

VOLUME 13, ISSUE 1
JANUARY 2, 2008

MAJOR EVENTS LAST WEEK

Medicaid

On December 29, President Bush signed into law the Medicare, Medicaid, and SCHIP Extension Act of 2007. As noted in the *Capitol Insider* of December 21, the bill included a 6-month (until June 30, 2008) moratorium on restrictions on Medicaid payments for rehabilitation services or school-based administration and school-based transportation services. The new statutory moratorium prohibits the Secretary of Health and Human Services from taking *any action to impose any restrictions* on Medicaid payments for these services. This prohibition includes action through promulgation of regulation, issuance of regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice.

However, the Centers for Medicare and Medicaid Services had published a final regulation on the school-based administration and school-based transportation services on December 28, the day before the bill was signed into law. It is unclear what impact the timing of the bill signing will have on the CMS regulation or its implementation. The Arc and UCP, with other advocates, worked extremely hard with Members of Congress to enact the moratorium. The DPC will continue to monitor this issue and will report any new developments as soon as possible. The 12/28 regulation can be found at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/07-6220.pdf>.

In other action on December 28, CMS announced the abolishment of its 10 regional offices and the establishment of four consortia. The newly established consortia are:

- Consortium for Medicare Health Plans Operations;
- Consortium for Financial Management and Fee for Service Operations;
- Consortium for Medicaid and Children's Health Operations; and
- Consortium for Quality Improvement and Survey and Certification Operations.

While there is no general explanation of these administrative changes, it is clear that the new Consortium for Medicaid and Children's Health Operations will be the focal point for all CMS activities relating to the Medicaid program, including serving as the point of contact for all state and local officials on the Medicaid program and the home and community based waiver. The *Federal Register* announcement provides further details about the responsibilities of each of the four new consortia:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-25305.pdf>.

Social Security

The public comment period closed on December 28 for the notice of proposed rulemaking on amendments to the Social Security appeals process. Overall, more than 400 comments were submitted. There was significant Congressional interest by key Members of Congress. A comments letter was submitted on December 20th that was signed by eleven Chairs of key House Committees and Subcommittees, including Ways and Means, Judiciary, and Energy and Commerce. The Consortium for Citizens with Disabilities submitted comments on behalf of 31 national organizations. The DPC submitted comments on behalf of The Arc of the United States and United Cerebral Palsy (which will be posted on the websites of The Arc and UCP) supporting the CCD comments. A fact sheet, a copy of the House letter, and a copy of a letter from Senator Harkin (D-IA) can be viewed on the House Ways and Means website: <http://waysandmeans.house.gov/ResourceKits.asp?section=2593>.

NIH

On December 21, President Bush signed P.L. 110-154 to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

MAJOR EVENTS AHEAD

The Return of the 110th Congress

The New Year has begun although Congress will not be in session until later in the month. The House is schedule to return on January 15th, and the Senate a week later on the 22nd. In the meantime, Senate Democratic leadership will be holding *pro forma* sessions nearly every other day until their return. Pro forma sessions, brief meetings which satisfy constitutional requirements conducting little or no official business, prevent the White House from making recess appointments. Although lawmakers have not yet returned, DPC staff will continue to meet with congressional staff and maximize this key, less hectic period.

Emergency Preparedness

DPC staff and other members of the CCD Task Force on Emergency Management will meet this week with members of the Department of Homeland Security, FEMA, and the National Council on Disability for an after-action meeting on TOPOFF 4. Top Officials 4 (TOPOFF 4), executed on October 15-19, 2007, was the Nation's fourth terrorism preparedness exercise, involving top officials at every level of government, as well as representatives from the international community and private sector. We will be reviewing the inclusion of, response to, and collaboration with the disability community during this exercise.

ADA Restoration

The ADA Restoration Act ([H.R.3195](#) and [S. 1881](#)) continues to move forward. The House has added four new cosponsors for a total of [242](#) and maintained its solid bipartisan support. The Chamber of Commerce sent another letter to members of Congress just before the holiday with additional co-signatures from related trade organizations. The DPC and other CCD partners will maximize the tail end of Congressional recess to meet with staff, educate on the issue, and dispel the grievances voiced by the business community.

<http://www.thomas.gov/cgi-bin/query/z?c110:H.R.3195:>

<http://www.thomas.gov/cgi-bin/query/z?c110:S.1881:>

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:HR03195:@@@P>

ANNOUNCEMENTS

Disability Policy Seminar

The Disability Policy Seminar is just 8 weeks away—Register now!

<http://www.thearc.org/NetCommunity/Page.aspx?&pid=1642&srcid=183>

The Seminar brochure (including on line registration instructions), registration form for mail/fax, and “Program-at-a-Glance” are now available for distribution.

Participants are strongly encouraged to register and make hotel reservations early to receive the discounted rate and ensure attendance at the 2008 Seminar. We are expecting to reach full capacity once again at the 2008 Seminar.

DPC Conference Calls

The quarterly conference call schedule for the first quarter of 2008 have been set. Calls were changed to Wednesdays at 4 pm EDT to accommodate events related to the upcoming Disability Policy Seminar. The call schedule for the first quarter of 2008 is:

- Jan 9 and 23
- Feb 6 and 20
- March 12 and 26