



Capitol News!

December 2, 2010

Vol. 7, Issue 10

Dear NASHIA Member,

Welcome to Vol. 7, Issue 10, of *Capitol News*, which you receive as a NASHIA member. For further information on legislation and past issues of *Capitol News*, visit NASHIA's website: www.nashia.org.

This Week in Congress

Congress returned to work this week following the Thanksgiving recess. Facing the lame duck Congress is legislation to extend the tax cuts set to expire on December 31, Fiscal Year (FY) 2011 spending bills to fund federal government, legislation to postpone major cuts to Medicare physician reimbursement rates, and extending unemployment benefits.



Appropriations

FY 2011 Appropriations

This Friday, the current Continuing Resolution (CR) funding government programs expires. The House is working on passing a two-week extension through December 18, which would continue to fund government generally at 2010 levels. In the Senate, there are differences between parties with regard to passing an "omnibus" spending bill or a long-term CR to fund governmental programs through the end of the fiscal year, which ends September 30th. Republicans have stated they will try to move a big rescission package early next year, perhaps returning programs to FY 2008 levels.

FY 2012 Appropriations for Lifespan Respite

Representative Jim Langevin (D-RI) and 11 of his colleagues sent a letter to President Obama asking him to recommend \$50 million in funding for the Lifespan Respite Care Program in his FY 2012 budget request. According to a 2007 study by AARP, the economic value of uncompensated family caregiving to the US economy was estimated at \$375 billion. The Lifespan Respite Care Program is the only federal program to address respite accessibility and affordability issues for families regardless of age or disability.

Legislation Introduced

Senator Introduces Student Loan Protection Act

On Wednesday, U.S. Senator Frank R. Lautenberg (D-NJ) introduced legislation to bring greater transparency to the student loan process for students, their parents, and other loan co-signers. The bill is named after Christopher Bryski, a New Jersey college student who suffered a traumatic brain injury during his third year at Rutgers and passed away after spending two years in a coma. Christopher's family struggled to determine how they were going to pay back his loans and make legal, financial and medical decisions on his behalf.

"Students and their families make huge financial commitments as they seek higher education. Christopher's Law will ensure that lenders provide full disclosure to young adults and their families who sign onto loans that will often take decades to pay off," Lautenberg said. "While the Bryski family struggled to deal with the loss of their son, they were burdened by additional hardships brought on by creditors and lenders. They have shared their story so that other families have the guidance they need to make legal and financial decisions when tragedy strikes."

The "Christopher Bryski Student Loan Protection Act" would ensure that parents and other co-signers are fully informed of their obligations to repay student loans, including in the event of the student's death. While federal loans are typically discharged upon a borrower's death, private loans often are not. The bill would require all private education lenders to clearly define the obligations of the cosigner and provide information about durable power of attorney, which grants legal authority for decision-making to someone else in the event an individual is incapacitated. It would also require colleges to provide information about durable power of attorney and loan discharge rules to students and cosigners of a loan.

NASHIA has endorsed the bill, along with the Brain Injury Association of America and the Brain Injury Association of New Jersey. Companion legislation, introduced by Rep. John Adler (D-NJ-3), was approved in the U.S. House of Representatives on September 28, 2010.

There are three major changes to the House version:

- 1) Narrowing the scope of power of attorney from requiring a discussion about the benefits of advance directives during student loan counseling sessions provided by colleges, to including information about durable power of attorney for financial decision making at the time of student loan counseling.
- 2) Eliminating a requirement to inform borrowers and cosigners about credit insurance.
- 3) Harmonizing the bill's definition of "death, disability, or inability to engage in any substantial gainful activity" with the definition already in the Higher Education Act rather than with determinations made by the Department of Veterans' Affairs.

Other Legislation Pending

Medicare Physician Payments

The House is planning to vote on the one-month extension of the current Medicare physician payment rates which the Senate passed recently (H.R. 5712). There is bipartisan support for a one year extension, but the estimated cost is \$19 billion and there is disagreement over how to pay for it. The one month extension will run out on January 1, 2011, so Congress will have to revisit the extension again during the lame duck session.

Therapy Caps

NASHIA signed on to an ad that will appear Thursday in both Politico and Roll Call calling for Congress to extend the Medicare therapy caps exceptions process. The current extension was included in the Patient Protection and Affordable Care Act of 2010 and ends December 31, 2010. If Congress fails to act on this issue before the end of the year, beneficiaries will be subject to a combined cap of \$1,870 on physical therapy and speech-language pathology services beginning January 2, 2011.

Child Abuse Prevention

On December 1, the Senate Committee on Health, Education, Labor and Pensions (HELP) is scheduled to mark up and vote on S. 3817, the Child Abuse Prevention and Treatment Act (CAPTA) Reauthorization Act of 2010. The bill is sponsored by Sen. Christopher Dodd (D-CT). This is the third time in the past three months that the HELP Committee has planned to vote on the bill, only having to postpone action twice for lack of a quorum. The National Child Abuse Coalition reports that Sen. Dodd plans to introduce a manager's amendment making minor technical changes to the bill as introduced, authorizing a study on shaken baby syndrome, and expanding the CAPTA list of crimes which would prevent reunification of a parent and abused or neglected child.

Parents of Children with Special Needs

On November 30th, the House debated H. Res. 1576, a resolution supporting the establishment of a national day of recognition for parents who provide a critical role in caretaking and support to their children with special needs. Introduced by Rep. Dan Burton (R-IN) the resolution notes that the US Department of Health and Human Services most recent National Survey of Children with Special Health Care Needs estimates 14 percent of children between the ages of 0 and 17 in the United States are diagnosed as having

special health care needs. For more information see: <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:h.res.01576/>.

Administration

National Commission on Fiscal Responsibility and Reform To Release Report

The National Commission on Fiscal Responsibility and Reform met Wednesday with regard to its recommendations and report to the President and the Congress. The Commission has delayed voting on its report until this Friday, when they hope to have the necessary 14 votes, out of 18, to support the plan. President Obama appointed the bipartisan Commission to identify policies to improve the nation's fiscal situation, including ways to reduce the federal deficit by 2015. All issues are on the table, including tax policy, domestic discretionary spending, entitlement spending such as Social Security, Medicaid, and defense spending. The Commission is co-chaired by former Senator Alan Simpson (R-WY) and Erskine Bowles (former Chief of Staff for President Clinton). More details are available at: <http://www.fiscalcommission.gov>.

Administration on Developmental Disabilities Seeks Comments on its Proposed Survey

The Administration on Developmental Disabilities (ADD) is conducting an independent evaluation of the effectiveness of the three state developmental disabilities (DD) programs -- the Councils on Developmental Disabilities (DD Councils), the University Centers on Excellence (UCEDDs) and the Protection and Advocacy programs (P&As). The evaluation also will examine how effectively ADD supports the three programs. As part of the evaluation, ADD has developed an on-line survey instrument to collect data from DD network staff, collaborators, and recipients of services. ADD will provide copies of the survey instrument in response to written requests. The Office of Management and Budget must approve the survey before ADD can use it. As part of the approval process, OMB is giving the public a chance to offer comments. Comments are due by December 31, 2010. For more information, see <http://edocket.access.gpo.gov/2010/pdf/2010-27855.pdf>.

Health Care Reform and Temporary High Risk Pools

The US Department of Health and Humans Services (HHS) announced that it would be reducing premium rates for uninsured people with pre-existing medical conditions to join temporary high risk pools. HHS will lower premiums by about 20 percent in 2011 for the 23 states participating in the federal government run Pre-existing Condition Insurance Plan and asked the states running their own programs to consider lowering their rates as well. The pools are intended to provide needed coverage until the health status non-discrimination provisions and the establishment of the health insurance exchanges take effect in 2014. The announcement came as the government released the latest enrollment figures for the high risk pools which have attracted far fewer customers than expected. The program, established under the health law, began signing up enrollees in August and September. As of Nov. 1, Pennsylvania has the largest enrollment of any state and charges a \$283 monthly premium, one of the lowest rates in the country.

Health Care Reform and Waivers

Federal officials are making it easier for employers in some states to obtain waivers from a requirement of the health law phasing out the annual limits many health plans impose on what they will pay out for medical care, a concern for people who have very expensive medical needs. A November 5 memo from HHS says that entire states in certain cases may obtain exemptions for health plans from the higher limits required by law until the limits are eliminated entirely in 2014. The change may produce a large increase in the number of Americans in plans exempted from the higher limits required by the law. A newly updated HHS list shows the companies, unions, or other organizations that have obtained waivers for their health plans allowing them to keep lower annual limits.

This *Capitol News* was prepared by Susan L. Vaughn, Director of Public Policy, publicpolicy@nashia.org. William A.B. Ditto, MSW, is Chair of the NASHIA Public Policy Committee.

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.

National Association of State Head Injury Administrators | PO Box 878 | Waitsfield | VT | 05673