



# Washington Weekly!

August 5, 2022

## Administration

### **OSERS Releases Framework for Competitive Integrated Employment**

On Wednesday, the U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) released [\*\*\*A Framework for Community Engagement — A Pathway to Competitive Integrated Employment\*\*\*](#). Developed in partnership with the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) and the U.S. Department of Health and Human Services' Administration for Community Living (ACL) and Substance Abuse and Mental Health Services Administration (SAMHSA), this paper, targeted to both policymakers and service providers, presents a joint federal vision for community engagement by individuals with disabilities. Community engagement, supported by a variety of service systems, enables individuals with disabilities to expand skills and experience so that they may secure high-quality and personally satisfying careers and jobs and the benefits of employment. In addition to explaining what community engagement means and its benefits, this paper contains information about the wide variety of services, that when provided together, expand opportunities for youth and adults with disabilities to achieve competitive integrated employment.

### **Administration Releases Reports on Long-Term Effects of COVID-19**

Also on Wednesday, the U.S. Department of Health and Human Services (HHS), released two reports on Long-COVID as called for in the President's [\*\*\*Memorandum on Addressing the Long-Term Effects of COVID-19\*\*\*](#), released in April. The [\*\*\*National Research Action Plan on Long COVID\*\*\*](#) details advances in current research and charts a course for future study to better understand prevention and treatment of Long COVID. The [\*\*\*Services and Supports for Longer-Term Impacts of COVID-19\*\*\*](#) report highlights resources for health care workers, and those effected by broader effects of COVID-19, including not only Long COVID but also effects on mental health and substance use, and loss of caregivers and loved ones.

[\*\*\*The National Research Action Plan on Long COVID\*\*\*](#) (the Research Plan), created in coordination with 14 government departments and agencies, introduces the first U.S. government-wide national research agenda focused on advancing prevention, diagnosis, treatment, and provision of services and supports for individuals and families experiencing Long COVID. [\*\*\*The Services and Supports for Longer-Term Impacts of COVID-19 Report\*\*\*](#) (Services Report) outlines federal services available to the American public to address longer-term effects of COVID-19, including Long COVID and related conditions, as well as other impacts on individuals and families. It provides valuable information in three key areas:

- Federal supports and services available for people experiencing Long COVID – from how to navigate your rights to how to navigate health care coverage, community services, financial assistance, nutrition and educational questions and more.
- Resources for health care personnel treating patients with Long COVID, as well as support for health care personnel experiencing stress and trauma related to COVID-19.
- Services for individuals confronting challenges related to mental health, substance use, and bereavement.

Federal departments will continue to engage with partners, including State and local governments, on the scope and accessibility of these services to meet the needs of individuals. Engagement of nongovernmental experts, organizations, and stakeholders, including individuals affected directly by the longer-term effects of COVID-19, has played an essential role in shaping the government's response to COVID-19 and Long COVID, including the development of these reports.

### **CMS Issues Guidance to Connect Children with Complex Medical Conditions to Services**

This week, the Centers for Medicare & Medicaid Services (CMS) unveiled guidance on a new Medicaid health home benefit for children with medically complex conditions. This new optional benefit helps State Medicaid programs provide Medicaid-eligible children who have medically complex conditions with person-centered care management, care coordination, and patient and family support. CMS anticipates that the new benefit will help these children receive the care they need, including across State lines.

Children with medically complex conditions can severely impact a child's ability to function and often require tremendous care coordination and highly specialized treatment. Finding needed services often requires traveling well beyond a family's home, and often care is only available for these children out-of-State. The new health home services are expected to give these children and their families help in coordinating and managing care.

As outlined in the [letter to State Medicaid directors](#), States will have the option to offer the new health home services benefit for children with medically complex conditions beginning October 1, 2022. The services provided under the new benefit include providing access to the full range of pediatric specialty and subspecialty medical services, including services from out-of-state providers, as medically necessary.

The guidance issued provides information to States about the new health home benefit, including about payment methodologies, provider standards, provider and State reporting, State monitoring, and State assurance requirements. States with approved Medicaid State Plan Amendments (SPAs) to cover the new health home benefit will receive a 15-percentage point increase in federal matching for their expenditures on health home services during the first two fiscal year quarters that the SPA is in effect. CMS also has committed to offer ongoing technical assistance to states about implementation of the new benefit.

CMS has engaged with stakeholders since January 2020 on this opportunity. CMS issued a Request for Information to obtain feedback from the public, including advocates, families, and States, on best practices for coordinating care provided by out-of-State providers to Medicaid-eligible children with medically complex conditions and, in October 2021, issued a bulletin on those best practices.

### **Education's Office of Civil Rights Releases Report for Fiscal Year 2021**

The U.S. Department of Education's Office of Civil Rights (OCR) has released its [report for Fiscal Year 2021 \(FY 21\)](#). The report, "Safeguarding Students' Civil Rights, Promoting Educational Excellence," walks through complaints that were filed during FY 21 and how OCR addressed the complaints. The report includes a chapter regarding Section 504 and ADA Title II: Discrimination on Disability. In FY 21, OCR received 8,934 complaints and resolved 8,238. 48% of these complaints involved discrimination based on disability. Approximately 91% of the disability related complaints were resolved during FY 21 and OCR initiated 11 directed investigations based on violations of disability related laws.

### **DOJ and HHS Issue New Guidance on Nondiscrimination in Telehealth**

On Friday, July 29, the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) issued [joint guidance](#) on nondiscrimination in telehealth. This guidance aims to provide clarity on how federal nondiscrimination laws require accessibility for people with disabilities and others in health care provided via telehealth. Nondiscrimination laws, including Sec. 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and Section

1557 of the Patient Protection and Affordable Care Act, require that telehealth be accessible to people with disabilities and limited English proficient persons. They work together to eradicate discrimination and protect access to health care access for all, especially those with disabilities. Assistant Attorney General Kristen Clarke of the Justice Department's Civil Rights Division stated, "the DOJ will vigorously enforce the ADA and other civil rights laws to ensure that health care providers offering telehealth services are doing so free from discrimination." Click [here](#) to view the press release.

### **DETAC Invites ACL Grantees to Participate in RISE e-Learning Community**

The Disability Employment Technical Assistance Center (DETAC), funded by the Administration on Disabilities (AoD) to assist AoD grantees to improve competitive, integrated employment (CIE) and economic outcomes for individuals with disabilities is forming an e-Learning Community intended to give stakeholders and organizations strategies and skills necessary to develop a partnership model of employer engagement. The offer to participate is extended to all grantees, including ACL TBI State Partnership grantees, but space is limited. You may apply using this [form](#) to apply. Applications are due September 2, 11:59pm (ET) and the launch meeting is scheduled for September 14, 1:00-2:30pm (ET).

This Results in Systems Excellence (RISE) e-Learning Community - Employer Engagement & Partnerships will consist of five virtual meetings over a 10–12-week period and will provide the opportunity to assess your current employer partnerships, engage specific employers in strategic engagement activities to increase the level of partnership and evaluate the benefits and impact of one or more of your partnerships with employers. Grantees are encouraged to include other stakeholders with whom you collaborate in the development of employer partnerships. Sessions are scheduled for September 28, November 9, December 7, and final wrap up session on December 21. The webinar will be held from 1:00-2:30pm (ET).

---

## **Funding Rules**

### **HHS OCR Seeking Comments on Proposed Rule to Implement 1557 of the ACA**

The Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) is seeking comments on a proposed rule implementing Section 1557 of the Affordable Care Act (ACA), which prohibits discrimination based on race, color, national origin, sex, age, or disability in covered health programs and activities. The [proposed rule](#) would strengthen civil rights protections for people who use health programs and services funded by HHS and includes a number of provisions that are particularly relevant for older adults and people with disabilities.

The proposed rule also clarifies that the non-discrimination protections of Section 1557 of the ACA apply to all HHS-administered health programs and activities, and outlines requirements for covered entities. ACL programs may be covered entities. Comments may be submitted starting August 4 through October 3, 2022. OCR also has released a fact sheet summarizing the rule: [OCR Fact Sheet: Proposed Rule - Section 1557 of the Affordable Care Act](#).

ACL and the Department of Health and Human Services' Office for Civil Rights is hosting a grantee and stakeholder webinar on Thursday, August 11 at 2:30pm (ET). The webinar will provide an overview of the Notice of Proposed Rulemaking for Section 1557 of the Patient Protection and Affordable Care Act. If you have questions that you would like addressed during the webinar, please send them in advance to [Administrator-ASA@acl.hhs.gov](mailto:Administrator-ASA@acl.hhs.gov) by 12:00 noon on Tuesday August 9, 2022. Register in advance for this Zoom webinar [here](#).

---

## **Reports and Resources**

### **NCOA Makes Available Materials for Falls Prevention Awareness Week**

The National Council on Aging (NCOA) has made materials and a free toolkit available to promote activities and educate the public during "Falls Prevention Awareness Week" scheduled

for September 18-24. This year's theme is "Strengthening Community Connections in Falls Prevention." Access materials [here](#).

#### **RR&T Center Issues Report: Community Supports in Crisis - No Staff, No Services**

The NIDILRR-funded [Rehabilitation Research and Training Center on Community Living and Participation](#) has published a report, [Community Supports in Crisis: No Staff, No Services](#). The report explores the current crisis of labor shortages and pervasive high turnover rates in the direct support professional (DSP) workforce, and the impact of this crisis on people with intellectual and developmental disabilities. The report gives a background on the DSP network, drivers of the DSP crisis, the impact on the community, and initiatives to enhance workforce stability and competence.

#### **MSKTC is Recruiting Parents to Help with Factsheet Testing with Parents with TBI**

The NIDILRR-funded [Model Systems Knowledge Translation Center \(MSKTC\)](#) is recruiting [parents with traumatic brain injuries \(TBI\) to test a new factsheet](#), "Being a Parent After a Traumatic Brain Injury." Participants must be at least 18 years old, be a parent, and have a TBI. Eligible participants will be interviewed after reviewing the factsheet and will receive a \$25 gift card for their time. To volunteer, call 202/403-5600 or email [mstkc@air.org](mailto:mstkc@air.org).

#### **CDC Produces Materials on Violence Prevention**

The VetoViolence Digest, produced by the Centers for Disease Control and Prevention's Division of Violence Prevention, is a monthly newsletter for public health professionals and violence prevention practitioners working to stop violence before it starts. The newsletter delivers new and information about tools, training, and resources on the [VetoViolence website](#).

#### **NYSOFA and NYDOL Update Caregiver Guide for Businesses**

The New York State Office for the Aging (NYSOFA) and the New York State Department of Labor (DOL) updated the caregiver guide for businesses, [Caregivers in the Workplace: Finding Balance for Your Employees](#). On August 10th, the New York State Caregiving and Respite Coalition and their partners will host a summit, [Supporting Working Caregivers: A Business Imperative](#). [Read more](#) about the event.

#### **GAO Issues Report on Supporting Military Families and Their Caregivers**

Last month, the Government Accountability Office (GAO) issued a report, "Military Personnel: Opportunities Exist to Improve Access to Services Supporting Caregivers of Dependents with Special Needs." Military families with special needs dependents face additional caregiving challenges due to frequent moves to new duty stations. To address the needs of these military families, the Department of Defense (DOD) provides caregiver support services, such as respite care, through its military branches and the TRICARE health care program. Congress included a provision in statute for GAO to review certain caregiving services available to military families. This report (1) describes respite care and other key services for supporting caregivers available to active-duty military families through ECHO and other programs, and (2) examines barriers military families may face when seeking to access respite care and actions DOD has taken to address those barriers. Read the report [here](#).

#### **DETAC Offers New TA Publications**

The Disability Employment TA Center (DETAC) has made available new and existing materials on its website:

- [How Centers for Independent Living Can Promote Transportation Options in Rural Areas: Developing a Transportation Program](#)
- [Balancing Economics and Advocacy: UCEDDs' Role in Increasing the Awareness and Importance of Competitive Integrated Employment](#)
- [How Centers for Independent Living Can Promote Transportation Options in Rural Areas: Developing a Transportation Program](#)

- [Balancing Economics and Advocacy: UCEDDs' Role in Increasing the Awareness and Importance of Competitive Integrated Employment](#)
- [The Components of Integrated Employment Service Systems Part II](#)
- [Ending Segregated Workshops and Promoting Competitive Integrated Employment](#)
- [The Components of Integrated Employment Service Systems, Part 1](#)
- [Engaging Employers: Partnering for Success](#)

DETAC also has additional resources that can be accessed [here](#).

---

## Upcoming Webinars and Conferences

### **UABTBIMS to Host Live Q&A on Return to Driving After TBI**

The NIDILRR-funded [University of Alabama at Birmingham Traumatic Brain Injury Model System Center \(UABTBIMS\)](#) will host a live social media Question & Answer (Q&A) on "Returning to Driving After TBI," August 11th, 2:30 - 3:30pm (ET). UABTBIMS neuropsychologists will field questions posted to its [Twitter](#) and [Facebook](#) streams. Participation is free and open to people with TBI, their families, and professionals. No registration is required to view the Q&A, but you must be logged into either a Twitter or Facebook account to post questions or comments.

### **TARC and TAL Offer Webinar on Being Involved in the Brain Injury Community**

On August 31, 2022, from 2:30-4:30pm (ET), the TBI Technical Resource Center (TARC) and the TBI Advisory and Leadership Group (TAL-Group) are presenting the webinar, "Keeping the Passion Alive: Getting and Staying Involved in the Brain Injury Community." The purpose is to learn more about how survivors can become involved and stay actively engaged in State and national brain injury initiatives. Register [here](#).

### **NASHIA Seeks Research Posters from Student Researchers for SOS**

The National Association of State Head Injury Administrators (NASHIA) invites research students to submit a poster to feature during the upcoming annual State of the States (SOS) in Head Injury Virtual Conference September 7-9, 2022. Applications for submission will be accepted until August 12, 2022. Applicants will be notified by August 26, 2022 if selected. Sponsored by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), this platform will feature students/future leaders in the field of brain injury to highlight their research. Poster sessions are virtual and in the form of video links, pdf, and images. An effective poster presentation highlights, with visual display, the main points or components of your topic. Poster Sessions can cover any research project related to the field of brain injury.

Poster sessions will be displayed and voted on during the conference on Friday September 9 from 1 am-3:30pm (ET), and conference attendees will vote on their favorite submissions. While conference planners would like for you to be available for answering questions about your work during the showcase (from 1:15-3:30pm) if possible, it is not mandatory for submission. To participate, please complete the [application](#) by August 12, 2022. (Feel free to share this invitation with those whom you may believe would be interested.)

The conference will include live sessions, video networking rooms, as well as an exhibit hall for attendees to visit. Registration is \$300 for members and \$350 for guests. You may find more information and may register [here](#).

### **ARCH Publishes Respite Conference Agenda**

ARCH National Respite Network and Resource Center has published the full [Respite Reimagine](#) conference schedule, including breakout sessions, and is now available on the conference [website](#). The conference is hosted by the Respite Care Association of Wisconsin and co-hosted by the ARCH National Respite Network and Resource Center. The conference will be held September 13-15, 2022, at the Madison Concourse Hotel, Madison Wisconsin. Register [here](#).

---

This update was prepared by:

**Susan L. Vaughn**, Director of Public Policy  
[publicpolicy@nashia.org](mailto:publicpolicy@nashia.org)

**Jennifer Braun**, Chair, NASHIA Public Policy Committee  
[jennifer.braun@health.mo.gov](mailto:jennifer.braun@health.mo.gov)

**Rebecca Wolfkiel**, Executive Director  
[execdirector@nashia.org](mailto:execdirector@nashia.org)

**Zaida Ricker**, Governmental Relations Consultant  
[zricker@ridgepolicygroup.com](mailto:zricker@ridgepolicygroup.com)

[Visit our website](#)



---

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.**

