PRESIDENT TRUMP’S STATE OF THE UNION ADDRESS

On Tuesday, January 30, 2018, President Trump gave his first State of the Union (SOTU) address to a joint session of Congress. Unfortunately, there was no direct mention of people with disabilities or any new policy initiatives that would directly address the many issues facing people with autism and other disabilities, such as access to education, employment, housing, and community-based services and supports. Below is a brief summary of his remarks as they relate to people with disabilities.

On a positive note, there was no mention of policies related to block-granting Medicaid or changing the structure of Social Security or Medicare but that does not ensure that these policies will not come up this year as part of his focus on so-called “welfare-reform.”

Employment

During the address, the President stated, “We can lift our citizens from welfare to work, from dependence to independence and from poverty to prosperity.” While the Autism Society would agree with these goals, the President did not mention any specific policy initiatives that would achieve them. In addition, the Centers for Medicare and Medicaid (CMS) Administrator recently sent a letter to states allowing work requirements for eligibility in Medicaid that would have the opposite effect (see previous issue of Ignite). The Autism Society believes this policy will not lead to more work and may lead to people with autism losing access to health care coverage and becoming less independent.

The President further proposed, “As tax cuts create new jobs, let us invest in workforce development and job training. Let us open great vocational schools so our future workers can learn a craft and realize their full potential. And let us support working families by supporting paid family leave.”

While economists do not agree whether or not the new tax cuts will lead to more jobs, we certainly agree that more investments in workforce development and job training would be helpful and we hope these types of investments will be included in the President’s Budget scheduled to be made public within the next few weeks. A bill to reauthorize the Perkins Career and Technical Education Act has been moving slowly through the House of Representatives. Unfortunately, none of the revisions suggested by the disability community to increase access to vocational education were included.

Family Supports

The disability community has been advocating for paid family leave for a long time. However, it’s unclear if the President is calling for government-mandated paid family leave or just celebrating when private companies have expanded paid leave on their own. In addition, while the President just signed into law the RAISE Family Caregiver Act, he did not use this occasion to celebrate it or talk about implementation of this new law that could lead to increased family supports for families.

Health Care

Related to health care, it is notable that President Trump’s number one campaign promise to “repeal and replace the Affordable Care Act (ACA) or ‘Obamacare’” was not mentioned. After five legislative attempts to repeal the ACA and cut Medicaid last year, we would be pleased if the Administration and Congress would instead focus on legislation to stabilize the health care marketplaces and seek expertise that can help devise policy changes that
will expand access to comprehensive and affordable health care and long term services and supports. None of these improvements were mentioned.

What the President did mention, was his success in eliminating the ACA’s individual mandate as part of the tax cut bill. The individual mandate is the requirement to obtain health care coverage or face a tax penalty. During the address, President Trump refers to the mandate as a “cruel tax that fell mostly on Americans making less than $50,000 a year — forcing them to pay tremendous penalties simply because they couldn’t afford government-ordered health plans. We repealed the core of disastrous Obamacare — the individual mandate is now gone.” Technically, the individual mandate is not gone, the tax levy is simply zeroed out and this does not take effect until 2019. The individual mandate was intended to be an incentive for everyone, including the young and healthy, to obtain insurance coverage. This was determined to be the best way to ensure a stable marketplace and contain costs while guaranteeing coverage to everyone, even those with pre-existing conditions. The Congressional Budget Office predicts the elimination of this provision will lead to increased premiums and destabilized marketplaces.

Another comment that may be of interest to the autism community is the President’s promise to lower drug costs. He said, “One of my greatest priorities is to reduce the price of prescription drugs. In many other countries, these drugs cost far less than what we pay in the United States, and it’s very, very unfair.” This is true. Prices for brand-name prescription drugs are typically higher in the United States than in other developed countries, which regulate prices or set them through negotiations with drug manufacturers. Drug makers have strenuously opposed regulation of prices in this country. However, there have been no efforts to tackle this issue to date. According to Vox, the blame, instead, has been re-directed to health plans, for structuring benefits so that customers are paying more out of pocket for medications. Scrutiny is also on pharmacy benefits managers, the mysterious third parties that often oversee drug transactions and take a cut of the profits for themselves. The newly confirmed Secretary of Health and Human Services Alex Azar has pledged to tackle drug prices. Time will be the test on whether he will take actions necessary to achieve lower drug prices.

Another health issue mentioned briefly during the address that will be a top priority for the new HHS Secretary is the opioid addiction crisis. According to the Centers on Disease Control and Prevention (CDC), about 40 percent of the opioid deaths in 2016 involved prescription painkillers. President Trump pledged repeatedly to end the opioid epidemic. But neither the administration nor Congress has taken the major steps necessary to fight the crisis. In October, the President decided against a national emergency that would have freed up new federal resources, opting instead to declare a “public health emergency” that only allowed the redirection of existing resources. While a commission of experts provided recommendations for actions, only a few were implemented. During his address, the President suggested that his immigration reform proposal would help end the opioid crisis. However, a big part of the problem is the spread of the more dangerous fentanyl that often comes by mail from other countries other than Mexico, not by ground transportation.

Federal Funding/Sequestration

The President has long been focused on increasing defense spending. During the address, he said, “I am asking Congress to end the dangerous defense sequester and fully fund our great military.” Here, he is referring to the self-imposed cap on federal discretionary funding. If Congress appropriates funds that breach this cap, sequestration or across-the-board cuts automatically kick in. The President would like to eliminate the cap on defense spending but not non-defense spending. While Congress is currently negotiating to temporarily lift the caps and end the current stalemate over Fiscal Year 2018 spending, Democrats will insist that caps be raised equally for non-defense spending that provides funds for most domestic programs important to people with disabilities, such as education, vocational training, respite care, and other supports and services.

Infrastructure

For at least two years now, President Trump has been talking on-and-off about infrastructure, but has never put forward a policy or plan. During the SOTU address, the President said, “I am calling on the Congress to produce a bill that generates at least $1.5 trillion for the new infrastructure investment we need.” He also says “every
federal dollar should be leveraged by partnering with state and local governments and, where appropriate, tapping into private sector investment — to permanently fix the infrastructure deficit.” While infrastructure could lead to more jobs, it is unclear how much he would propose in federal spending or what projects would be funded.

**Conclusion**

The State of the Union address helps to inform citizens about the priorities of the President and his Administration. The next action that the Autism Society will be watching closely is the President's Budget proposal. The President will submit his budget proposal to Congress the second or third week of February. The budget will give us a better idea about how the President intends to fund the priorities outlined in the President’s address. The Autism Society will provide an analysis of the budget as soon as it is released.

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**MONEY FOLLOWS THE PERSON**

Sens. Portman (R-OH) and Cantwell (D-WA) have introduced the Bipartisan Empower Care Act (S. 2227) to reauthorize the Money Follows the Person program for five years (see Press Release).

Enacted in 2005 with strong bipartisan support, Money Follows the Person (MFP) is one of the longest running, most successful Medicaid demonstrations. It helped more than 75,000 individuals with disabilities move out of institutions into the community. Nearly every state has participated in the program. Independent evaluations have proven it has improved the quality of lives of individuals while reduced Medicaid and Medicare expenditures by approximately 23 percent.

Unfortunately, the program expired September 30, 2016, putting the program in jeopardy. States are running out of funding and scaling back their programs, reducing dedicated staff and resources. Autism Society affiliates and families are encouraged to urge Senators to cosponsor the Bipartisan Empower Care Act and urge for its quick passage. (See when funding runs out in your state).

The Autism Society is co-sponsoring a national call-in day on February 1 (see Facebook event) and a social media day (see Facebook event).

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**NURSING HOME HEALTH AND SAFETY**

The Center for Medicare and Medicaid (CMS) recently proposed reducing penalties for nursing homes that violate health and safety standards. In a series of three memoranda released from July to November 2017, CMS has:

- Encouraged a reduction in civil monetary penalties for nursing homes that fail to comply with safety standards;
- Significantly reduced civil monetary penalties to be levied on poorly performing nursing homes, and;
- Placed an 18-month moratorium on enforcement of reforms promulgated by the Obama administration in November 2016 that were intended to go into effect in November 2017.

These rollbacks and delays of enforcement protocols were recently detailed in a New York Times article titled, “Trump Administration Eases Nursing Home Fines in Victory for Industry.”

A letter is being led by Senators Blumenthal (CT) and Cortez Masto (NV), Warren, (MA). Senators Klobuchar (MN), and Casey (PA) have also signed. We would all like to see more Senators signing the letter. The Center for Medicare Advocacy, the National Consumer Voice for Long-Term Care, and Justice in Aging all support the letter. Autism Society affiliates are encouraged to ask Senators sign onto this letter.
Find your members of Congress on Autism Society’s Advocacy Site.

**CONSORTIUM FOR CITIZENS WITH DISABILITIES**

Over 100 people participated in the Consortium for Citizens with Disabilities (CCD) annual meeting on January 29 in Washington, DC. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The purpose of the meeting is to conduct business, elect its leaders, organize policy task forces and strategize for the coming year. Administration officials from the Departments of Health and Human Services, Education, and Labor were invited to provide an overview of their priorities as were key staff from House and Senate Committees. During the meeting, the Coalition reaffirmed Kim Musheno as Chair. The other board officers are listed on the CCD website.