

VOLUME 13, ISSUE 17
APRIL 28, 2008

ACTION ALERTS



ACTION ALERTS are messages for you to send to elected officials and need your IMMEDIATE RESPONSE. Click on the link(s) below to take action on current DPC action alerts.

NEW

[The Medicaid Regulations Moratorium Bill - The Good News: Bill Passed the House. The Bad News: Bill Facing Obstacle in the Senate](http://ucpact.convio.net/site/MessageViewer?em_id=1481.0)
http://ucpact.convio.net/site/MessageViewer?em_id=1481.0

Please Call Your Senators ASAP before April 29
toll free: 1-800-828-0498

MAJOR EVENTS LAST WEEK

Prevention

The President signed the Newborn Screening Saves Lives Act of 2007 into law. The law (P.L. 110-204) authorizes funding to help states expand and improve their screening programs, provide educational materials to families and improve follow-up care and treatment of newborns who screen positive for several conditions.

Genetic Discrimination

[The Genetic Information Nondiscrimination Act of 2007 \(GINA, H.R. 493\)](http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.0493/) passed the Senate 95-0 under the leadership of Senators Snowe (R-ME) and Kennedy (D-MA). Senator Kennedy called GINA, the “first major piece of civil rights legislation of this century.” This legislation would prohibit employers from using genetic screening results in hiring, assignment or promotion decisions. Similarly, it would prohibit health insurance companies from denying coverage or increasing premiums based on genetic testing results. The hope is that with the fear of discrimination gone, doctors will be able to screen for diseases before they manifest, catching cancers and heart conditions before they become costly, serious conditions.

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.0493/>

Medicaid

Despite a White House veto threat, the House of Representatives, by a vote of 349-62, passed the [Protecting the Medicaid Safety Net Act of 2008 \(H.R. 5613\)](#). This bill places a one year moratorium on seven Medicaid regulations including the rehab option, case management and school based services/transportation rules. This margin is well over the two-thirds needed to override a Presidential veto. The day after the House vote, several Republican Senators circulated a letter to Minority Leader Mitch McConnell (R-KY) urging the Senate to reject the House bill. Senate Majority Leader Harry Reid (D-NV) has “fast-tracked” the legislation, putting it on the Senate floor calendar bypassing Finance Committee consideration.

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.05613/>

The National Conference of State Legislatures met in Washington, DC on April 25 and 26. Top issues for the legislators included the seven Medicaid regulations proposed or issued by the Centers for Medicare and Medicaid Services along with looming budget deficits in at least 23 states. States are supporting efforts to block the seven Medicaid regulations because of the huge budget implications at the state and local levels. NCSL Executive Director William Pound indicated that the Medicaid regulations “would save the federal government a good deal of money, but would either knock off populations (from the rolls) or cost the states a significant amount of money.”

Social Security

The House Ways and Means Committee held a hearing on Wednesday on the resource shortages of the Social Security Administration and the backlog in deciding disability cases on appeal. The hearing lasted for over four hours, with most of the Committee’s 41 members participating at some point. Social Security Administration Commissioner Michael Astrue spoke frankly about the resource limitations, the backlogs in disability hearings, hiring of 175 new Administrative Law Judges, and steps being taken to reduce the waiting times and improve service to the public. The DPC’s Marty Ford joined 4 other witnesses for the second panel and presented testimony on behalf of the Consortium for Citizens with Disabilities which included numerous accounts of individual claimants with disabilities whose lives had fallen apart while waiting for a hearing on their appeals. Members of the Committee expressed deep concerns about the backlogs and the impact on claimant’s lives. Their questions focused primarily on what is needed to resolve the problems. You can read the testimony at:

<http://waysandmeans.house.gov/hearings.asp?formmode=detail&hearing=626>

No Child Left Behind Act

The U. S. Department of Education published proposed regulations in the Federal Register of April 23 to improve academic achievement under NCLB. Since it is highly unlikely that NCLB will see any legislative changes this year, the Department has been modifying the implementation of the law through regulatory reforms. Public comments on the rules will be accepted by June 23. See the proposed rule at:

<http://www.ed.gov/legislation/FedRegister/other/2008-2/042308a.html>

Key provisions in this set of proposed rules include the establishment of a national uniform graduation rate, requiring incoming freshmen to graduate within four years. States will be able to request modifications of this timetable for certain students, including some students in special education. Other provisions strengthen parental notification about school choice and the availability of supplemental education service options on a more timely basis.

The DPC will be developing comments on these proposed regulations and sharing them with affiliates and chapters prior to the comment deadline.

ADA Restoration

Considerable work continues between the disability and civil rights groups and the business community. All sides are vigorously working to reach an agreement on bill language and content in an effort to successfully move this much needed legislation through Congress. By achieving language that is supported by both the disability groups and the business community, lawmakers who remain uncommitted or tentative may have the consensus they've been looking for to restore the ADA.

Transportation

The Senate Commerce, Science and Transportation Committee approved the [Over-the-Road Bus Transportation Accessibility Act \(H.R. 3985\)](#) on Thursday. This legislation would give the Department of Transportation authority to consider bus accessibility when granting commercial licenses. The House has already passed similar legislation.

[http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.03985:/](http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.03985/)

MAJOR EVENTS AHEAD

FY 2009 Budget Resolution

House and Senate leaders continue working in an attempt to create a compromise FY 2009 Budget Resolution that would garner sufficient votes for passage. Various factions in each party are insisting on provisions, such as PAYGO for any spending increase or tax increase, that make it practically impossible to attain the necessary votes for passage.

Genetic Discrimination

[The Genetic Information Nondiscrimination Act of 2007 \(GINA, H.R. 493\)](#) is slated for a revote in the House due to modest Senate revisions. GINA has received strong bipartisan support in the House in the past. House Majority Leader Steny Hoyer (D-MD) said the bill would get a vote this week, and champions of the bill say they've received assurances by the White House of the President's signature.

[http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.0493:/](http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.0493/)

Medicaid

The Senate may vote on the [Protecting the Medicaid Safety Net Act of 2008 \(H.R. 5613\)](#). Despite the strong vote in the House, there is considerable Republican opposition to the legislation in the Senate. Finance Committee Ranking Member Charles Grassley (R-IA) has stated that the Medicaid regulations should be implemented. Senate Minority Leader Mitch McConnell (R-KY) has also voiced strong opposition to the moratoria bill. <http://www.thomas.gov/cgi-bin/bdquery/z?d1110:h.r.05613:/>

Transportation

The Southwest ADA Center is sponsoring the fifth and final webcast on ADA paratransit. The webcast will be on Wednesday, April 30th, at 3:00 p.m. Eastern Daylight Time and will again feature Marilyn Golden of the Disability Rights Education and Defense Fund (DREDF). Topics will include: making fixed route systems fully accessible and the impact on paratransit; the commuter bus exception; the ADA paratransit service criteria; and capacity constraints including trip denials, paratransit reservation telephone hold times, and subscription service issues. To view this webcast and download accompanying materials visit: <http://www.ilru.org/html/training/webcasts/calendar.html>

Technology

The House Subcommittee on Telecommunications and the Internet will hold a hearing entitled, "Draft Legislation Enhancing Access to Broadband Technology and Services for Persons with Disabilities" on May 1 at 9:30 a.m. Witnesses will be testifying regarding their concerns about the absence of hearing aid compatibility of "Internet" phones, a lack of video description on television, so little captioning of Internet videos, the absence of funds for phone equipment for deaf-blind persons, and about other inaccessible communication technologies. To watch this hearing on the Internet, go to the Committee website and click on "Connect to the Video Webcast" the morning of the hearing.

ANNOUNCEMENTS

Report on Disability Data

The National Council on Disability (NCD) released a report last week entitled "Keeping Track: National Disability Status and Program Performance Indicators." This report is the result of a year-long effort by NCD to identify valid federal data and to describe the status of the U.S. population of Americans with disabilities. For more information visit: http://www.ncd.gov/newsroom/publications/2008/Indicators_Report.html

Report on Medicaid Regulations

Families USA has issued several state specific reports entitled "Bad Medicine: The President's Medicaid Regulations Will Weaken State Economies." Thus far, reports which quantify the state impact of the regulations have been published for California, Colorado, Connecticut, Illinois, Iowa, Michigan, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, and Wisconsin. The reports can be accessed at: <http://www.familiesusa.org/resources/publications/reports/bad-medicine.htm>.

ADAPT Event

ADAPT is in Washington, DC from April 26 to May 2 for a series of events to celebrate 25 years of activism, progress, and victories. Originally focused on transportation, and begun locally in Denver as Americans Disabled for Accessible Public Transit, ADAPT now focuses much of its efforts on eliminating the institutional bias in the Medicaid program, moving people from nursing homes to the community, and passage of the Community Choice Act (S. 799, H.R. 1621). On Tuesday, ADAPT will announce its lists of "Ten Worst" and "Ten Best" states for community services, along with 5 "honorable" mentions for each category. The week's activities will include a day-long celebration at the Holiday Inn Capitol Hill on May 1.

Employment Webcast

The webcast and text of the Fourth Annual Tony Coelho Lecture in Disability Employment Law & Policy are now available at the Coelho Lecture's web site at www.nyls.edu/coelho. In the webcast, Senator Richard Durbin (D-IL) delivers a speech about the employment of people with disabilities, calls for the federal government to do more, and discusses the importance of the ADA Restoration Act.