

## DC Update

### June 23, 2008

#### Medicaid

On Thursday, June 19, 2008, the U.S. House of Representatives passed a supplemental appropriations bill to fund the wars in Iraq and Afghanistan. Included was a domestic spending amendment that *contained moratoria to delay implementation of six Medicaid regulations until April 2009*. The House voted overwhelmingly for this amendment, 416-12. In previous versions of the measure, seven regulations were included; however a compromise between House leadership, House Republicans and the White House stripped the Hospital Outpatient Services regulation. The Senate is expected to take up the measure this week and concur with the House amendments. If the legislation remains in its current form, the President is expected to sign the bill.

The Medicaid regulations included in the bill:

- Cost limit for public providers final rule
- Rehabilitative services proposed rule
- Optional case management services interim final rule
- Allowable provider taxes final rule
- Payments for graduate medical education proposed rule
- Payments for costs of school administration, transportation final rule

Thank you for all of your work on this issue! Your calls made a difference and Congress is a step closer to delaying these regulations. NACBHDD will keep you updated as the Senate takes up the bill this week.

#### Parity

The House and Senate have reached a deal on the mental health and addictions parity bill. Both chambers have been engaging in negotiations to bring the two bills closer together. Three outstanding issues have been resolved. They include:

- Pre-emption – this provision would defer to the current HIPAA standard.
- Out of network services – mental and substance use disorder services will be provided at parity when a plan provides out of network physical health services.
- Covered services – the mandated coverage for all DSM was dropped, however all mental health conditions and substance use disorders would be covered by mirroring the standard for mental health under the current federal parity law.

Though finding cost off sets still may need some work, both chambers are expected to move the bill in the coming weeks. NACBHDD will update members with further details and the process ahead.

### **ADA**

Last week the House Education and Labor and Judiciary committees marked up the ADA Restoration Act of 2007. The new language was negotiated between the disabilities and business groups and is intended to restore Congress' intent of the 1990 law. The measure may be taken to the House floor this week. The Senate has yet to indicate timing on the legislation. In addition, the two champions of the bill, Senators Edward Kennedy (D-MA) and Tom Harkin (D-IA), have been hesitant to sign off on the negotiated language. NACBHDD will keep members updated as activity progresses.

### **Housing**

The House Subcommittee on Housing and Community Opportunity held a hearing on "HR 5772, the Frank Melville Supportive Housing Investment Act of 2008". The bill will reform the Section 811 program to triple the number of affordable and accessible units the program produces. NACBHDD has been working with the Consortium for Citizens with Disabilities (CCD) Housing Task Force on this bill. A Senate companion has not been introduced.

For more information about this legislation, please see the Technical Assistance Collaborative (TAC) website: [http://www.tacinc.org/HH/Program\\_Policy/Section811Legislation.htm](http://www.tacinc.org/HH/Program_Policy/Section811Legislation.htm)

### **Medicare**

The House and Senate have been working on a Medicare bill to stall physician payment cuts that will take place June 30. In the last few weeks, the Senate was unable to move their legislation, however negotiations have continued between Senate Finance Committee chair, Max Baucus (D-MT) and Ranking member, Chuck Grassley (R-IA). Late Friday, the House announced their intentions to move ahead, possibly this week. Included in both bills is a provision that would phase down higher co-payments for mental health benefits in the Medicare program. Currently, beneficiaries pay a 50% co-payment for those benefits compared to 20% co-payment for other physical health benefits. NACBHDD will keep members updated as the bill moves through the House and Senate.