuals regardless of age, disability, or culture, and seek advice or experts when needed.

# How to Assist People with Disabilities

## ► Requirement of Certified Application Counselors (CAC's) at § 155.225

CAC's must, either directly or through an appropriate referral to a Navigator or non-Navigator assistance personnel or to the Exchange call center, provide information in a manner that is accessible to individuals with disabilities.

# How to Assist People with Disabilities

## What is disability etiquette?

- While some disabilities are visible, others are hidden.
- People with functional impairments may not see themselves as someone with a disability.
- Always be respectful and avoid referring to someone by his/her disability.
- Use “people first” language – person with a disability.
- Speak directly to the individual and not to the person accompanying him/her.
- Do not make assumptions about what the individual can do/not do, understand/not understand.
- Be willing to spend extra time, if necessary.

# How to Assist People with Disabilities

## ▶ Examples of ways to make assistance accessible...

- ASL Interpreters
- TTY phone lines
- Large print, braille & electronic versions of literature
- Use of plain language
- Wheelchair accessible offices located close to public transit.

# What Questions Might Consumers with Disabilities Ask about the ACA Application?

## ► Identification of Disability on the ACA Application

**Q:** Why does the application ask about disability?

**A:** Question is designed to check if consumer prefers plans in state Marketplace/ ABPs or seeks services available through Medicaid & thinks s/he may be eligible on basis of disability.

**Q:** Why aren't specific disabilities mentioned?

**A:** Specific disabilities aren't mentioned because Medicaid eligibility is a state decision and it isn't relevant at this level.

**NOTE:** mental illness may be considered a disability.

► If consumer answers “yes” to disability question, application is forwarded to the state Medicaid agency for eligibility consideration. <sup>14</sup>

# What Questions Might Consumers with Disabilities Ask about Health Care Options?

## ▶ Long Term Services & Supports, State Plan and Waiver Programs

**Q:** What Medicaid programs are available person with disabilities?

**A:** In addition to Medicaid State plan benefits, consumers with disabilities may be interested in Medicaid “waiver” or other long-term services and supports (LTSS) Programs.

**NOTE:** For LTSS, Medicaid waiver programs are an integral way for states to serve people with disabilities in community settings instead of the institutions. Even if a person is denied Medicaid state plan eligibility, s/he may still be eligible for other Medicaid “waiver” or long-term services and supports (LTSS) programs, which then gives them access to State Plan services as well.

# Medicaid Expansion & Consumers with Disabilities

► In states that have expanded Medicaid, how do the new expansion programs compare to the Medicaid state plan program?

- This varies state-by-state depending on details of state plan amendments submitted by the states
- In many cases states have sought to align benefits packages between Alternative Benefit Plans (ABPs) & the Medicaid State Plan
- In other cases, including states using the “private option,” there are differences that may be relevant to consumers with disabilities.

If your state expanded Medicaid find your state’s plan at

<http://www.medicaid.gov/State-Resource-Center/Medicaid-State-Plan-Amendments/Medicaid-State-Plan-Amendments.html>

# Additional Resources

- Administration for Community Living [www.acl.hhs.gov](http://www.acl.hhs.gov)
- Medicaid.gov [www.medicaid.gov](http://www.medicaid.gov)
- Medicare.gov [www.medicare.gov](http://www.medicare.gov)
- National Disability Navigator Resource Collaborative  
<http://www.nationaldisabilitynavigator.org/>
- NDNRC Disability Guide  
<http://www.nationaldisabilitynavigator.org/ndnrc-materials/disability-guide/>
- Cancer Checklist  
[English] <http://www.cancerinsurancechecklist.org/>  
[Spanish] <http://www.cancerinsurancechecklist.org/es/>
- National Council on Disability [www.ncd.gov](http://www.ncd.gov)

# Additional Resources

- National Association of the Deaf Position Statement on Health Care Access for Deaf Patients <http://www.nad.org/issues/health-care/position-statement-health-care-access-deaf-patients>
- US Department of Justice (ADA.gov) [www.ada.gov](http://www.ada.gov)
- 2010 ADA Accessibility Regulations [http://www.ada.gov/ada\\_req\\_ta.htm](http://www.ada.gov/ada_req_ta.htm)
- DOJ Effective Communications Guidance <http://www.ada.gov/effective-comm.htm>
- Access to Medical Care for Individuals with Mobility Disabilities [http://www.ada.gov/medcare\\_mobility\\_ta/medcare\\_ta.htm](http://www.ada.gov/medcare_mobility_ta/medcare_ta.htm)

# Additional Resources

- US Access Board [www.access-board.gov](http://www.access-board.gov)
- Centers for Independent Living (CILs) and Statewide Independent Living Councils (SILCs)  
<http://www.ilru.org/html/publications/directory/index.html>
- State Protection and Advocacy Systems (P&As)  
<http://www.acl.gov/Programs/AIDD/Programs/PA/Contacts.aspx>
- State Councils on Developmental Disabilities  
<http://www.acl.gov/Programs/AIDD/Programs/DDC/Contacts.aspx>
- University Centers for Excellence in Developmental Disabilities  
<http://www.acl.gov/Programs/AIDD/Programs/UCEDD/Contacts.aspx>