

RSA reminds VR agencies against applying financial needs test or requiring financial participation as a condition for providing VR services for people who are eligible for Social Security benefits. 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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Administration

RSA Issues TAC on Applying Financial Needs Test

The U.S. Department of Education's (Department) Rehabilitation Services Administration (RSA), within the Office of Special Education and Rehabilitative Services, has issued a **Technical Assistance Circular (TAC)** to remind State Vocational Rehabilitation (VR) agencies of the prohibition at 34 C.F.R. § 361.54(b)(3)(ii) against applying a financial needs test or requiring financial participation as a condition for providing VR services to an individual who has been determined eligible for Social Security benefits under titles II or XVI of the Social Security Act (i.e., recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI)).

Section 103(a) of the Rehabilitation Act of 1973 (Rehabilitation Act) and 34 C.F.R. § 361.48(b) require VR agencies to make available the full scope of VR services, based on the rehabilitation needs of the individual and consistent with the individualized plan for employment (IPE), to assist the individual with a disability in preparing for, securing, retaining, advancing in, or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. In addition, regulations implementing the amendments to the Rehabilitation Act made by the Workforce Innovation and Opportunity Act (WIOA) emphasize the provision of services, including financial support for postsecondary and graduate-level education, designed to lead to high-quality competitive integrated employment outcomes (see 34 C.F.R. § 361.48(b)(6)).

When State VR agencies fail to comply with the prohibition in 34 C.F.R. § 361.54(b)(3)(ii), these agencies may be preventing SSI and SSDI recipients from receiving the full array of VR services needed to achieve their employment outcomes. Financial needs tests and policies that require participation in the cost of VR services may disincentivize these individuals from participating in the VR program, thereby hampering their ability to achieve competitive integrated employment and reduce their reliance on public benefits.

Education and HHS Join Efforts to Expand Public School-based Health Services

Last month, the U.S. Departments of Education and Health and Human Services **announced a joint effort to expand public school-based health services**. This effort will include providing additional resources, support, and technical assistance to schools and guidance about using federal funding, including Medicaid funding, for school-based physical and mental health services. The two Departments also plan to work on reducing the administrative burden on States and communities and barriers to providing school-based physical and mental health services. The aim of the joint effort is to increase access to physical and mental healthcare and build resilience among school-age children and youth. **Read about the effort to expand**

school-based health services. Read the Secretaries' letter to Governors. **Review materials** from the March 30 webinar about lessons learned in expanding school-based health services.

NCQA Launches New Learning Collaborative on Person-Driven Outcome Measures

In March, the National Committee for Quality Assurance (NCQA) announced a new learning collaborative for up to 10 organizations to develop and implement reporting methods for Person-Driven Outcome Measures. With support from The John A. Hartford Foundation and The SCAN Foundation, this learning collaborative will offer organizations guidance and support on collecting and reporting the person-driven outcome measures for use in improving quality in service delivery. These measures are developed to be applicable for all populations with complex support needs. Findings from the learning collaborative will help shape the final reporting and audit guidelines, as well as inform future improvements and refinements to the measures. The learning collaborative will run from April 2022 to July 2023. Click [here](#) to learn more.

Federal Proposed Rules

CMS Proposes New Rule Related to Dually Eligible Beneficiaries

On Friday, the Centers for Medicare and Medicaid Services (CMS) posted online a new proposed rule that includes several provisions related to dually eligible beneficiaries and would impact States, including proposals to (a) limit retroactive Medicare Part B premium liability for States to 36 months, (b) retire the old stand-alone buy-in agreements and specify that the provisions of a State buy-in agreement shall be set forth in the State's Medicaid State Plan, and (c) extend the Medicare Savings Programs (MSPs) to cover premiums and cost sharing for individuals enrolling in the new Medicare immunosuppressive drug benefit.

The proposed regulations would also create a new Medicare special enrollment period (SEP) for individuals losing Medicaid eligibility once normal operations resume after the end of the COVID-19 public health emergency and who did not enroll in Medicare on time. The most salient content begins under the section headers "SEP to Coordinate with Termination of Medicaid Coverage," "Modernizing State Payment of Medicare Premiums," and "Ensuring Coverage under the Medicare Savings Programs." The official publication in the *Federal Register* is still forthcoming, but it is on public display [here](#).

Federal Funding Opportunities

NIH Solicits Applications for Clinical Trials for PASC and Long COVID

As part of the RECOVER Initiative, the National Institutes for Health (NIH) is soliciting applications for clinical trials in individuals over 18 years old for the prevention and/or treatment of post-acute sequelae of SARS-CoV-2 (PASC), including Long COVID. The NIH is seeking proposals for clinical trials testing a range of interventions and using diverse methods to address symptoms/symptom clusters and the underlying mechanisms of the pathobiology of PASC. Trial proposals should reflect community and patient engagement. The funding will utilize the NIH's Other Transaction Authority (OTA). Learn more about this research opportunity announcement (ROA) on recovercovid.org. RECOVER is a research initiative from NIH that seeks to understand, prevent, and treat PASC, including Long COVID.

Reports and Resources

CSG Publishes Blog on VR Order of Selection

The Council of State Governments, in collaboration with the State Exchange on Employment & Disability, published a blog on "Order of Selection: How Vocational Rehabilitation Agencies Prioritize Service to Individuals with Disabilities." The blog explains the purpose of Order of

Selection and how some States have implemented policies to enable their vocational rehabilitation agencies to prepare more individuals with disabilities for competitive integrated employment or supported employment so they can achieve economic self-sufficiency. [Read “Order of Selection: How Vocational Rehabilitation Agencies Prioritize Service to Individuals with Disabilities.”](#)

IL Specialist Posts Blog on a Financial Toolkit for Individuals with Disabilities

In keeping with Financial Literacy Month, Edward Mitchell, an independent living specialist and outreach coordinator, posted a blog on “Advancing Equity: A Financial Toolkit for Individuals with Disabilities.” In the blog, Mitchell brings attention to the importance of financial education for people with disabilities and shares the U.S. Department of Labor’s “Secure Your Financial Future: A Financial Toolkit for People with Disabilities.” “Some basics about finances and savings are universal,” says Mitchell. “But for people with disabilities, additional factors come into play, such as whether they’ve had their disability from birth or acquired it later in life; their diagnosis; access to health care; and their previous work experiences.”

- [Read “Advancing Equity: A Financial Toolkit for Individuals with Disabilities”](#)
- [Read “Secure Your Financial Future: A Financial Toolkit for People with Disabilities”](#)

Scientists Find Oleic Acid is Key to Activating the Brain for New Learning

In an April 29, 2022, publication, [Proceedings of the National Academy of Sciences](#), a study reveals the function of a very common fatty acid, oleic acid, in the brain. Oleic acid is produced in the brain by neural stem cells, where it triggers the process that enables new learning and memory. This exciting finding has paved the path to discovering potential new therapeutic strategies to counteract cognitive difficulties in patients with neurological and intellectual disability disorders. Cognitive difficulties and learning disabilities are common in individuals with neurodevelopmental disorders and intellectual disabilities. While searching for new ways to prevent or treat these and other related conditions, a team at Baylor College of Medicine and the [Jan and Dan Duncan Neurological Research Institute](#) (Duncan NRI) at Texas Children’s Hospital identified a missing piece of the puzzle of how specific types of learning and memory are sustained and regulated in the brain. In this study, the team searched for a way to tap into this “fountain of youth,” to reignite the process of neurogenesis to prevent its decline or restore it.

[Read](#) a scientific commentary published in the Proceedings of National Academy of Sciences about this work.

ACL Issues New Factsheet on Medicaid Changes when the PHE Expires

On April 5, 2022, the Administration for Community Living (ACL) issued a [new Factsheet](#) to help people prepare for Medicaid changes when the Public Health Emergency (PHE) expires. The Factsheet states that federal agencies have started preparing for the end of the PHE by reviewing policies that were put in place to meet the needs of States, cities, and the public during the COVID-19 pandemic. When the federal declaration of a PHE expires, many of the flexibilities initiated during the PHE will need to be rolled back to what they were before the pandemic, such as changes in Medicaid enrollment and eligibility. The Factsheet helps to address some common questions about the changes.

DOJ Publishes ADA Guidance About People with Opioid Use Disorder

The U.S. Department of Justice published guidance, [The Americans with Disabilities Act and the Opioid Crisis: Combating Discrimination Against People in Treatment or Recovery](#) about how the Americans with Disabilities Act (ADA) protects people with opioid use disorder (OUD) who are in treatment or recovery, including those who take medication to treat their OUD. The guidance informs people with OUD who are in treatment or recovery about their federal legal rights and provides guidance about ADA legal compliance to entities covered by the ADA.

NASHIA Announces New Leading Practice Academy

The National Association of State Head Injury Administrators (NASHIA) has announced a new Leading Practices Academy on Behavioral Health and Brain Injury (LPA BH). The LAS BH is designed for States who want to explore, develop, and/or implement protocols and practices to improve outcomes for individuals with co-occurring brain injury and behavioral health challenges. For more information, read further [here](#).

Upcoming Webinars and Conferences

RTC/OM Offers Webinar on New HCBS Quality Measures

On May 3, from 3:00pm – 3:00pm (ET), the [Research and Training Center on HCBS Outcome Measurement](#) (RTC/OM) at the University of Minnesota Institute on Community Integration is offering a webinar on quality measures for home and community-based services (HCBS). The RTC/OM has developed measures that focus on how well HCBS are helping people with a variety of disabilities live the lives they want. Register [here](#).

CASE to Host Training on Section 504

The Council of Administrators of Special Education (CASE) is hosting a comprehensive training on Section 504 virtually this summer, featuring Julie Weatherly, Esq. On June 13, 2022, the presentation will be geared toward participants who want the basics - including 504 general provisions, Child Find under Section 504, contents of a 504 plan, evaluation and eligibility, and more. Those who want more advanced training can join on June 14 to learn about topics including 504 safeguarded rights, extended school year services, COVID-19 and 504, service animals, and other important information. Participants can register for one or both days. For more information and to register, please go [here](#).

Registration is Open for Neuro-Optometric Rehabilitation Association Conference

Registration is now open for the Neuro-Optometric Rehabilitation Association, International (NORA) 32nd annual conference, September 8-11, 2022, at the Hyatt Regency Columbus, Columbus, Ohio. The NORA annual conference is a premier event for eye care and other health care professionals who provide rehabilitative services to individuals who have suffered a traumatic brain injury. The 2022 conference will provide a variety of continuing education presentations with key opinion leaders from optometry and other specialties offering a combination of hands-on and lecture style presentations. Further information may be found [here](#).

SARTAC Offers 2nd Webinar on Writing Policy Information that is Easy to Understand

The Self Advocacy Resource and Technical Assistance Center (SARTAC) is offering webinars to strengthen the self-advocacy movement by supporting self-advocacy organizations to grow in diversity and leadership, SARTAC held its first webinar on April 25, and the next one, "Plain Language, is scheduled for May 10, 2022, 4:00pm – 5:00pm (ET). Register [here](#).

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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.

Support States. Grow Leaders. Connect Partners.



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