

# **Silicon Valley Independent Living Center**

*A disability justice organization that creates fully inclusive communities*



November 2, 2011

Photos By: Tom Olin

Herb Schultz  
Regional Director, Region IX  
U.S. Department of Health & Human Services  
90 Seventh Street, Ste. 5-100  
San Francisco, CA 94103

Dear Mr. Schultz,

Silicon Valley Independent Living Center is a nonprofit organization run by and for people with all types of disabilities, of all ages, throughout Santa Clara County, California. We are concerned that the Center on Medicare and Medicaid Services (CMS) has failed to exercise proper oversight over states such as California which seek to cut their Medicaid benefits below a minimum acceptable level.

Most recently, CMS approved California's request to slash provider reimbursements, already the lowest in the country, by another 10 percent. This is certain to cause even more medical professionals to stop seeing Medi-Cal patients, jeopardizing access to health care for Medi-Cal recipients, particularly in rural areas such as south Santa Clara County where there are fewer providers to begin with.

Also granted was a request for a 20 percent cut in hours to recipients of In-Home Supportive Services (IHSS). IHSS is instrumental in keeping seniors and people with disabilities out of nursing homes. This drastic cut imperils California's implementation of the 1999 Supreme Court decision in *Olmstead v. L.C.*, which established the civil right under the Americans With Disabilities Act of people with disabilities to live in community settings. The justices made it quite clear that cost alone is not a sufficient justification to deny people this basic civil right.

On the heels of the complete elimination of California's Adult Day Health Center program, another key to Olmstead implementation, it appears that CMS is not interested in anything but passively allowing states to defund their Medicaid programs at will, without regard to the most basic standards of access, the Olmstead decision, or the substantial input from the community opposing these cutbacks. We urge the department to make sure that CMS' decisions to approve budget-cutting measures by states are based on public input and assurances of adequate access to care, and are not merely a rubber stamp.

Sincerely,

Sarah Triano  
Executive Director