

Capitol News!

by the National Association of State Head Injury Administrators -- December 29,
2022

Happy
New Year

Happy New Year to you and your family! As the year ends, we take this moment to reflect on the past year's legislative outcomes that impact people living with a brain injury and their families in this year-end edition of **Capitol News!** We salute the work of our members, partners and collaborators this past year to advance public policy and look forward to another great year. Meanwhile, have a safe and happy New Year!

Dear NASHIA Member,

With the new year approaching, we are pleased to provide this report on funding for brain injury programs and legislation that NASHIA has supported during the 117th Congress (2021-2022). Prior to adjourning for the holidays, President Biden signed into law H.R. 4373, the *Further Additional Continuing Appropriations and Extensions Act, 2023*, which provides fiscal year (FY) 2023 appropriations to federal agencies through December 30, 2022. He is expected to sign the *Consolidated Appropriations Act, 2023*, which extends funding through the federal year ending September 30, 2023. In addition to appropriations, Congress included a number of disability and health-related provisions in the FY 2023 omnibus spending bill -- most of which NASHIA has supported through letters and testimony. Last Friday, President Biden also signed the *National Defense Authorization Act (NDAA)*, which also reauthorized the *Assistive Technology Act of 1998*.

Read about funding provisions in these bills [here](#) to learn more about FY 2023 appropriations for federal agency programs of interest to the brain injury community. Meanwhile, this issue features just some of the highlights of appropriations and other legislation below.

As a side note, this will be the last *Capitol News!* that is produced by Susan L. Vaughn, who is retiring from NASHIA as Director of Public Policy. Susan is the founder of NASHIA and has also served as the first director of public policy. In addition, Jennifer Braun, Chair of the NASHIA Public Policy Committee, has left

her position in State government and will no longer be serving as chair of the NASHIA Public Policy Committee after January. However, she will continue to be a NASHIA member and involved in public policy in her new role in the private sector.

Meanwhile, Zaida Ricker, who joined NASHIA in 2021 as the Governmental Relations Consultant, will continue to work on NASHIA's behalf. Zaida represents NASHIA with federal agencies and on the Hill to advance NASHIA's priorities. She works very closely with the Congressional Brain Injury Task Force (CBITF) co-chairs with their efforts to secure funding, legislation, and to advance awareness through the annual CBITF March Awareness Day activities, as well as with other lawmakers on a wide range of issues impacting brain injury. You may contact her at zricker@ridgepolicygroup.com, if you have any questions.

As a reminder, the new 118th Congress will be sworn in on January 3, 2023. Watch for information regarding the upcoming annual CBITF March Awareness Day!

117th Congress Highlights

The FY 2023 appropriations bill **increased the Administration for Community Living (ACL) TBI Program by \$1.3 million for a total of \$13.118 million**. The FY 2022 spending bill increased the program by \$400,000.

The FY 2023 spending bill includes **\$2 million for ACL** to implement the **Direct Care Workforce Demonstration project** to address the shortage of direct care workers.

The FY 2023 spending bill includes **\$1 million for the Centers for Disease Control and Prevention (CDC) to collect data** on the connection between brain injuries and domestic violence, the purpose of the **Protecting Survivors from Brain Injury Act**.

An **additional \$1 million was appropriated** to CDC for the **National Concussion Surveillance System** for FY 2023 for a total of **\$8.25 million for CDC's TBI Injury Program**. CDC received \$500,000 in FY 2022 for a total of \$1.5 million for the surveillance system.

The **Medicaid Money Follows the Person Program** has been **extended for five-years at \$450 million per year** through September 30, 2027.

The **Medicaid HCBS spousal impoverishment protections were extended** through September 30, 2027.

The FY 2023 omnibus spending bill **requires all States to cover children continuously for 12 months in Medicaid and CHIP**.

The **ABLE Age Adjustment Act** was included in the FY 2023 omnibus spending bill, which changes ABLE eligibility requirement to include individuals whose disability began before age 46 (up from 26 in current law).

The FY 2023 funding legislation includes provisions to **extend and expand telehealth flexibilities through December 31, 2024**. Telehealth flexibilities enacted during the

public health emergency (PHE) were set to expire 151 days after the end of the COVID-19 PHE.

The FY 2023 omnibus spending legislation **extends the Conrad 30 Program** until September 30, 2023, which allows States to request J-1 visa waivers for foreign born physicians who have completed a U.S. residency training program to work in federally designated shortage and underserved areas.

The FY 2023 bill provided significant increases to both Title I of the Elementary and Secondary Act and Individuals with Disabilities Education Act (IDEA) programs, including an **\$850 million increase for IDEA Part B State Grants** (ages 3-21) over FY 2022 levels.

The 21st Century Assistive Technology Act was included in the National Defense Authorization Act (NDAA), reauthorizing and updating the Assistive Technology Act program and Protection and Advocacy Systems related to assistive technology.

The FY 2023 NDAA bill established the **Warfighter Brain Health (WBH)** initiative to standardize and align blast and TBI and programs across the Department of Defense to better address the brain health needs of service members, their families, line leaders, commanders, and their communities at large.

The FY 2023 funding bill reauthorizes the National Suicide Prevention Lifeline Program, the Community Mental Health Service Block Grants, and the renamed Substance Use and Prevention, Treatment, and Recovery Block Grants.

Congress passed H.R. 2992, the **TBI and PTSD Law Enforcement Training Act**, which was signed by the President on August 16, 2022 (P.L. 117-170).

On August 16, 2022, President Biden signed H.R. 5376, the **Inflation Reduction Act of 2022**, into law (P.L. 117-169), which among other provisions, allows Medicare to negotiate 100 drugs over the next decade, and requires drug companies to rebate back price increases higher than inflation.

The Omnibus FY 2022 spending bill (the *Consolidated Appropriations Act 2022*) **reauthorized the Violence Against Women Act (VAWA)** through 2027.

The American Rescue Plan (ARP) Act of 2021 created a **new State option to provide community-based mobile crisis intervention services** with 85% federal matching funds for the first 3 years to supplement, not supplant, the level of State spending for these services in the fiscal year before the 1st quarter that State elects this option.

The ARP included Section 9817 to provide qualifying States with a temporary 10 percentage point increase to the federal medical assistance percentage (FMAP) for certain Medicaid expenditures for HCBS beginning April 1, 2021, and ending March 31, 2022, **since expanded to March 31, 2025**. (Several State HCBS programs expanded services for people with brain injury; increased provider payments; implemented provider training on brain injury; and used funding to recruit and maintain direct support staff.)

\$150 million from the ARP was directed to ACL to increase the public health workforce's disability and aging expertise to support the health and safety of people with disabilities and older adults who were disproportionately affected during emergencies and disasters, such as the COVID-19 pandemic. **The funding was**

available to ACL TBI State Partnership Program grantees at the beginning of 2022.

On October 8, 2021, President Biden signed the *Helping American Victims Afflicted by Neurological Attacks (HAVANA) Act*, to authorize additional financial support for American public servants who have incurred brain injuries likely from directed energy attacks.

For additional information on these and other funding items, read the [NASHIA document](#) or the House [summary](#) or the [bill](#).



NASHIA

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