



# LEGISLATIVE ACCESS AGENDA

DPC's mission is to bring the perspectives of people with disabilities to the table on key issues, empower our community through healthcare support and advocacy, participatory research, and expert policy analysis, and lead grassroots campaigns that make Massachusetts more accessible and inclusive. Our credo is "About Us, By Us" – the belief that when decisions are made about people with disabilities, people with disabilities should be the ones making them.

## TOP LEGISLATIVE PRIORITIES

### **H.378/S.152:** An Act expanding wheelchair warranty protections for consumers with disabilities

**Lead Sponsors:** Rep. Jim O'Day, Sen. John Cronin

Wheelchairs and scooters are often prone to defects and sudden failure. It is commonplace for consumers to be left stranded or isolated in their homes for weeks, or even months, awaiting repairs, unable to get to work, school, medical appointments, the grocery store, and in some cases to move around their own home.

**By strengthening warranty protections for Massachusetts residents with disabilities, we can level the playing field for consumers, shorten repair wait times, save taxpayer money, and ensure that we are all treated with dignity and respect.**

H.378/S.152 will expand the existing warranty to two years, and will cover all wheelchair users in the Commonwealth, not just those who are on private insurance or can afford to pay out-of-pocket. It will hold wheelchair providers and suppliers accountable to reasonable repair timelines by requiring they cover costs consumers face as a result of their defective chairs, and stock common parts so they are prepared to service chairs efficiently.

For more information, contact Harry Weissman at [hweissman@dpcma.org](mailto:hweissman@dpcma.org) or **617-977-4084**.

### **H.1168/S.726:** An Act protecting the homes of seniors and disabled people on MassHealth

**Lead Sponsors:** Rep. Christine Barber, Sen. Jo Comerford

Estate recovery is the practice of MassHealth recouping the cost of medical services from the deceased enrollee's family. While mandated by federal law, estate recovery is made even more aggressive by requirements under Massachusetts law. It can result in the sale of the family home, causing excessive financial burden and perpetuating poverty, especially among communities of color and people with disabilities. In many cases, the family is unaware of this burden as MassHealth has not historically informed applicants or members about estate recovery upon enrollment. **This bill seeks to address this issue by making changes to the estate recovery rules to make the statute more equitable for low-income enrollees and families.**

H.1168/S.726 establishes that MassHealth can only recover costs that are federally mandated, limits the recovery for capitated payments, requires notice to applicants and enrollees about estate recovery, establishes criteria for granting undue hardship waivers, expands the obligation to provide information on estate recovery limitations, and exempts the CommonHealth program for disabled adults from estate recovery.

For more information, contact Charlie Carr at [charlescarr@dpcma.org](mailto:charlescarr@dpcma.org) or **978-361-6682**.

## TOP LEGISLATIVE PRIORITIES

### **H.1601/S.1037:** An Act prohibiting discrimination against adults with disabilities in family and juvenile court proceedings

**Lead Sponsors:** Rep. Kay Khan, Rep. Jay Livingstone, & Sen. Joan Lovely

Parents with disabilities, especially psychiatric or intellectual disabilities, lose custody or parenting time at alarming rates due to disability discrimination – while 6.7% of parents in the U.S. have a disability, families in which a parent has a disability are disproportionately involved in the child welfare system. Across the board, disabled parents are 22% more likely to have their parental rights terminated, and parents with psychiatric disabilities are 26 times more likely to have their children removed from their homes. Parents should not be denied the right to raise their children solely on the basis of their disability.

**H.1601/S.1037 will require courts to use evidence, not assumptions, in order to determine if a parent's disability causes actual harm to a child.** Courts will have to explain in writing if a parent's disability is a negative factor in custody and parenting time decisions and assess if the harm can be avoided with accommodations (like adaptive equipment or supportive services).

For more information, contact Emma Gelbard at [egelbard@dpcma.org](mailto:egelbard@dpcma.org) or 617-456-8247.

### **H.1180/S.753:** An Act relative to preventing discrimination against persons with disabilities in the provision of health care

**Lead Sponsors:** Rep. Josh Cutler, Sen. Adam Gomez

People with disabilities are frequently the victims of both explicit and implicit bias in the healthcare system, often with harmful and even deadly consequences. Some disabled patients have been denied treatments from medications organ transplants, and even removed from life support, while others and their families report being pressured to sign Do Not Resuscitate orders, all based on the presumption that the lives of people with disabilities are less worth living and less worth saving than the lives of people without disabilities. During the worst days of the COVID-19 pandemic, our own state government took the same approach, adopting Crisis Standards of Care that would have sent thousands of people with disabilities to the back of the line for lifesaving ventilators and ICU beds.

**H.1180/S.753 would protect people with disabilities from life-threatening discrimination in our healthcare system.** It would prohibit any healthcare entity from denying or deprioritizing a patient for a healthcare service based on the presumption that their disability made their life less worthwhile. It would put critical protections in place to prevent disabled patients from being pressured to sign Do Not Resuscitate Orders, and it would ensure that decisions about the cost-effectiveness of treatments do not use metrics that discriminate against people with disabilities. Finally, it would ensure that, in any future public health crisis, the rules that dictate who gets access to lifesaving care cannot discriminate against people with disabilities.

For more information, contact Colin Killick at [ckillick@dpcma.org](mailto:ckillick@dpcma.org) or 617-993-6562.

## KEY FY24 BUDGET PRIORITIES

**7004-9030:** Incorporate Governor's Language Changes and Increase total funding for AHVP to \$26 million (\$16.2 million + Prior Appropriations Continued)

**Champions:** Rep. Decker and Sen. Eldridge

People with disabilities are more than twice as likely to be homeless than their nondisabled peers. The Alternative Housing Voucher Program (AHVP) provides mobile housing vouchers to low-income individuals with disabilities between the ages of 18 and 60. This year, 250 more vouchers have been issued by the program. The requested funding increase would cover about 250 more. **The Governor's budget (H.1) includes several changes to the language of the line item. These changes would increase the flexibility, usability, and usefulness of the vouchers. We support incorporating her language.**

AHVP has had many program improvements thanks to funding increases over the last few years, including improving leasing rates by providing first, last, and security for voucher holders; improving efficiency with an online application and centralized screening (Summer 2023); and piloting a project focused specifically on freeing people from nursing homes.

**7004-9031:** Maintain Accessible Affordable Housing Grants at \$2.5 million

Even once funding assistance has been secured, it can be especially difficult for people with disabilities to find homes that meet their access needs. **The Accessible Affordable Housing Grants (AAHG) offers developers and landlords grants to create or rehabilitate physically accessible housing, on the condition that AHVP voucher holders are prioritized in tenant selection.** This program is overseen by CEDAC and has funded projects across the state since its inception a few years ago. The Governor's budget did not include this program.

For more information on AHVP or AAHG, contact R Feynman at [rfeynman@dpcma.org](mailto:rfeynman@dpcma.org) or 617-993-6021.

**4120-4000:** Annualize Funding for Durable Medical Equipment (DME) Reuse Programs

Annualization funding of \$500,000 for DME Reuse in line item 4120-4000, for a minimum of \$2,420,000 earmarked for assistive technology services, will **ensure Massachusetts residents can continue receiving necessary, refurbished equipment, free of charge.**

For more information, contact Harry Weissman at [hweissman@dpcma.org](mailto:hweissman@dpcma.org) or 617-977-4084.

## BILLS WE'RE SUPPORTING

### **H.216/S.67: An Act allowing spouses to serve as caregivers**

**Sponsors:** Rep. Adam Scanlon, Sen. Jo Comerford

This bill will allow spouses to be authorized to serve as paid caregivers in the MassHealth program for the provision of certain home-based care and services just as other relatives are already permitted to serve as paid caregivers.

Contact: Charlie Carr, charlescarr@dpcma.org or 978-361-6682.

### **H.945/S.749 & H.943: Acts relative to pharmaceutical access, costs and transparency**

**Sponsors:** Reps. Christine Barber, Jon Santiago, William Driscoll, Sen. Cindy Friedman

These bills address high and rising prescription drug costs and reduce co-pays for people with certain chronic conditions.

Contact: Harry Weissman, hweissman@dpcma.org or 617-977-4084.

### **H.1305/S.884: An Act to create affordable homes for persons with disabilities**

**Sponsors:** Rep. Rob Consalvo, Sen. Robyn Kennedy

This bill will build more accessible and affordable homes by improving the Alternative Housing Voucher Program (AHVP), the state's rental assistance program for persons with disabilities, by allowing project-basing of AHVP vouchers.

Contact: R Feynman, rfeynman@dpcma.org or 617-993-6021.

### **H.1485/S.109: An Act relative to supported decision-making agreements for certain adults with disabilities**

**Sponsors:** Reps. Michael Finn, Sean Garballey, Sen. Lovely

This bill would establish the legal framework for Supported Decision-Making in Massachusetts, an alternative to guardianship in which adults who want assistance with decisions can choose a group of trusted supporters to assist them with making and communicating decisions.

Contact: Colin Killick, ckillick@dpcma.org or 617-993-6562.

### **H.2291/S.1553: Building a More Accessible Massachusetts and Expanding the Availability of Adaptable Housing for People With Disabilities and Seniors**

**Sponsors:** Reps. Christine Barber, Michael Moran, Sen. Michael Moore

This bill will ensure more accessible housing units and workplaces are available in the state by bringing such buildings under the purview of the Massachusetts Architectural Access Board (AAB) when newly built or when major renovations take place.

Contact: Charlie Carr, charlescarr@dpcma.org or 978-361-6682.



# DPC

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