



Elder Law Attorneys See Victory and Opportunity in 2022 Omnibus

Washington, DC — The [National Academy of Elder Law Attorneys](#) (NAELA) applauds many wins of the [Consolidated Appropriations Act, 2023](#) (“the omnibus”) but urges its members, partners, policymakers, and other stakeholders to continue fighting for needed protections for older adults and those affected by disabilities.

Working with many partners and leaders representing older adults and people with disabilities, NAELA advocated for key provisions of the omnibus that are now enshrined in law.

“We’re encouraged to see the ongoing, bipartisan recognition by leaders in Congress that protecting aging adults and people with disabilities is an important priority,” said C. Grace Whiting, JD CEO of NAELA.

Lawmakers recognized the importance of programs NAELA advocated for such as “Money Follows the Person”, which received reauthorization through 2027 and helps ensure spousal impoverishment protections for those who need access to home and community-based services. NAELA also applauds, as part of the omnibus package, the passage of SECURE 2.0, which will enhance retirement options, protections, and resources for older Americans, and which includes the Special Needs Trust Improvement Act clarifying that charities can be named as remainder beneficiaries of Special Needs Trusts receiving retirement benefits.

Michael Knaapen, Director of Public Policy and Alliance Development for NAELA, says, “SECURE 2.0 is a legislative accomplishment which provides important updates to the retirement savings law that will reshape retirement tax incentives and potentially strengthen the retirement system.”

Notably, the SECURE 2.0 legislation also includes the ABLE Age Adjustment Act, which expands ABLE program eligibility by raising the age limit for the onset of a disability from 26 to 46 starting in 2026. “This has the potential to allow an additional 6 million Americans to benefit from this important program,” said Knaapen. “This is an overdue policy change and one which NAELA has long advocated for along with many other advocacy organizations.”

“But the omnibus is no panacea. While setting the stage for the unwinding of the Public Health Emergency (PHE) implemented during the COVID-19 pandemic, [the Kaiser Family Foundation estimates that 15 to 18 million Medicaid beneficiaries may lose access](#) to essential services without a safety net unless lawmakers act now.”

“This is an opportunity for lawmakers to extend or even make permanent policies that can improve health care delivery and reduce costs,” added Knaapen. “Consumer protections must be established by CMS in the unwinding process and certain flexibilities granted during the PHE that we know improve health outcomes should be retained. Just as the omnibus specifically extends Medicare coverage for telehealth through 2024, we hope the administration will take time to consult stakeholders and their advocates, like NAELA, to learn of other flexibilities that should be continued.”

“We’re encouraged by the work lawmakers have done to support older adults and those affected by disabilities, but there is still much to do,” said Marielle Hazen, Certified Elder Law Attorney, who co-

chairs NAELA's Federal Advocacy Committee and serves on the NAELA Board of Directors. "The pandemic was devastating to many families, and it highlighted and exacerbated the problems in our care delivery system. We cannot forget the lessons learned during the pandemic. We hope lawmakers will work to maintain valuable initiatives implemented during the PHE and to support new initiatives to protect our most vulnerable Americans."

As a founding member of the Elder Justice Coalition, NAELA also voiced concerns about crumbling infrastructure to protect older adults from abuse and neglect. Notably, [radical cuts to Adult Protective Services](#) block grants for individual states will reduce funding from \$188 million to \$15 million. These cuts will result in a drastic reduction in the workforce available at the state and local level to address elder abuse concerns. With the rising population of older adults and the increasing incidence of abuse, this is the wrong time to make cuts.

About NAELA

Established in 1987, the National Academy of Elder Law Attorneys (NAELA) is the only national association of attorneys that conditions membership on a commitment to the [Aspirational Standards for the Practice of Elder and Special Needs Law](#). Understanding that older adults and people with disabilities need holistic, person-centered legal services, NAELA's nearly 4,000 members represent the diversity of practice. With a network including lawyers, judges, legal professors, law students, and others, we work to advance the dignity and independence of older adults, people with disabilities, and their families. Learn more at www.NAELA.org.

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