

## DC UPDATE

February 25, 2008

On Friday, February 22, 2008 the Centers for Medicare and Medicaid Services (CMS) issued two new proposed rules in the *Federal Register*. These two proposed rules will have a 30-day comment period. More details for submitting comments are contained in the attachments.

### State flexibility for Medicaid benefit packages:

The first *"proposed rule would implement provisions of section 6044 of the Deficit Reduction Act of 2005, Pub. L. 109-171, which amends the Social Security Act by adding a new section 1937 related to the coverage of medical assistance under approved State plans. Under this new section, States have increased flexibility under an approved State plan to define the scope of covered medical assistance by offering coverage of benchmark or benchmark-equivalent benefit packages to certain Medicaid recipients."* This is similar to benchmark packages that are used for the State Children's Health Insurance Program (SCHIP). States develop benchmark plans based on the following:

- The standard Blue Cross/Blue Shield preferred provider option service benefit plan under the Federal Employees Health Benefit Plan;
- State employee coverage;
- Coverage that is offered by the largest commercial health maintenance organization in the state; or
- Coverage approval by the Secretary of Health and Human Services.

To view the proposed rule, please check the link below.

<http://www.cms.hhs.gov/MedicaidGenInfo/Downloads/CMS2232P.pdf>

### Cost sharing and premiums:

The second proposed rule would *"implement and interpret the provisions of sections 6041, 6042, and 6043 of the Deficit Reduction Act of 2005 (DRA), and section 405(a)(1) of the Tax Relief and Health Care Act of 2006 (TRHCA). These sections amend the Social Security Act (the Act) by adding a new section 1916A to provide State Medicaid agencies with increased flexibility to impose premium and cost sharing requirements on certain Medicaid recipients. This authority is in addition to the existing authority States have to impose premiums and cost sharing under section 1916 of the Act. The DRA provisions also specifically address cost sharing for non-preferred drugs and non-emergency care furnished in a hospital emergency department."*

To view the proposed rule, please see the link below.

<http://www.cms.hhs.gov/MedicaidGenInfo/Downloads/CMS2244P.pdf>

Additional information will be forwarded when available.

## **Targeted Case Management Briefing**

On Wednesday, February 27, 2008 advocates will hold a briefing for Senate staff addressing the case management/targeted case management interim final rule. The briefing is an opportunity to educate members and their staff about the negative impact this rule will have if it goes into effect. Senators Debbie Stabenow (D-MI) and Amy Klobuchar (D-MN) are circulating a Dear Colleague letter asking

Senate offices to attend the briefing. We encourage you to contact your Senators and urge their staff to attend. The details are provided below.

### **Congressional Briefing-New Administration Rule Threatens Case Management Services for Vulnerable Populations**

**Wednesday, February 27th at 1:30 p.m.**

**Room 332 of the Russell Senate Office Building**

#### **NACBHDD Signs onto Medicaid Regulations Letter**

In recent weeks, NACBHDD has signed on to several letters urging Congress to delay implementation of recently proposed Medicaid regulations.

Most recently, NACBHDD joined 130 other advocacy groups in a letter sent to the House and Senate leadership urging them to pass and extend moratoria on a variety of recently proposed Medicaid regulations, including those on case management, the rehabilitative service option, and school-based services. A growing interest in the Medicaid regulations has brought together various organizations with diverse interests. A few of the groups signing the letter include the AFL-CIO, American Federation of Teachers and the International Union, United Auto Workers just to name a few. NACBHDD will keep members updated on any legislative and administrative activity.

To view the letter [click here](#).

#### **NACBHDD Legislative and Policy Conference to be held February 27-29, 2008**

NACBHDD will hold its Annual Legislative and Policy Conference this week in Washington, DC. The agenda includes a presentation from Dennis Smith, Director State Operations and Medicaid, CMS. Other presentations will address Veterans, Medicaid, corrections and housing issues. Check the NACBHDD website, [www.nacbhdd.org](http://www.nacbhdd.org), for more details.

As always, if you have any questions please contact Ellen Witman, [ewitman@nacbhd.org](mailto:ewitman@nacbhd.org) or Maeghan Gilmore, [mgilmore@nacbhd.org](mailto:mgilmore@nacbhd.org)