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March 25, 2020

Dear Senators and Representatives:

AARP, on behalf of our 38 million members and all older Americans nationwide, appreciates the enormous amount of work Congress has done to reach agreement on bipartisan legislation to address the unprecedented public health and economic crisis that is now facing this nation. The gravity of the present challenge requires not only this legislation, but additional resources to address the growing health and financial needs of the American people.

AARP supports the quick enactment of the bipartisan CARES Act, and we call on Congress to continue their bipartisan work to address the further health needs not addressed in this package. We know that older Americans have been hit particularly hard by both the health and economic impacts of this pandemic and will need immediate relief as well as ongoing support in the coming days, weeks, and months.

In particular, AARP supports the following provisions of the CARES Act:

### **Financial Relief from Economic Shocks**

To provide both economic stimulus and individual financial relief in the wake of the current crisis, we support direct cash payments to individuals whether working, unable to work, unemployed, or retired. We appreciate that the agreement authorizes the maximum payment for those whose primary income is Social Security. The 52% of Americans who are 65 and older along with the 42% of all other Americans who do not owe federal income taxes are likely to be the most in need of the greatest amount of financial relief right now. Ensuring their eligibility for the \$1200 direct payment amount is fair to them and good for the economy.

### **Protecting the Social Security and Medicare Trust Funds**

AARP has stressed throughout this crisis that if payroll contributions are suspended, it is absolutely imperative that the Social Security and Medicare trust funds be made whole. The provision to hold the trust funds harmless from the delay in employer payroll taxes for the remainder of the calendar year is fundamental to the near-term financial stability of the programs, and to the millions of Americans who rely on their benefits, especially at this critical time.

### **Expansion of Unemployment Insurance**

As jobless claims climb, individuals who are out of work or need to reduce their hours will be in great need of financial assistance. One third of the workforce is age 50 or older, and half of all family caregivers are also 50 or older. We support increasing the unemployment compensation workers can receive by \$600 a week for four months, and ensuring that all workers can access unemployment benefits, regardless of whether they are self-employed, a contract or gig worker, or employed by businesses of any size. We especially support allowing workers who leave their job or reduce hours for caregiving during this crisis to be eligible for unemployment insurance.

### **Extension of the Required Minimum Distribution Deadlines**

Required minimum distributions are delayed for both 2020, and for any individuals who are required to take a distribution for 2019 before April 1 of this year. This relief will allow retirees the opportunity to regain value in retirement plans that have recently suffered very large losses.

### **Health Care Access and Affordability**

Access to affordable health care coverage is more important now than ever. We continue to strongly support a national special open enrollment period (SEP) to allow those without insurance in this country to get covered. Many state-based exchanges have already enacted these special enrollment periods, but we urge Congress and the Administration to act to ensure that access to coverage be available nationwide.

We are pleased that the bill reiterates that consumers in private health plans will not incur any out-of-pocket costs for coronavirus testing. We are also pleased that the bill ensures Medicare beneficiaries and older Americans on commercial insurance will be able to access any future vaccines developed for the coronavirus. However, we remain concerned that individuals and families could face significant out-of-pocket costs when accessing treatment for the coronavirus. We strongly encourage Congress to improve cost protections to ensure treatment is affordable.

### **Access to Telehealth**

We are pleased the legislation expands access to telehealth coverage and increases funding for additional telehealth services and capacity. AARP applauds the CARES Act for building upon recent legislation and regulation to ensure that people with Medicare have access to providers in rural areas and at home. Telehealth allows individuals, particularly older Americans, to receive screenings without risking exposure or exposing others. It also allows individuals to continue with treatment or care management from home, without further straining hospital and facility resources. We are also pleased that the bill allows a hospice physician or nurse practitioner to conduct a face-to-face encounter via telehealth for recertification of hospice eligibility.

### **Protecting Residents in Nursing Homes and Other Residential Facilities**

We are pleased the legislation includes an increase of not less than \$100 million in survey and certification funding prioritizing nursing homes in localities with community transmission of the coronavirus. We support this provision, which AARP requested, to provide additional resources to state survey agencies for important oversight and enforcement of nursing home safety and quality.

We are disappointed the legislation does not require that nursing facilities make virtual visitations via videoconference or other technologies available for residents and their loved ones. Currently, families are prohibited from visiting their loved ones in these facilities in order to protect residents from the spread of this disease. The health impacts of social isolation are real and very serious. Congress should immediately provide funding for the provision of technology to allow people to stay in touch with their loved ones, as well as require nursing homes to provide additional family and resident notice and communication about virtual visitation.

### **Eliminate Barriers to Care in Homes and Communities**

We are pleased this legislation includes the Home Health Care Planning Improvement Act, supported by AARP, that would allow advanced practice registered nurses and physician assistants to order Medicare and Medicaid home health care. We are also pleased that the bill reauthorizes nursing workforce development programs and calls for community-based training of nurses. While we appreciate the steps this bill takes, we urge additional steps to expand access to Medicare home health coverage and modify eligibility, such as waiving the homebound requirement, counting the need for self-quarantine as meeting the homebound requirement, and waiving the face-to-face requirement for home health coverage or allowing this to be done via telehealth.

AARP continues to support the Money Follows the Person Rebalancing Demonstration Program that helps individuals transition from institutions to the community as well as separate financial protections for the spouses of those receiving Medicaid home and community-based services. We are disappointed that the legislation does not include provisions to expand and ensure access to home and community-based services (HCBS) in Medicaid, such as providing additional resources for such services and back-up plans when regularly scheduled home care workers are not available. Individuals need support to enable them to live in their homes and communities, especially during this public health emergency. We appreciate the bill does make clear that beneficiaries can continue to receive HCBS services while in the hospital.

### **Support and Protect Family Caregivers**

We are pleased the bill provides \$820 million for activities authorized under the Older Americans Act (OAA) to prevent, prepare for, and respond to the coronavirus, as well as \$50 million for Aging and Disability Resource Centers. This will help provide funding for area agencies on aging and others at the community level to provide needed services such as the long-term care ombudsman program, family caregiver support, in-home services, meals, information and resources for older adults and their families, or other programs.

AARP also appreciates the bill's important provision that the State Long-Term Care Ombudsman shall have continuing direct access (or other access through the use of technology) to residents of long-term care facilities to help protect their health, safety, welfare, and rights. We are, however, disappointed that the legislation does not include targeted financial relief for family caregivers. The Credit for Caring Act would help provide financial relief for eligible family caregivers who are caring for loved ones, often at significant personal expense, and who may be taking on more and new responsibilities during this public health emergency.

## **Senior Hunger**

At a time of amplified need for nutrition services, additional funding and flexibilities are important to ensure that older adults have access to food during the pandemic. This legislation allows the state agency or area agency on aging to fully transfer funding between congregate and home-delivered meals, based on their own determination of need. This flexibility between two major Older Americans Act nutrition programs is critical, especially as congregate meal sites close and older adults stay home to reduce the risk of getting sick. We are also pleased that the legislation provides additional funding for senior nutrition services and critical funding for The Emergency Food Assistance Program (TEFAP), which will help local food banks meet the increased demand they are already experiencing.

We are, however, disappointed that the bill does not include a temporary increase in Supplemental Nutrition Assistance Program (SNAP) benefits and does not suspend SNAP rules that would reduce SNAP benefits and access. An increased benefit level could be particularly helpful for older adults given the recommendation to stock up on non-perishable food items to minimize trips to stores for people at risk for serious illness from coronavirus.

## **Prescription Drug Access and Affordability**

Unfortunately, the current crisis will likely make it even harder for Americans to afford the prescription drugs they need to get and stay healthy. The challenges created by high and growing prescription drug prices will only increase as the coronavirus pandemic continues to affect Americans' incomes and savings. While we appreciate the bill makes clear that a vaccine developed would be available at no-cost as a preventative benefit, there is no protection that the vaccine would be set at a reasonable price. Furthermore, as treatments are developed and become available there is nothing to ensure that those drugs would be affordable and accessible. We are deeply disappointed the bill does not address skyrocketing prescription drug prices. We urge Congress to enact meaningful reform that will both lower prices and out-of-pocket costs to ensure Americans can afford and access needed medications.

AARP appreciates that the legislation will require Medicare Part D plans to offer up to 90-day prescription refills. We also encourage Congress to require Part D plans to offer mail order when feasible and appropriate. When implementing this provision, we urge the Administration to require plans to notify enrollees, through both electronic and paper notice, of their options for prescription refills for more than 30 days at a time and mail-order options. This important policy will ensure that older adults are able to obtain their prescriptions, even if they are unable to leave their homes.

## **Extension of Tax Filing Deadlines**

We support a statutory extension of the filing deadline for federal income tax returns until July 15. Extending the filing deadline will not only provide some short term economic relief, but will help prevent further spread of the coronavirus by ensuring that individuals who need in-person assistance to file their taxes do not seek it at this time. In addition, separate deadlines for filing and paying federal income taxes had created undue confusion and anxiety among taxpayers during an already stressful crisis.

## **Housing**

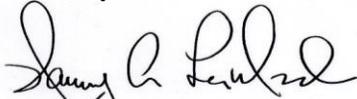
AARP has expressed concerns that current circumstances may make it very difficult to meet all Home Equity Conversion Mortgage (HECM) requirements, including proof of occupancy of a residence, or making all required tax payments. This bill will protect HECM borrowers from foreclosure for up to 60 days with extensions for up to 4 periods of 30 days each. We also support the \$65 million dedicated to provide rental assistance and service supports for the elderly and individuals with disabilities.

## **Continued Community Service and Employment Training**

We are pleased the bill would ensure the continuity of service and opportunities for participants in community services activities under the Senior Community Service Employment Program (SCSEP). This important program provides subsidized community service and employment training to low-income, unemployed individuals aged 55 and older.

While we appreciate the funding increases to health care that are included in the CARES Act, further investments are urgently needed to support older Americans, especially seniors in nursing homes and other at-risk facilities. We call on Congress to swiftly enact additional measures to address these needs in the next package responding to the coronavirus. Policymakers must act quickly to lessen the severity and death toll of this pandemic. AARP stands ready to continue working with you to enact solutions to this pressing crisis.

Sincerely,



Nancy A. LeaMond  
Executive Vice President and  
Chief Advocacy and Engagement Officer