

DC Update

February 1, 2008

Economic Stimulus Package

The House and Senate addressed an economic stimulus package this week, though no final vote was taken in the Senate. Advocates had worked to include an increase for federal match for Medicaid; however neither the House version nor Senate amendments included such provision.

The House passed their stimulus package on January 29th. The Senate held a markup of the legislation on Wednesday January 30, 2008. Floor activity was expected Thursday, January 31, however, a vote has been postponed until next week due to Democratic presidential candidates schedules.

Medicaid

Targeted Case Management (TCM)

This week Representative Keith Ellison (D-MN) introduced legislation that would delay the implementation of the December 4, 2007 Interim Final Rule released by the Centers for Medicare and Medicaid Services (CMS) on Medicaid case management and targeted case management (TCM) services. The bill (HR 5173) would delay implementation of the regulation until April 1, 2009 and prohibits the Secretary of the Department of Health and Human Services from taking any action on the rule, *"through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy or practice, including a Medical Assistance Manual transmittal or issuance of a letter to State Medicaid directors."*

Representatives Jim Cooper (D-TN), John Duncan (R-TN), James Oberstar (D-MN), Jim Ramstad (R-MN), Elijah Cummings (D-MD), Betty McCollum (D-MN), Collin Peterson (D-MN) and Timothy Walz (D-MN) have signed on as original co-sponsors. The legislation has been referred to the House Committee on Energy and Commerce.

Senator Norm Coleman (R-MN) introduced similar legislation (S. 2578) on January 30, 2008. Co-sponsors include Senators Lamar Alexander (R-TN), Jeff Bingaman (D-NM), Benjamin Cardin (D-MD), Robert Casey (D-PA), Hillary Clinton (D-NY), Bob Corker (R-TN), Pete Domenici (R-NM), Amy Klobuchar (D-MN), Patrick Leahy (D-VT), Barbara Mikulski (D-MD) and Ken Salazar (D-CO). The bill has been referred to Senate Finance Committee.

NACBHDD has been working with other groups to seek a delay for the TCM regulation. In addition, we continue to collaborate with other advocates to extend moratoria for rules related to the rehabilitation services option and limiting costs to public providers.

TCM Interim Final Rule

Comments on the case management and targeted case management services interim final rule published in the *Federal Register* on December 4, 2007 are due to the Centers for Medicare and Medicaid Services (CMS) by 5pm EST Monday February 4, 2008. NACBHDD has submitted comments and signed on to comments created by the Consortium for Citizens with Disabilities, of which we are a member.

NACBHDD comments were sent to the membership via a list serve email on Wednesday January 23, 2008. If you have any questions, please feel free to contact NACBHDD staff. Instructions to submit comments are below.

<http://www.cms.hhs.gov/eRulemaking>

Click on the link "Submit electronic comments on CMS regulations with an open comment period." (Attachments should be in Microsoft Word, WordPerfect, or Excel; however, CMS prefers Microsoft Word.)

Self Directed Personal Assistance Services (Cash and Counseling) Proposed Rule

On January 18, 2008 the Centers for Medicare and Medicaid Services (CMS) issued a proposed rule for self-directed personal assistance services (cash and counseling). This provision stems from the Deficit Reduction Act of 2005 (DRA, P.L. 109-171). Section 6087 of the DRA allows states the option to provide payment for all of the cost of self-directed personal assistance services (PAS). Enrollment in the new state plan option is voluntary for individuals and the state must also provide traditional agency-delivered services if the beneficiary wishes to discontinue self-directed care. There is a 30-day comment period; comments are due February 19, 2008. See the proposed rule at:

<http://www.cms.hhs.gov/MedicaidGenInfo/Downloads/CMS2229P.PDF>

Community Mental Health Services Improvement Act

On January 29, 2008, the Community Mental Health Services Improvement Act (HR 5176) was introduced in the House by Representatives Gene Green (D-TX) and Timothy Murphy (R-PA). This legislation was introduced in the Senate in October of 2007. The legislation calls for the co-location of primary care services in community mental health settings and to support innovative programs for mental health workforce recruitment and retention.

On October 17, Senators Gordon Smith (R-OR) and Jack Reed (D-RI) introduced the Community Mental Health Services Improvement Act (S. 2182).

Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act (MIOTCRRIA)

On January 23, 2008 the House of Representatives passed the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act (MIOTCRRIA), H.R. 3992. The Senate Judiciary Committee is expected to hold a markup of their legislation (S. 2304) soon.

The bill was introduced by Representatives Bobby Scott (D-VA) and Lamar Smith (R-TX) and addresses the needs of both the criminal justice system and individuals with mental illnesses who come into contact with that system.

This legislation, which has received strong bi-partisan support in both the House and the Senate, will reauthorize the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA). Enacted in 2004, MIOTCRA created the Justice and Mental Health Collaboration Grant Program designed to help states and counties design and implement coordinated efforts between criminal justice and mental health systems. Through appropriated funds, the Bureau of Justice Assistance within the Department of Justice has awarded 53 communities in 35 states with additional resources to plan and implement collaborative efforts between criminal justice and mental health systems.

The new bill increases the authorization level of MIOTCRA from \$50 million per year to \$75 million per year and will extend the authorization through 2013. The bill will also reauthorize the mental health courts grant program, and require a study to be completed on the prevalence of mental illness in prisons and jails. Fiscal year 2008 appropriations level for this program is \$6.5 million.

ADA Restoration Act

The House Education and Labor Committee held a hearing on the ADA Restoration Act of 2007 (H.R. 3195) on January 29, 2008. The bill currently has 244 cosponsors. The Senate bill (S. 1881) was introduced last year by Senator Tom Harkin (D-IA) and includes cosponsors Senators Edward Kennedy (D-MA), Arlen Specter (R-PA) and Ted Stevens (R-AK).

Advocates are working to get this legislation passed in the House. The Education and Labor Committee may mark up the legislation in the coming weeks.