



National Association of State Head Injury Administrators

Capitol News!

June 21, 2011

Vol. 8, Issue 7

Dear NASHIA Member,

Welcome to Issue 7, Vol. 8 of Capitol News, which you receive as a NASHIA member. For more information on public policy information, as well as to review past issues of Capitol News, go to the NASHIA website, public policy pages at: www.nashia.org

In an effort to provide information in a more timely fashion, as well as to provide information as succinctly as possible, public policy staff has started a second policy communication called Washington Weekly, that will focus on Administration policies, rules, regulations, grant announcements, and so forth, previously reported in Capitol News. Staff will continue to provide updates on legislation and Congressional activities through Capitol News. It is hoped that by dividing the information into two communications that members will be able to digest the amount of information more quickly. Let us know what you think.

This Week in Congress

Congress convened on Monday and members are continuing to negotiate strategies for reducing federal government spending in an effort to avoid increasing the federal debt limit or as a bargaining chip to increase the federal debt limit.



Appropriations and Budget

FY 2012 Budget & Appropriations

Bipartisan lawmakers meeting with Vice President Joe Biden begin their eighth week of negotiations on the budget with an eye on the looming deadline when the government needs to raise the debt ceiling or risk defaulting on its debts. Last week, Biden held three budget meetings, which progress has been reported on developing budget triggers and caps. On Thursday, Medicare spending will be discussed. It has been widely reported that Republicans and Democrats may come to a budget deal by July 4th.

Meanwhile, Senate Budget Chairman Kent Conrad (D-ND), a member of the "Gang of Six" Senators that had been working toward its own bipartisan proposal, is pushing his colleagues to release their own deficit reduction plan in case the Biden talks fail to produce a meaningful long-term deal. Conrad may be close to completing his chamber's budget resolution, which would reportedly cut the deficit by \$4 trillion over ten years.

House Votes on Reduced spending for FDA for FY 2012

On June 16, the House approved H.R. 2112, the Agriculture, Rural Development, Food and Drug Administration (FDA), and Related Agencies Appropriations Act for FY 2012, which is 11.5 percent below the agency's funding in the current fiscal year and 21 percent below the amount requested in the President's budget. The Administration has expressed concern that "the funding level in the bill and resulting staff reductions will severely limit the FDA's ability to protect the public's health, assure the American consumer that food and medical products are safe, and improve Americans' access to safe and less costly generic drugs and biologics."

National Defense Authorization Act for Fiscal Year 2012

The House is expected to vote on H.R. 1540, which authorizes appropriations for FY 2012 for the Department of Defense (DoD), this week. The bill appropriates \$32.3 billion -- \$935 million more than the current level and \$119 million more than the request -- for Defense health programs. The total includes \$223 million for cancer research, \$125 million for traumatic brain injury and psychological health treatment, \$30 million for orthopedic research, and \$15 million for restorative transplant research. The measure also includes \$2.3 billion for family support and advocacy programs. Health care spending represents the fastest growing part of

the defense bill.

Other Legislation

Education

On Wednesday, the House Committee on Education and the Workforce will mark up the Empowering Parents through Quality Charter Schools Act. H.R. 2218 consolidates funding streams into the existing State grant program under the Charter School Program of the Elementary and Secondary Education Act to support new charter school startups and replicate or expand high-quality charter school models. It was introduced by Rep. Duncan Hunter (R-CA), Chairman of the Education and Workforce Subcommittee on Early Childhood and Elementary and Secondary Education, and is cosponsored by Education and Workforce Chairman John Kline (R-MN).

Family Support

Senator Richard Durbin (D-IL) and Representative Carolyn Maloney (D-NY) are planning to reintroduce the Family Medical Leave Inclusion Act (FMLIA). The FMLIA updates the Family Medical Leave Act of 1993 to reflect the diverse nature of American families and their caregiver roles, and will help workers meet the dual demands of work and family. The FMLIA allows an employee to take unpaid leave to care for adult children with disabilities (current law is limited to caring for children under the age of 18). The bill would also allow a worker to care for a parent-in-law, sibling, grandchild or grandparent, or same-sex partner if that person has a serious health condition.

Medicaid and Medicare

Medicare Drug Savings Act of 2011

On June 16, Representatives Henry Waxman (D-CA), John Dingell (D-MI), Sander Levin (D-MI), George Miller (D-CA), Pete Stark (D-CA) and Robert Andrews (D-NJ) introduced H.R. 2190, the "Medicare Drug Savings Act of 2011." The bill amends Title XVIII of the Social Security Act to require drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals under the Medicare prescription drug benefit program. By passing this Act, Congress will eliminate a 2006 deal for brand name drug manufacturers that allows them to charge higher prices for low-income enrollees in Medicare Part D. According to a report, the bill would save over \$100 billion without tampering with a previous Republican proposal to take apart Medicare.

Medicare Access to Rehab Services

NASHIA signed on to the CCD letter in support of the bi-partisan Medicare Access to Rehabilitation Services Act (H.R. 1546/S.829) that would repeal the Medicare Part B Outpatient Therapy Cap. This year, both the Medicare therapy cap exceptions process and the temporary update to the physician fee schedule are set to expire on December 31, 2011. Congressional action is necessary to avoid disruptions to care that would result for Medicare beneficiaries if the therapy cap and the fee schedule are not addressed.

The Medicare Access to Rehabilitation Services Act was introduced by Representatives Jim Gerlach (R-PA) and Xavier Becerra (D-CA) in the House and by Senators Ben Cardin (D-MD) and Susan Collins (R-ME) on April 14. Since 1997 when the therapy caps were imposed by the Balanced Budget Act (BBA) Congress has consistently acted in a bi-partisan manner to address the problem of the therapy cap and avoid the devastating impact the caps would have on Medicare beneficiaries in need of rehabilitation services.

Medicaid Improvement Act

On May 26, Rep. Devin Nunes (R-CA) introduced H.R.2013, the Medicaid Improvement and State Empowerment Act, which has been referred to the Subcommittee Indian and Alaska Native Affairs. The purpose of the bill is to give States with programmatic flexibility and financial predictability in designing and operating State programs to (1) provide medical assistance for pregnant women, low-income children, and low-income families with children whose income and resources are insufficient to meet the costs of necessary medical services and rehabilitation and other services to help such women, children, and families attain or retain capability for independence or self-care; and (2) provide long-term care services and supports for low-income elderly or disabled individuals whose income and resources are insufficient to meet the costs of such services and supports and rehabilitation and other services to help such individuals attain or retain capability for independence or self-care. Sen. Tom Coburn (R-OK) introduced similar legislation, S. 1031.

Social Security

Representatives Tom Petri (R-WI) and Niki Tsongas (D-MA) introduced a bipartisan bill (H.R. 2103) to reform asset limit tests in the Supplemental Security Income (SSI) program. The SSI Savers Act of 2011 increases asset limits from \$2,000 (for individuals) and \$3,000 (for couples) to \$5,000 and \$7,500 respectively, and indexes those limits for inflation. For recipients younger than 65, the bill excludes retirement, education savings, and individual development accounts from counting against the limit.

Veterans

Expanding Polytrauma Rehab Centers

On June 8, Senator Max Baucus (D-MT) introduced S.666, the Veterans Traumatic Brain Injury Care Improvement Act of 2011, to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes. The bill was heard by the Committee on Veterans' Affairs June 8.

Hiring Heroes Act of 2011

Rep. Sanford Bishop (D-GA) introduced H.R.1941, Hiring Heroes Act of 2011, on May 23 to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans. The legislation provides a two-year extension of authority for Veterans Affairs to provide rehabilitation and vocational benefits to members of the armed forces with severe injuries or illnesses. The bill is similar to S. 951 introduced by Senator Patty Murray (D-WA) May 11 and heard by the Senate committee on Veterans' Affairs June 8.

Veterans Dog Training Therapy Act

NASHIA signed on to the Consortium for Citizens with Disabilities (CCD) Veterans Task Force letter supporting S. 769, the Veterans Equal Treatment for Service Dogs Act of 2011, sponsored by Senator Tom Harkin (D-IA) to ensure that veterans with disabilities who use service dogs are able to have equal access to VA facilities. The bill is similar to H.R. 1154, sponsored by Rep. John Carter (R-TX).

CCD also sent a letter to Rep. Michael Grimm (R-NY) supporting his substitute amendment to the Veterans Dog Training Therapy Act, H.R. 198, that would ensure that accredited service dog agencies and trainers will provide appropriate training and consultation with the VA to provide opportunities for veterans with mental health needs to train service dogs for fellow veterans with disabilities. Rep. Grimm is the sponsor of the bill that allows VA to carry out a pilot program for assessing the effectiveness of addressing post-deployment mental health and post-traumatic stress disorder symptoms through a therapeutic medium of service dog training and handling for veterans with disabilities.

WIA/Vocational Rehabilitation Reauthorization

Staff from the offices of Senators Tom Harkin (D-IA), Patty Murray (D-WA), Michael Enzi (R-WY) and Johnny Isakson (R-GA) released draft language to reauthorize the Workforce Investment Act (WIA), including the Rehabilitation Act, late last week for stakeholder input. Both CCD and the Disability and Rehabilitation Research Coalition (DRRC) have provided comments to various sections of the Act.

According to staff a key goal of this reauthorization proposal is to improve, align, and coordinate employment, education, training, and vocational rehabilitation services. Title V includes amendments to the Rehabilitation Act and vocational rehabilitation programs and includes new provisions related to transitioning youth with disabilities and promoting employment first policies. The next step will be for the HELP Committee to consider the bill, which is expected to take place on June 29.

On Wednesday, June 22, the respective Employment Working Groups of the National Disability Leadership Alliance (NDLA), Collaboration to Promote Self-Determination (CPSD), and CCD will hold an open forum for all interested disability policy stakeholders to share perspectives on key aspects of the Senate draft WIA reauthorization package, discuss possible areas for improvement, and brainstorm strategies for ensuring that citizens with disabilities are meaningfully engaged in the legislative process moving forward. The meeting will be held at the Washington offices of paralyzed Veterans of America (PVA), from 2:00-4:00 pm, ET.

Congressional Hearings

Briefing on Rehabilitation on Rehabilitation and the Healthcare System

The Consortium for Citizens with Disabilities (CCD) Health Task Force, and the Coalition to Preserve Rehabilitation in collaboration with the Bipartisan House Disabilities Caucus are sponsoring a Congressional Briefing June 23 on "The Importance of Rehabilitation in America's Healthcare System". This briefing is designed to highlight the importance of rehabilitation and habilitation services and devices at the very time that HHS Secretary Sebelius is drafting proposed regulations on the essential benefits package and States are considering drastic cuts in Medicaid rehab benefits. NASHIA is a supporting organization.

The briefing will include remarks from Congressman Jim Langevin (D-RI) and Congresswoman Cathy McMorris Rodgers (R-WA), Co-Chairs, Bipartisan Disabilities Caucus. Other featured speakers include:

- Gerard Francisco, M.D., Chief Medical Officer, TIRR Memorial Hermann, Chairman of Physical Medicine and Rehabilitation and Brian Injury Fellowship Director, The University of Texas Health Science Center at Houston. Dr. Francisco is the attending rehabilitation physician for Congresswoman Gabrielle Giffords and will speak to the value of rehabilitation services and therapies.
- Paul Tobin, President and CEO, United Spinal Association. Mr. Tobin is a U.S. Navy veteran and will address the unique rehabilitation and assistive technology needs of veterans.
- Jeanne Wilcox, PhD, Professor of Speech and Hearing Science, Arizona State University, Director and Founder, Infant Child Research Programs, ASU. Dr. Wilcox will speak to the importance of habilitation services for children with developmental and intellectual disabilities.

House Hearing on "Dual Eligibles"

The House Energy and Commerce Subcommittee on Health, chaired by Rep. Joe Pitts (R-PA), will hold a hearing on "Dual Eligibles: Understanding This Vulnerable Population and How to Improve Their Care" on Tuesday, June 21, 2011, at 2:00 p.m. in Room 2322 in the Rayburn House Office Building. This hearing will focus on how Medicare and Medicaid can work together to give the best care possible to those eligible for both programs without imposing unnecessary bureaucracy or driving up costs.

The witness list includes:

Panel I:

- Ms. Melanie Bella, Director of the Federal Coordinated Health Care Office,

Panel Two:

- Mr. Billy Millwee, Associate Commissioner for Medicaid/CHIP, Texas Health and Human Services Commission
- Mr. Robert Egge, Vice President of Public Policy, Alzheimer's Association
- Mr. Shawn Bloom, President and Chief Executive Officer, National PACE Association
- Ms. Denise Levis Hewson, Director of Clinical Programs and Quality Improvement, Community Care of North Carolina
- Robert Nickerson, New York City Office of the Mayor

Senate Hearing on Medicare, Medicaid and the Deficit

On June 23, 2011 at 10am EST, Senate Finance Chairman Max Baucus (D-Mt.) will hold a hearing in Room 215 of the Dirksen Senate Office Building. The hearing, "Health Care Entitlements: The Road Forward," will discuss Medicare, Medicaid, and the deficit. Witnesses are:

- The Honorable Deval Patrick, Governor, Commonwealth of Massachusetts, Boston, MA
- The Honorable Ernest Lee Fletcher, former Governor, Commonwealth of Kentucky, Lexington, KY
- The Honorable Bruce Vladeck, Senior Advisor, Nexera, Inc., former Administrator of the Health Care Financing Administration, New York, NY
- Douglas Holtz-Eakin, Ph.D., President, American Action Forum, Washington, DC

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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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