



National Association of State Head Injury Administrators

## Capitol News!

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**Dear NASHIA Member,**

Welcome to Vol. 8, Issue 4, of Capitol News, which you receive as a NASHIA member. As a reminder, if you have not paid your dues for 2011, you will need to do so in order to continue to receive updates. For other information on NASHIA's public policy priorities visit [www.nashia.org](http://www.nashia.org).

### This Week in Congress

The House and Senate are in session this week. Before adjourning for spring recess the week before last, Congress passed its sixth Continuing Resolution to fund government through this Friday, April 8th. This means that Congress is facing yet another deadline for funding federal government for the remainder of this year. Meanwhile, today, Rep. Paul Ryan (R-WI), Chair of the House Committee on Budget, released his proposed FY 2012 spending plan this morning calling for a \$5.8 trillion in federal cuts over the next ten years. Read further below for more information.



### Appropriations and Budget

#### FY 2011 Appropriations

House and Senate leaders met with the President this morning with the hope of agreeing to a budget for the remainder of this fiscal year. As of last Friday, it appeared that there was some agreement to cut \$33 billion in spending from FY 2010 levels, which included the \$10 billion cut by two short-term Continuing Resolutions (CRs) already enacted. The \$33 billion is almost half of the initial Republican House proposal to cut \$61.5 billion. Some House members want more cuts, and others have stated conditions for their support that include repealing parts of the Affordable Care Act, eliminating funding for Planned Parenthood and limiting the Environmental Protection Agency. There is also talk about passing another CR to fund federal government for a week, except for the Department of Defense which would be funded for the remainder of the fiscal year that ends September 30.

On March 18, the President signed into law the sixth continuing resolution (CR) extending fiscal 2011 funding for an additional three weeks through April 8. The CR cut \$6 billion from current (fiscal year 2010) levels; these cuts are in addition to \$4 billion cut in the previous CR. Most of the cuts are in earmarks in several agencies other than Health and Human Services or are to programs targeted for elimination by President Obama in his budget request.

#### FY 2012 Budget

House Republicans this morning unveiled a budget proposal for FY 2012 that calls for \$3.53 trillion in spending, which is \$179 billion less than President Barack Obama's budget plan. Rep. Paul Ryan (R-WI), Chairman of the House Budget Committee, drafted the proposal which would make fundamental changes to Medicare and Medicaid and reduce spending on the government health-insurance programs. The budget proposal would cut spending by \$5.8 trillion over the next ten years, and spend \$6.2 trillion less than Mr. Obama has advocated over the same period.

According to the press release nondefense, nonsecurity discretionary spending would be cut by \$79 billion next year and by \$1.6 trillion over the next ten years. This includes the traditional domestic spending that Congress approves each year for programs such as education, environmental protection, vocational rehabilitation, maternal and child health programs, HRSA Federal TBI Grant Program and scientific research.

The budget proposal makes significant changes to Medicare and Medicaid health care programs. Medicare serves most all Americans over the age of 65, as well as millions of people with disabilities who need health care. Under this proposal, people who retire after 2021 would no longer have access to Medicare as currently administered. Instead, Medicare would be converted into a "premium support" system, meaning beneficiaries would choose from an array of private insurance plans, with government helping pay the premium. People over the age of 55 and older would not be affected.

The proposal calls for converting Medicaid and the Food Stamp program into State block grants. The GOP budget estimates it would save \$771 billion on Medicaid over the next 10 years. Medicaid finances health care, including nursing home and other long-term care for seniors and individuals with disabilities.

NASHIA signed on to a letter circulated by the Consortium for Citizens with Disabilities (CCD) to Congress expressing strong support for protecting Medicaid against drastic Medicaid cuts and restructuring proposals, such as caps and block grants to States. Nearly 25% of all Medicaid beneficiaries are seniors and individuals with disabilities that depend on Medicaid for critical health coverage to eight million individuals with disabilities and six million low-income Medicare beneficiaries who also rely on Medicaid to fill Medicare's gaps. Capping Medicaid spending would reduce access to home and community-based long-term care.

Meanwhile, Republican Senators Patrick Toomey (PA), Jon Kyl (AZ), Orrin Hatch (UT), Mike Lee (UT) and John Cornyn (TX) unveiled last Thursday their Balanced Budget Amendment. In general, a balanced budget amendment is a constitutional rule requiring that the government not spend more than it takes in, thereby balancing the projected revenues and expenditures of the government. Such an amendment could be devastating to discretionary funding, as mandatory/entitlement expenditures for programs like Medicaid and Medicare increase each year. Without increases in revenues, this means the funding available for discretionary programs, such as special education and supported employment, gets smaller.

### **FY 2012 Appropriations**

The Congressional Brain Injury Task Force is circulating a "dear colleague" letter requesting members of the House to sign on to a letter to appropriators requesting that funding for TBI Act programs be at least level funded for FY 2012, meaning no cuts to these programs. The Task Force has been key in obtaining and retaining funding for brain injury over the past ten years.

### **Legislation Introduced**

#### **Children's Sports Helmets**

On March 16, during the Congressional Brain Injury Task Force Awareness Day activities, Senator Tom Udall (D-NM) and Rep. Bill Pascrell, Jr., (D-NJ) announced the introduction of S. 601 and H.R.1127, known as the Children's Sports Athletic Equipment Safety Act, to encourage and ensure that new and reconditioned football helmets for high school and younger players meet safety standards that address concussion risk and the needs of youth athletes. The bill also increases potential penalties for using false injury prevention claims to sell helmets and other sports equipment. Reps. Todd Platts (R-PA), Frank Launtenberg (D-N) and Anthony Weiner (D-NY) also are co-sponsors of H.R. 1127.

At the press conference Senator Udall said, "Today, football faces a crisis - a brain injury epidemic that affects our country's 4.5 million youth and high school football players." As a member of the Senate Commerce Committee, which oversees consumer product safety and sports issues, Senator Udall continued with, "While there will always be some risk of injury, we must make sure that athletes, coaches, and parents know about the dangers and signs of concussion. We must also make sure that they are using safe equipment. And we must take any false advertising out of the game. This bill is an important step in that direction."

Rep. Pascrell, co-founder and co-chair of the Congressional Brain Injury Task Force, said, "We want our children to be active and athletic, but in the safest possible circumstances right down to the helmets they put on their heads." NASHIA signed on in support of the legislation.

#### **Education**

On March 17, Senators Tom Harkin (D-IA) along with Barbara Mikulski (D-MD), and Bernie Sanders (I-VT) introduced S. 613, the IDEA Fairness Restoration Act, to allow parents to recover expert witness fees in due process hearings and litigation under the Individuals with Disabilities Education Act (IDEA). Reps. Chris Van Hollen (D-MD) and Pete Sessions (R-TX) introduced similar legislation, H.R. 1208, on the same date. The legislation would override a 2006 U.S. Supreme Court decision (Arlington Central School District v. Murphy) ruling that parents cannot be reimbursed for expert witness fees incurred as part of due process

proceedings. In doing so, the Court disregarded Congress' clearly-expressed intent that parents should recover expert fees just like attorneys' fees. This bill restores the bipartisan intent of Congress and helps to level the playing field for parents.

### **Home Medical Equipment**

Reps. Glenn Thompson (R-PA) and Jason Altmire (D-PA) introduced H.R. 1041, the Fairness in Medicare Bidding Act, on March 11. The bill would end the flawed competitive bidding program to ensure that patients' access to home medical equipment and services (HME) are maintained. This bill will protect patients' access to medically required home medical equipment and services, which are critical to helping people with disabilities to maintain good health and independence in their communities.

### **Restrict Funding for Checking Motorcycle Helmet Usage**

On March 3, 2011, Representative James Sensenbrenner, Jr. (R-WI) introduced H.R. 904 to prohibit the Secretary of Transportation from providing grants or any funds to a State, county, town, or township, Indian tribe, municipal or other local government to be used for any program to check helmet usage or create checkpoints for a motorcycle driver or passenger.

## **Congressional Hearings**

### **Medical Liability**

The House Energy and Commerce Health Subcommittee, chaired by Rep. Joe Pitts (R-PA), will hold a hearing on Wednesday, April 6, 2011, to discuss "The Cost of the Medical Liability System Proposals for Reform, including H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011." The subcommittee will examine the current medical liability system and discuss reform options that actually lower the cost of health care and protect job creators.

### **Health Care Reform - CLASS Act**

On March 18, the House Energy and Commerce Subcommittee on Health held a hearing entitled, "Implementation and Sustainability of the New, Government-Administered Community Living Assistance Services and Supports (CLASS) Program." House Republicans asked why the White House is requesting \$120 million for FY 2012 to implement a long-term health insurance program that the Administration admits is unsustainable. The CLASS Act is a voluntary program included in the health care reform law enacted last year.

Assistant Secretary for Aging Kathy Greenlee provided the lead testimony, stating that the program is on track to begin in October of 2012. She said that Department officials are working to make changes to ensure the program's long-term sustainability. She also explained that \$94 million of the \$120 million will be used for public outreach and education to bring in the kind of broad-based enrollment that the insurance program will need to succeed. Her testimony was followed by a stakeholder's panel that included Tony Young, NISH and member of the CCD Long-Term Services Task Force, and Larry Minnix, President and CEO of Leading Age and the chair of Advance CLASS, the new non-profit organization dedicated to implementing the program.

### **Health Care Reform - Repeal Prevention and Public Health Trust Fund**

On March 31, 2011, the House Energy & Commerce Committee's Subcommittee on Health held a markup on several pieces of legislation related to health reform covering legislation that would repeal the Prevention and Public Health Trust Fund, convert the funding for graduate medical education from direct appropriations to an authorization for appropriations and repeal mandatory funding provided to States to establish the law's health care exchanges. Each of the five bills considered was reported favorably by the subcommittee, with votes falling along party lines. The full committee will mark up the bills this week.

## **Administration**

### **ADA Regulations Released**

The Equal Employment Opportunity Commission (EEOC) released its final rule implementing Title I of the Americans with Disabilities Act Amendments Act (ADAAA) on March 25. EEOC has put several helpful documents on its website about the revised and expanded regulations. The new rules provide guidance to individuals and employers about the expanded definition of disability that was included in the ADAAA. They also define how to interpret the ADAAA's focus on prohibiting discrimination and not on deciding if person has a disability. To read the new rules and the explanatory information, go to:  
[http://www.eeoc.gov/laws/statutes/adaaa\\_info.cfm](http://www.eeoc.gov/laws/statutes/adaaa_info.cfm).

### **Young Adult TRICARE Enrollment**

TRICARE officials have announced plans to roll out the new Young Adult Program -- including an option to make coverage retroactive to Jan. 1 -- in the near future. The new program will allow qualified, unmarried military children up to age 26 to buy health care coverage under their parents' TRICARE plans through age 26. The FY 2011 National Defense Authorization Act gave the Defense Department the authority it needed to extend TRICARE coverage to young adults and ensures benefits extended are in line with those all American families receive under the Patient Protection and Affordable Care Act.

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***The National Association of State Head Injury Administrators assists State government in promoting partnerships and building systems to meet the needs of individuals with brain injuries and their families.***

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