



NATIONAL CENTER

30 Mansell Court, Suite 108
Roswell, GA 30076

phone: 770-604-9500

fax: 770-604-9898

email: info@ndscenter.org

www.ndscenter.org

April 25, 2023

The Honorable Chuck Schumer
Majority Leader
U.S. Senate
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, DC 20515

The Honorable Kevin McCarthy
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Leader Schumer, Minority Leader McConnell, Speaker McCarthy, and Minority Leader Jeffries:

The National Down Syndrome Congress (NDSC) writes to express our concerns with the [“Limit, Save, Grow” Act](#) which was recently introduced. Specifically, we have concerns with “Sec. 321. Community engagement requirement for applicable individuals.” NDSC is the country’s oldest national organization for people with Down syndrome, their families, and the professionals who work with them. We provide information, advocacy, and support concerning all aspects of life for individuals with Down syndrome and work to create a national climate in which all people will recognize and embrace the value and dignity of people with Down syndrome.

Broadly speaking, our analysis of “Sec 321. Community engagement requirement for applicable individuals” is that it imposes a work requirement for Medicaid recipients ages 19-55. NDSC believes strongly that [employment](#) should be an expected life activity for individuals with Down syndrome, and that individuals with Down syndrome should have the individual and systemic supports necessary to enable them to find, keep and succeed in careers in the community based on their preferences, interests, and strengths. We have long advocated for empowering individuals with Down syndrome to work in careers of their choosing while also pushing for an infrastructure of supports for individuals to be successful in the workforce. However, given that Medicaid is the single largest funding source of both acute health care and long term services and supports (LTSS) for people with Down syndrome and other disabilities, any attempt to curtail Medicaid benefits, such as through work requirements, gives us tremendous pause.

From our perspective, Sec. 321 would result in billions of dollars of cuts and loss of coverage for millions on Medicaid¹. Additionally, we believe this section would impose additional administrative burdens on individuals with disabilities in order to remain on Medicaid. Furthermore, while the proposal does include a work requirement exemption for certain recipients, they are confusing and vague. The exemption category most relevant to people with disabilities is the provision that states an individual is exempt from the work requirement if they are “physically or mentally unfit for employment, as determined by a physician or other medical professional;”. We are unaware of this standard appearing anywhere else in federal statute and in fact we believe this would create a new and stricter standard for people with disabilities to meet to retain Medicaid coverage. People with disabilities already go through an extensive administrative process to obtain Medicaid and we believe adding yet another burdensome eligibility layer could result in people losing coverage as a result of administrative error or inability to obtain the appropriate documentation from a provider. From our perspective, crafting a work requirement exemption is one thing and operationalizing it is another. We are extremely skeptical that this work requirement exemption would function correctly in practice and in fact we believe that instead it would create additional barriers for people with disabilities to retain Medicaid.

In fall 2022, House Energy and Commerce Committee Republicans released their report [Disability Policies in the 21st Century: Building Opportunities for Work and Inclusion](#) and asked for public input. The report includes a robust discussion about Medicaid and specifically Medicaid LTSS and potential improvements that could be made. NDSC welcomed this report and vision set by the new majority party on the Energy and Commerce Committee. Our reading of this report at the time and today does not include proposals around Medicaid work requirements. We raise this as a point of inconsistency between the Medicaid provisions in the “Limit, Save, Grow” Act and the vision set forth for Medicaid by the Energy and Commerce Committee which has jurisdiction over the Medicaid program. It is unfortunate that the Energy and Commerce Committee report and vision has in many ways been undermined by Sec. 321 of the “Limit, Save, Grow Act” and we are concerned about this inconsistency in policy proposals becoming a trend.

Given the concerns raised in this letter, we respectfully request that Congress not proceed with this bill as we believe it could be detrimental to people with Down syndrome and other disabilities who utilize Medicaid. As stated before, we share your goal of increasing employment, but it cannot come at the expense of Medicaid eligibility for people with disabilities. We thank you for your consideration of these comments. If you have any questions, please contact Cyrus Huncharek, Director of Policy and Advocacy at cyrus@ndscenter.org.

Sincerely,

¹ See: <https://www.cbo.gov/system/files/2022-06/57702-Work-Requirements.pdf>

A handwritten signature in blue ink, appearing to read "Jordan Kough".

Jordan Kough
Executive Director
National Down Syndrome Congress

CC: Senate Finance Committee
House Energy and Commerce Committee