



National Association
OF
State Head Injury Administrators

Capitol News!

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Dear NASHIA Member,

Welcome to Vol. 7, Issue 4, of **Capitol News**, which you receive as a NASHIA member. **Capitol News** provides an update of Congressional and Administration activities, legislation and policies that affect individuals with traumatic brain injury and their families. In addition to **Capitol News**, the legislative grid is available on the NASHIA webpage, www.nashia.org, along with other public policy materials. The grid is a way for NASHIA to track legislation that is monitored and supported. Please feel free to share with others in your State. You may also forward this issue of the newsletter to anyone who may be interested in joining NASHIA.

Meanwhile, you may contact Susan L. Vaughn, Director of Public Policy, if you have any questions at susanvaughn@mchsi.com.

This Week in Congress



The Senate passed a procedural vote to begin the debate of a financial regulatory overhaul bill. The House Appropriations Committee continued hearings on FY 2011 appropriations, including a hearing on Health and Human Services appropriations on Wednesday. The Senate HELP Committee will continue its series of hearings on ESEA reauthorization.

Legislation Passed

Caregivers and Veterans Omnibus Health Services Act

Last week, Congress passed the Caregivers and Veterans Omnibus Health Services Act of 2010 (S. 1963 and H.R. 3155), which contains important health and family caregiver supports for veterans and their families, including respite. The bill creates a separate program of general family caregiver support services for family and non-family caregivers of veterans of any era. Such support services would include training and education, counseling and mental health services, respite care, and information on the support services available to caregivers through other public, private, and nonprofit agencies. Family caregivers of veterans who served in Iraq and Afghanistan after September 11, 2001, would also be eligible for training and certification, a living stipend, and health care, in addition to the other supportive services for which all family caregivers will be eligible, including respite.

The bill has been sent to the President for his signature and funds must be appropriated by Congress before the program can be implemented.

Budget and 2011 Appropriations

Budget Resolution

Last week, the Senate Budget Committee passed the FY 2011 Budget Resolution that spells out overall spending and revenue decisions and the amount that Congress can allocate for the twelve spending bills. The plan includes cuts in spending and in the

deficit. The Senate version sets a \$1.22 trillion dollar cap on spending which is \$4 billion below the President's request. It freezes total non-security discretionary spending for three years, which includes many disability and TBI programs. It also includes a deficit-reduction reserve fund that ensures any saving produced from the President's bipartisan fiscal commission cannot be spent and are used only to reduce deficits and debt.

House Appropriations Subcommittee on Labor, HHS, ED and Related Hearings

HHS

The House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Committees is holding hearings on the FY 2011 budget. On April 21st, the US Department of Health and Human Services (HHS) Secretary Kathleen Sebelius testified before the House Labor-HHS-Education Appropriations Subcommittee on the Administration's budget recommendations for HHS. Among the agency's priorities is funding for prevention of chronic diseases; to recruit, train, and assign a cadre of public health professionals in State and local health departments; for innovative approaches to prevent and treat substance abuse and mental illness, including increases for community-based prevention, to expand behavioral health services at health centers, and for homelessness prevention; to expand the treatment capacity of drug courts; and for a new Caregiver Initiative at the Administration on Aging, including funding for respite care for family members of people of all ages with special needs.

On April 28th, the Director of National Institutes of Health (NIH), Dr. Francis Collins, Director, presented an overview of NIH's priorities. For further information on hearings and testimony go to http://appropriations.house.gov/Subcommittees/sub_lhse.shtml.

Social Security Administration (SSA) Testimony

On April 14th, SSA Commissioner Michael J. Astrue testified before the House Appropriations Labor-HHS Ed Subcommittee. The hearing, entitled "FY 2011 Budget Overview: Social Security Administration", focused on SSA's service delivery challenges arising from the increase in benefit applications due to the recession, an aging society, and prior under funding; and how SSA has planned for and is managing these challenges. To see Chairman Obey's statement and testimony go to <http://waysandmeans.house.gov/press/PRArticle.aspx?NewsID=11123>.

TBI Funding

NASHIA, the Brain Injury Association of America (BIAA) and National Disabilities Rights Network (NDRN) circulated a sign on letter to health and disability organizations supporting increased funding for TBI Act Programs and TBI Model Systems. The letter was sent April 9th to the House Appropriations Subcommittee on Labor, HHS, Education and Related Agencies Chairman David Obey (D-WI) and Ranking Member Todd Tiahrt (R-KS). Twenty-seven national organizations and almost all of the BIAA state affiliates signed on to the letter.

Other Legislation

Education Act

The Senate Health, Education, Labor & Pensions (HELP) Committee resumed its series of hearings on the reauthorization of the Elementary and Secondary Education Act last week. On April 29, the committee focused on meeting the needs of special populations. Hearings can be viewed on the committee's [website](#).

Democratic leaders in both chambers are proposing \$23 billion in emergency aid to school districts and public colleges in hopes of preventing a large number of education-related layoffs. The HELP Committee Chairman Tom Harkin (D-IA) introduced legislation Wednesday modeled on the State Fiscal Stabilization Fund, part of the stimulus program that provided one-time funding for more than 300,000 education jobs. Harkin said that funding for education jobs is being split off from broader jobs bills because of its urgency. Department of Education Secretary Arne Duncan spoke out in strong support of the measure, saying that it would prevent the loss of a projected 100,000 to 300,000 layoffs in the coming year.

On March 18th, the House Committee on Education and Labor' Early Childhood, Elementary and Secondary Education Subcommittee held a hearing to examine how schools can properly address the needs of diverse students under the Elementary and Secondary Education Act, particularly low-income students, minority students, English Language Learners, students with disabilities, Native Americans, and homeless students. This is part of a series of hearings the committee is holding as it works to reauthorize ESEA, currently known as No Child Left Behind. The hearing is archived at <http://edlabor.house.gov/hearings/ecese/>.

Employment/Temporary Assistance for Needy Families (TANF)

On April 20th, Rep. Gwendolynne S. Moore (D-WI) introduced H.R. 5083, the Promoting Fair Work Opportunities for Persons with Disabilities Act. The bill would give States incentives and flexibility to better serve people with disabilities in the Temporary Assistance for Needy Families (TANF) program. According to the Government Accountability Office, approximately 40% of the people who continue to receive TANF benefits either have a disability or a family member with a disability.

The House Ways and Means Income Security and Family Support Subcommittee, Chaired by Rep. Jim McDermott (D-WA) held a hearing on the role of education and training in the TANF program on April 22nd. The purpose was to discuss the role that education and training can play in helping TANF recipients find and retain good jobs.

Medicaid Restoration Act

NASHIA signed on to a letter in strong support of H.R. 4787, the Medicaid Services Restoration Act of 2010, to help ensure that vital Medicaid services and options are protected for vulnerable populations such as the children and youth involved in our nation's child welfare and foster care systems, individuals with disabilities, and children and adults with mental illness.

H.R. 4787 includes a medical assistance option for direct billing of medically necessary therapeutic or treatment foster care to help ensure access to needed clinical treatment services. Among other key provisions, the legislation would permit States to use reasonable and efficient payment methodologies for Medicaid rehabilitation and targeted case management services.

Administration

President Appoints Assistant to the President for Special Projects

On April 22, President Obama named Stephanie Cutter to the position of Assistant to the President for Special Projects. In this role Cutter will advise on key presidential initiatives, including the communications and outreach strategy for the implementation of the landmark health insurance reform legislation. She will begin work on May 1, 2010. She has spent two decades in public service, serving most recently as an advisor to the First Lady in the development and launch of the First Lady's Let's Move initiative.

Stephanie Cutter is also the founder of the The Cutter Media Group, LLC, a strategic communications firm, and served as a senior strategist for Majority Leader Harry Reid, Senator Edward M. Kennedy, and Senator John Kerry. She held several positions in the Clinton Administration, including Deputy Communications Director for the White House. A graduate of Smith College and the Georgetown University Law Center, Cutter has also served as a lecturer at Harvard University's John F. Kennedy School of Government.

AoA and Lifespan Respite

The U.S. Administration on Aging (AoA) has announced plans to award competitive grants to eligible State agencies related to the Lifespan Respite Care Act of 2006. The expected number of awards is 10- 15 grantees in the amount of \$200,000 for three years. AoA will fund projects that propose to serve all eligible respite recipients, including family members, foster parents, or other adults providing unpaid care to children and adults of all ages and disabling and chronic conditions.

Eligible State agencies include are those who administer the Older Americans Act, Medicaid, or are designated by the Governor. The State agency must act in concert with an aging and disability resource center, and work in collaboration with a state respite coalition or organization, and who are not currently funded under the Lifespan Respite Care Program. All applicants are required to send a letter of intent by May 7, 2010, and the closing date for applications is June 7, 2010. See the [program announcement](#) to learn more about key dates and grant application instructions.

HHS and HUD Announce Housing Vouchers

Department of Health and Human Services (HHS) Secretary Kathleen Sebelius and Housing and Urban Development (HUD) Secretary Shaun Donovan announced April 7th that beginning late this fall, HUD will offer \$40 million to public housing authorities nationwide to fund 5,300 Housing Choice Vouchers for non-elderly persons with disabilities with a portion of the voucher specifically targeted to individuals transitioning from institutions through the Money Follows the Person (MFP) grant program as part of the HHS Community Living Initiative.

Originally set to expire next year, the "Patient Protection and Affordable Care Act of 2010" extended the MFP program through 2016 with an additional appropriation of over \$2 billion. The Act also cut to three months, from the previous six months, the amount of

time a person must be in an institution to qualify for help making the transition to community life.

The U.S. Department of Housing and Urban Development issued a Notice of Funding Availability (NOFA) for public housing agencies (PHAs) to apply for Section 8 Housing Choice Vouchers targeted to non-elderly persons with disabilities. PHAs can apply for 4,300 traditional vouchers to serve people with disabilities on their waiting lists. They can also apply for 1,000 vouchers for people with disabilities who are transferring out of institutional settings into the community through the Centers for Medicare and Medicaid Services' Money Follows the Person program (MFP). PHAs in non-MFP States can also apply for these vouchers. Services for those individuals will be provided with Medicaid funds. Deadline for PHA applications is July 7, 2010. The NOFA can be accessed at: http://portal.hud.gov/portal/page/portal/HUD/program_offices/administration/grants/fundsavail/nednofa.pdf

Additional information is available at:

<http://www.hud.gov/offices/pih/programs/hcv/pwd/ned.cfm> and http://www.tacinc.org/Program_Policy/NonElderlyPWDNOFA.html.

HHS Holds Community Living Listening Sessions

U.S. Department of Health and Human Services (HHS) Office on Disability Director Henry Claypool moderated a listening session on The Community Living Initiative Monday. The session provided an opportunity for community stakeholders and consumers to weigh in on how public officials can improve community living options for individuals with disabilities and older adults. Representatives from HHS agencies and offices, including the Office on Disability (OD), the Office of Civil Rights (OCR), Administration on Aging (AoA), and the Substance Abuse & Mental Health Services Administration (SAMHSA) attended the session. Discussion with over 50 stakeholders included a number of issues, including access to health care and housing, incorporating assisted living as a home and community-based option, and developing a strong infrastructure for direct support professionals. Additional comments are still being taken and can be emailed to Kathleen P. Magill, Ph.D. at kay@bpacal.com. The last scheduled session will take place on May 27, in Boston, MA.

CMS Releases Guidance on Medicaid and Health Care Reform

The Centers for Medicare and Medicaid Services (CMS) released initial Medicaid guidance on Section 2001 of the new health care law establishing the new eligibility group that all States participating in Medicaid must cover as of January 2014. Under the law, for the first time since the Medicaid program was established, States will receive federal Medicaid payments to provide coverage for the lowest income adults in their States, without regard to disability, parental status or most other categorical limitations, under their State Medicaid plans. Individuals eligible under the new group are defined as those who are not: age 65 or older; pregnant; entitled to or enrolled in benefits under Medicare Part A; enrolled under Medicare Part B; described in any of the other mandatory groups in the statute, such as certain parents, children, or people eligible based on their receipt of benefits under the Supplemental Security Income (SSI) program. See the CMS letter at: <http://www.thearc.org/NetCommunity/Document.Doc?id=2411>.

Under the health reform law, States will receive 100 percent federal funding for all newly eligible Medicaid recipients (those with incomes under 133 percent of the federal poverty level and not eligible for some other program) for 2014, 2015 and 2016. After that, however, the additional federal funding stops. States have the option beginning this month to cover childless adults under 133 percent of the federal poverty line under a State plan amendment. The States can phase in the new coverage, but must cover lower-income individuals first, before expanding to others.

IRS Sends Information on Health Care Reform/Small Business Tax Credit

The Internal Revenue Service (IRS) sent information to small employers (including non profits) who provide health insurance on how to claim the small business tax credits that were included in the Patient Protection and Affordable Care Act (P.L. 111-148). Last week the IRS mailed out 4 million postcards to alert potentially eligible employers to the new credit which employers can claim when they file their 2010 taxes. The IRS has not yet determined how nonprofits will claim the tax break. See: <http://www.irs.gov/newsroom/article/0,,id=220809,00.html?portlet=6>.

Labor Issues Funding Announcement for Homeless Veterans and Employment Programs

In the April 27th Federal Register, the Department of Labor Veterans' Employment and Training Service (VETS) announced a grant competition for organizations that will provide comprehensive services "through a client-centered case management approach" that addresses complex problems facing Homeless Female Veterans and/or Veterans with Families eligible to transition into gainful employment. The grant funding is for counseling and placement services, including job readiness, literacy training, and skills training, to expedite the reintegration of homeless Veterans into the labor force. Veterans who received a "dishonorable" discharge are ineligible for HVRP services.

Grants are intended to address two objectives: (1) to provide services to assist in reintegrating homeless veterans into meaningful employment within the labor force, and (2) to stimulate the development of effective service delivery systems that will address the complex problems facing homeless Veterans. The full Solicitation for Grant Application is posted on <http://www.grants.gov> under U.S. Department of Labor/VETS. Applications submitted through <http://www.grants.gov> or hard copy will be accepted. If you need to speak to a person concerning these grants, you may telephone Cassandra Mitchell at 202-693-4570 (not a toll free number). If you have issues regarding access to the <http://www.grants.gov> web site, you may telephone the Contact Center Phone at 1-800-518-4726.

Other

CBPP Releases Information on Impact of Federal Assistance and Education

Recently the Center on Budget and Policy Priorities released a report, "Premature End of Federal Assistance to States Threatens Education Reforms and Jobs", that includes State specific examples of cuts to various education programs including, special education and early intervention services as the result of the recession. The recession has reduced State revenues by record proportions. Education makes up the largest single item in State budgets, and spending cuts there have been deep and widespread. Federal aid through the American Recovery and Reinvestment Act has lessened the impact of State budget shortfalls on education and other state services, but that assistance will soon end. See: <http://www.cbpp.org/cms/index.cfm?fa=view&id=3158>.

Health Reform Information

Families USA has added new resources to its micro site, Health Reform Central, designed to provide resources and information about health reform implementation. Go to <http://www.familiesusa.org/health-reform-central/>.

Insurance Files Lawsuit on Mental Health Regulations

Federal regulations issued for the Mental Health Parity and Addictions Equity Act of 2008 published in the Federal Register February 2nd, and which took effect this month, are being challenged by three companies that manage mental health services on behalf of large insurance companies. These companies filed a lawsuit in federal court alleging that the Departments of Labor, Treasury and Health and Human Services improperly fast-tracked the rulemaking. The Act requires that group health plans offer comparable benefits for both mental and physical health. The companies stated concern that the rules would diminish the quality of care for people with mental illness. Mental health groups, however, generally support the regulations. The rules can be accessed at: <http://www.dol.gov/federalregister/PdfDisplay.aspx?DocId=23511>.

This update was prepared by Susan L. Vaughn, Director of Public Policy. 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.