



## Capitol News!

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Dear NASHIA Member,

Welcome to Vol. 7, Issue 11, of **Capitol News**, which you receive as a NASHIA member. This is the last newsletter for this year. As in past years, a summary of legislation passed by the 111th Congress will be compiled and made available after the first of the year. For other information on legislation and past issues of **Capitol News**, visit NASHIA's website: [www.nashia.org](http://www.nashia.org).

### This Week in Congress

Congress adjourned on the Wednesday before Christmas after passing several significant pieces of legislation during the "lame duck" session, including a Continuing Resolution to fund federal government through March 4<sup>th</sup>. The 112<sup>th</sup> Congress will convene on January 5<sup>th</sup>.



### Bills Signed

#### FY 2011 Appropriations

On December 22<sup>nd</sup>, President Obama signed H.R. 3082, the Continuing Resolution (CR) to fund government programs through March 4<sup>th</sup>. The CR funds most programs at FY 2010 levels, and does not include increased funding to several government agencies for implementation of the Affordable Care Act (ACA), including the \$750 million allocated for the Prevention and Public Health Fund created by the law. The new Congress will have to finish the spending bills for FY 2011, which is through September 30<sup>th</sup>, as well as appropriations for FY 2012 to fund programs beginning October 1<sup>st</sup>.

#### Child Abuse and Domestic Violence Prevention

President Obama signed S. 3817, the Child Abuse Prevention and Treatment Reauthorization Act (CAPTA) into law December 20<sup>th</sup> and is now known as Public Law 111-320. The law directs the Secretary of Health and Human Services (HHS) to study and report to Congress on shaken baby syndrome; reauthorizes community-based grants for prevention of child abuse and neglect and other funding through FY 2015; and revises requirements for community-based grants for the prevention of child abuse or neglect, including local program requirements.

The bill also includes the Family Violence Prevention and Services Act (FVPSA), and among other provisions, the bill directs HHS to award grants to eligible entities for: (1) the establishment of two national resource centers and at least seven special issue resource centers; (2) a National Resource Center on Domestic Violence; (3) a National Indian Resource Center addressing domestic violence and safety for Indian women; (4) specialized services for abused parents and their children; (5) a National Domestic Violence Hotline; and (6) State Domestic Violence Coalitions. The law also directs HHS to enter into cooperative five-year agreements with

State Domestic Violence Coalitions for local community projects to prevent family, domestic, and dating violence, using a coordinated community response model and through prevention and education programs.

In a White House press release the President thanked the sponsors of the legislation, with special thanks to Senator Chris Dodd (D-CT), who has been the leading advocate for CAPTA, and who is retiring after this Congress.

## **Bills Passed**

### **Congress Passes Improved Post-9/11 GI Bill**

On December 16<sup>th</sup>, the House of Representatives passed S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, which has been sent to the President for his signature. The bill:

- Enables veterans to use their benefit for vocational and on-the-job training and distance learning programs;
- Expands eligibility for the benefit to National Guardsmen activated for domestic assistance;
- Provides active-duty troops additional assistance to purchase books;
- Extends the time severely injured veterans and their caregivers have to use their benefits; and
- Streamlines the application and benefits award processes.

### **Pedestrian Safety Legislation Moves to White House for President's Signature**

The U.S. House of Representatives passed S. 841, The Pedestrian Safety Enhancement Act, December 16<sup>th</sup>, and the bill has been sent to the President. The legislation requires the U.S. Department of Transportation to begin writing standards that would set requirements for an alert sound that allows individuals who are blind and other pedestrians to reasonably detect a nearby electric or hybrid vehicle. It also requires that those rules be finalized within three years. Rep. Ed Towns (D-NY) sponsored the bill which was also supported by Rep. Cliff Stearns (R-FL) and Sen. John Kerry (D-MA).

## **Housing**

On December 21<sup>st</sup> the House of Representatives passed S. 1481, the Frank Melville Supportive Housing Investment Act, and it has been sent to the President to be signed into law. This legislation will modernize the U.S. Department of Housing and Urban Development's Section 811 Supportive Housing for Persons with Disabilities program by:

- Modernizing and simplifying the capital advance program for non-profit sponsors;
- Integrating supportive housing for people with disabilities into larger multi-family affordable rental housing developments;
- Protecting an existing tenant-based program targeted to people with disabilities; and
- Creating an innovative subsidy approach that will allow states and localities to leverage additional capital funds for the creation of new units of supportive housing.

Section 811 provides critically important affordable housing linking with community-based supportive services for the most vulnerable people with disabilities. The reformed program will develop thousands more units of supportive housing every year and, for the first time, create integrated supportive housing units within affordable housing properties.

## **Administration**

### **SSA Announces BOND Project**

In the November 22<sup>nd</sup> Federal Register, the Social Security Administration announced a demonstration project - the Benefit Offset National Demonstration - relating to Title II disability benefits (Social Security Disability Insurance). Under this project, SSA will test modifications to current Title II program rules that are applied to beneficiaries who work and receive Title II benefits based on disability. SSA will reduce Title II disability benefits by \$1 for every \$2 that a beneficiary earns above a substantial gainful activity threshold amount. SSA will also modify current rules for paying outcome payments to providers of services under the Ticket to Work and Self-Sufficiency program. The BOND project is intended to test the effectiveness of the 2-for-1 offset in encouraging SSDI beneficiaries to return to work or increase their earnings. SSA has contracted with Abt Associates to assist in implementing the project in 10 sites across the country and to conduct the evaluation. The demonstration project will begin January 2011 and will end September 2022.

For more information, see the Federal Register notice at <http://edocket.access.gpo.gov/2010/2010-29350.htm>.

### **CMS Establishes Center for Medicare and Medicaid Innovation**

On November 16<sup>th</sup>, the Centers for Medicare and Medicaid Services (CMS) formally established a new Center for Medicare and Medicaid Innovation. Created by the Affordable Care Act, the Innovation Center is intended to examine new ways of delivering health care and paying health care providers that can save money for Medicare and Medicaid while improving the quality of care. The Center will test models that include establishing an "open innovation community" that serves as an information clearinghouse of best practices in health care innovation. The Center will also work with stakeholders to create learning communities that help other providers implement these new care models.

### **DOL Issues TEGL on Supporting Entrepreneurial and Self-Employment Training**

The Department of Labor's Employment and Training Administration has issued a Training and Employment Guidance Letter on supporting entrepreneurial and self-employment training through the workforce investment system. The purpose of the TEGL is to encourage states to establish parameters for funding such training under Title I of the Workforce Investment Act, which authorizes the provision of entrepreneurial training to adult and dislocated workers, and authorizes entrepreneurial work experiences for youth. The TEGL replaces an earlier guidance letter and provides more detailed information about designing and implementing entrepreneurial and self-employment training strategies for adults, dislocated workers, and youth, and provides guidance about allowable costs and outcome tracking.

The TEGL notes that entrepreneurship and small business development have been identified as an important employment option for populations that have barriers to employment. For example, self-employment may offer individuals with disabilities greater workplace flexibility and income opportunities. The TEGL also notes that the Office of Disability Employment Policy provides technical assistance on entrepreneurship and self-employment, and identifies self-employment as a potential strategy for Disability Employment Initiative grantee states.

The guidance letter describes a variety of ways in which the workforce investment system can support entrepreneurship and self-employment, including, for example:

- Informing One-Stop customers about opportunities for self-employment and entrepreneurship and working with customers to assess whether self-employment is a good fit;
- Seeking out opportunities to add entrepreneurship training programs to the eligible training provider list; and
- Encouraging recipients of Individual Training Accounts to pursue entrepreneurship training where appropriate;

The TEGL also addresses performance accountability issues and suggests strategies such as using supplemental data sources and administrative records to assist in reporting on employment, retention and earnings measures. The TEGL is available at <http://wdr.doleta.gov/directives/attach/TEGL/TEGL12-10acc.pdf>.

### **CMS Issues Proposed Rule on Federal Funding for Medicaid Eligibility Systems**

On November 8, CMS published a proposed rule in the Federal Register that would amend the definition of Mechanized Claims Processing and Information Retrieval Systems to include systems used for eligibility determination, enrollment, and eligibility reporting activities. This change would allow for enhanced Federal financial participation (at the 90 percent rate) for the design, development and installation or enhancement of eligibility determination systems until December 31, 2015, with enhanced FFP (at the 75 percent rate) for maintenance and operations available for such systems beyond that date in certain circumstances. CMS also proposes that all Medicaid Management Information Systems meet certain defined standards and conditions in terms of timeliness, accuracy, efficiency, integrity, and consumer experience in order to receive enhanced FFP.

This proposed rule recognizes the impacts of the Affordable Care Act on Medicaid eligibility as well as other changes to Medicaid eligibility policies over the past couple of decades such as the de-linking of Medicaid eligibility from receipt of cash assistance (with creation of the Temporary Assistance for Needy Families program). In particular, ACA will necessitate changes to eligibility policies and processes to enroll newly eligible individuals, to operate in a seamless manner with the Health Insurance Exchanges, and to meet other requirements and changes stemming from the law. The proposed rule also describes standards and conditions for receiving the enhanced FFP. These include, for example, use of a modular, flexible approach to systems development; advancement in MITA maturity for business, architecture, and data; promotion of sharing, leveraging and reusing Medicaid technologies and systems within and among states; and a number of other standards and conditions.

Comments on this proposed rule must be received no later than 5 p.m. January 7, 2011. To view the proposed rule, visit <http://edocket.access.gpo.gov/2010/2010-27971.htm>.

### **OPM Issues Memo on Hiring People with Disabilities**

On November 8<sup>th</sup>, the Office of Personnel Management issued a memorandum to heads of executive departments and agencies regarding model strategies to recruit and hire people with disabilities as required by Executive Order 13548. This memorandum provides guidance to agencies on strategies and approaches to use in their plans for increasing employment of people with disabilities; these plans are required by the Executive Order. The memorandum describes strategies that include: developing a solid foundation through planning, training, and personnel; evaluating the hiring process; identifying qualified people with disabilities using existing resources such as vocational rehabilitation agencies, state disability services, and one-stop career centers; focusing on student programs; becoming a model employer of people with disabilities; and using innovative approaches to provide reasonable accommodations. The memorandum is available at <http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=3228>.

### **Other**

#### **New OLMSTEAD Progress Report Makes Recommendations for LTSS for Older Persons**

A new report from the National Senior Citizens Law Center, with support from The SCAN Foundation, calls on states to use the implementation of the Affordable Care Act to end Medicaid's long-standing bias toward funding long-term care in institutional settings such as nursing homes. In 1999, the United States Supreme Court ruled in *Olmstead v. L.C.* that unnecessary institutionalization of people with disabilities is a type of discrimination prohibited by the Americans with Disabilities Act. Despite the widely-held view since then that home and community-based services (HCBS) can better maintain the independence and dignity of persons needing long-term services and supports (LTSS), and the progress made in this arena, the report points out that the availability of LTSS for older persons in the United States remains slanted unduly toward institutionalization. The report recommends four major steps that federal and state governments should take to reduce the incidence of unnecessary institutionalization. To see the report go to: [http://www.thescanfoundation.org/sites/default/files/NSCLC\\_Olmstead.pdf](http://www.thescanfoundation.org/sites/default/files/NSCLC_Olmstead.pdf).

The Innovation Center will also support demonstrations to improve care integration for dual eligibles. For more information, visit <http://innovations.cms.gov/index.shtml>.

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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.*

*Seasons Greetings and Happy New Year!*

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