

HHS issues new guidance for health care providers on civil rights protections for people with disabilities. Read further for more information in this week's *Washington Weekly*.



**NATIONAL ASSOCIATION
OF STATE HEAD INJURY
ADMINISTRATORS**

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by National Association of State Head Injury Administrators

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Editor's Note: Friendly reminder to renew your NASHIA dues or notify NASHIA your intention to do so. Please be sure to renew so that you may continue to receive *Washington Weekly* and other publications, resources, and training. You may renew [here](#).

Administration News

HHS Issues New Guidance for Health Care Providers on Disability Civil Rights Protections

Today, the Department of Health & Human Services (HHS) issued guidance to health care providers on civil rights protections for people with disabilities. The guidance, issued by HHS' Office for Civil Rights, makes clear that in light of the continuing public health emergency, when resources can be scarce, it is vital that individuals with disabilities are not prevented from receiving needed health care benefits and services as this violates federal civil rights laws.

In today's guidance, HHS clarified that federal civil rights laws apply to health care providers, including those administering COVID-19 testing, medical supplies, and medication. These rules also apply to entities providing hospitalization, long-term care, intensive treatments, and critical care, such as oxygen therapy and mechanical ventilators. Additionally, federal civil rights laws apply to State Crisis Standard of Care plans, procedures, and related standards for triaging scarce resources that hospitals are required to follow. The FAQs remind health care providers of their obligations under law and provide examples of applicability. The FAQs for healthcare providers on federal civil rights requirements protecting individuals with disabilities during the COVID-19 Public Health Emergency may be found [here](#).

DOL Jobs Report Shows Employment Gains for People with Disabilities

Also today, the U.S. Department of Labor (DOL) released its monthly job figures for January. According to the Kessler Foundation/University of New Hampshire Institute on Disability monthly update on national trends in disability employment, January job numbers showed gains for people with disabilities. The numbers continue to surpass their pre-pandemic levels of employment for the fifth straight month. The labor force participation rate for working-age people with disabilities increased from 36.7 percent in December 2020 to 37.5 percent in January 2022. More information about the jobs report can be found [here](#).

All SEAs Receive Approval of Their ARP Plan for School Emergency Relief Plan

On Tuesday, January 18, 2022, the U.S. Department of Education (ED) announced that every State education agency (SEA) received approval of their American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) plan before the end of 2021. In total, the ED has distributed \$122 billion of ARP ESSER funds to all 50 States, Washington, D.C., and Puerto Rico. This funding helps States to keep schools open for learning in a safe manner during the pandemic. This funding

also includes the distribution of COVID-19 tests every month and the implementation of screening testing and test-to-stay programs.

Education Seeks Public Comment on Civil Rights Data Collection

The U.S. Department of Education (ED) has collected civil rights data about the nation's public schools via the Civil Rights Data Collection (CRDC) since 1968. The CRDC collects vital data related to the civil rights laws' requirements that public local educational agencies (LEAs) and elementary and secondary schools provide equal educational opportunity. Public comments help ED to improve the types of data collected as part of the CRDC. Public comments are being accepted until next Friday, February 11, 2022. [Comments can be submitted through regulations.gov](https://www.regulations.gov).

VA to Expand Caregiving Programs by 2026

The Department of Veterans Affairs (VA) has announced plans to expand three of its home- and community-based caregiving services to its 171 medical centers by the end of 2026. Services are expanding to areas with the highest unmet needs and will include the addition of 58 [medical foster homes](#), 70 [veteran-directed care programs](#) and 75 [home-based primary care](#) teams. In addition to caring for Veterans, these programs may support family caregivers with respite. Read the [press release](#) for more information.

Federal Court Orders PA Home Care Agency to Pay Back Wages to Workers

A federal court in Pennsylvania has ordered an Ardmore employer who denied more than \$1.4 million in wages to hundreds of home care workers in the Philadelphia area to pay its workers more than \$2.8 million in back wages and liquidated damages. Entered in the U.S. District Court for the Eastern District of Pennsylvania, the consent judgment follows an investigation by the U.S. Department of Labor's [Wage and Hour Division](#) and litigation by the Solicitor of Labor.

Both established that the agency paid straight time for all hours worked and adjusted rates of pay in overtime workweeks to avoid paying an overtime premium intentionally. Specifically, the employer paid overtime at a rate lower than the required time-and-a-half rate. "This consent judgment is a strong step towards ensuring that home care workers receive all of the wages they have earned, including overtime pay," said Solicitor of Labor Seema Nanda. "The U.S. Department of Labor is committed to taking all legal avenues to protect the rights of workers." For more information about the FLSA and other laws enforced by the division, contact the agency's toll-free helpline at 866-4US-WAGE (487-9243).

US Interagency Council on Homelessness Hires New Executive Director

The U.S. Interagency Council on Homelessness (USICH) recently held its quarterly council meeting—the first with [newly-appointed](#) Executive Director Jeff Olivet to discuss the [Federal Strategic Plan to Prevent and End Homelessness](#), strategies developed by the first-ever Interagency Homelessness Prevention Working Group, and the 2021 Point-in-Time count. The meeting was led by Council Chair and the U.S. Department of Housing and Urban Development (HUD) Secretary Marcia Fudge and by Council Vice Chair and VA Secretary Denis McDonough. It was attended by representatives of 19 federal agencies, including Agriculture Secretary Tom Vilsack, Education Secretary Miguel Cardona, Health and Human Services Secretary Xavier Becerra, and Labor Secretary Marty Walsh. White House officials Gene Sperling, a senior adviser to President Biden, and Carmel Martin, deputy director of the Domestic Policy Council for Economic Mobility, also attended.

USICH concluded the initial round of [public feedback](#) on the federal strategic plan. It elicited more than 1,500 online comments—500 from people who have experienced homelessness—and input from hundreds of groups and individuals in close to 100 listening sessions with wide-ranging stakeholders representing all 50 States. USICH has developed a framework for the federal strategic plan and presented it to the council on Thursday. USICH will now work with the council agencies to incorporate the strategies developed by the 14-agency Homelessness Prevention Working Group and to finalize the plan, which will be released to the public later this year.

The council also discussed the soon-to-be released findings of the January 2021 Point-in-Time (PIT) count, which aims to collect a one-night snapshot of homelessness in America. The findings will be published this month as part of the Department of Housing and Urban Development's [Annual Homeless Assessment Report](#) (AHAR) to Congress.

Federal Grant Opportunities

NIDILRR Opens Two New Research Funding Opportunities

The [National Institute on Disability, Independent Living, and Rehabilitation Research](#) (NIDILRR) at the Administration for Community Living (ACL) has opened two new funding opportunities:

- [DRRP on Americans With Disabilities Act \(ADA\) National Network Collaborative Research Project](#). [View more details and application instructions](#). This grant opportunity closes on March 21, 2022.
- [RERC on Rehabilitation Strategies, Techniques, and Interventions](#). [View more details and application instructions](#). This grant opportunity closes on March 28, 2022.

Reports and Resources

ODEP and EBSA Release a Financial Toolkit for People with Disabilities

The Office of Disability Employment Policy (ODEP) and Employee Benefits Security Administration (EBSA) have released a [Financial Toolkit for People with Disabilities](#) in response to the COVID-19 Pandemic. The [financial Toolkit specifically for people with disabilities](#) is to help people with disabilities to navigate employment-related decisions and accomplish their financial goals. The Financial Toolkit has frequently asked questions and answers, tools, resources for the following topics:

- [Preparing for a Job](#)
- [Starting a Job](#)
- [Maintaining a Job](#)
- [Changing or Losing a Job](#)
- [Retiring from a Job](#)

NY Health Department Offers Person-Centered Planning and Practice Resources

The New York State Department of Health has made available the [Person-Centered Planning and Practice Resource Library](#) which is a collection of free resources on person-centered planning and practice applicable across all Home and Community-Based Services sectors in New York State. The materials are diverse – from leading research papers and policy guidance to planning worksheets and training webinars – and are organized in a user-friendly manner.

Upcoming Webinars and Conferences

ARCH Announces 2022 National Lifespan Respite Conference

ARCH National Respite Network has announced that the Network will be co-hosting the 2022 National Lifespan Respite Conference with the Respite Care Association of Wisconsin in Madison, WI, September 13-15, 2022. The theme is *Reimagine Respite!* The Lifespan Respite Grantee and Partner Learning Symposium will be held on September 13th, prior to the conference. The [Call for Presentations](#) for the national conference is now open. Deadline to submit a proposal is March 1, 2022. Please visit the [website](#) for more information. Registration coming soon!

DETAC Offers Webinar on Advancing Competitive Integrated Employment

The Administration on Disability (AoD) Disability Employment TA Center's National Community of Practice (CoP) webinar, "[Advancing Competitive Integrated Employment through Managed Long-Term Services & Supports & Value-Based Payment Methodologies by Creating and Sustaining Partnerships with Medicaid, Managed Care Organizations and Other Stakeholders](#)", will be held Tuesday, February 8, 2022, from 3:00-4:30pm (ET).

The webinar will focus on the use and benefits of value, performance, and outcome-based payment methodologies to advance competitive integrated employment (CIE) within managed long-term services and supports (MLTSS) programs. Webinar participants will learn how and why AoD grantees are advocating for the creation of sustainable partnerships to design and implement value, performance, and outcome-based payment methodologies to advance CIE for individuals with disabilities.

National Academy Offers Webinar on State Policies to Improve Direct Care Workforce

Funded by The John A. Hartford Foundation and the RRF Foundation for Aging, the National Academy for State Health Policy's RAISE Family Caregiver Resource and Dissemination Center is hosting a webinar on February 8, 2022, 1:00 – 2:00pm (EST) to discuss State policies to improve the quality and supply of the direct care workforce, which are featured in its RAISE State Policy Roadmap for Family Caregivers. The webinar will provide an overview of these policies and will feature a national leader as well as leaders from Arizona and Colorado who will share their policies and innovations to strengthen the home and community-based services workforce. For more information and to register, visit the [website](#).

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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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