

**VOLUME 13, ISSUE 8**  
**FEBRUARY 19, 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.

Last week a targeted action alert was sent to chapters of The Arc and affiliates of UCP regarding the Medicaid amendment to the Indian Health Services Bill. The alert expired later in the day when the vote took place.

## **MAJOR EVENTS LAST WEEK**

### Economic Stimulus

**President Bush signed into law the economic stimulus package on February 13.** Tax rebate checks for eligible low to middle income individuals and families are expected to be mailed starting in the spring.

### Medicaid

**By voice vote, the Senate approved an amendment to the Indian Health Services bill offered by Senators Norm Coleman (R-MN), Barbara Mikulski (D-MD) and Amy Klobuchar (D-MN).** This amendment would impose a one year moratorium on the Centers for Medicare and Medicaid Services (CMS) case management/targeted case management interim final rule. The rule is expected to be released in final form on March 3. Senate Majority Leader Harry Reid (D-NV) announced that a [cloture](#) vote on the Indian Health Services bill would be held the week of February 25<sup>th</sup> in order to proceed to a vote on final passage of the bill. Read Senator Mikulski's statement on the Medicaid amendment at <http://mikulski.senate.gov/record.cfm?id=292971>

### Medicare

**The Bush Administration sent a Medicare proposal to Congress in compliance with a Medicare "trigger" provision included in the Medicare Modernization Act of 2003.**

The provision requires the President to propose, and Congress to consider, changes to the Medicare program whenever Medicare spending exceeds certain budgetary thresholds in consecutive years, as has occurred in each of the last two years. The Administration's proposal includes requiring means testing for the Medicare Part D prescription drug program, the development of health information technology for electronic medical records and e-prescribing, pricing and service quality transparency, patient access to provider information and access to Health Savings Accounts and the medical malpractice provision the Administration has offered for the past several years.

## ADA Restoration

**The DPC and other members of the disability community met with staff of the Department of Justice (DOJ).** In a recent letter to Congress, the DOJ strongly opposed the ADA Restoration Act. While acknowledging the ADA needed improvement, the DOJ, which enforces the ADA, said, "[the bill] would dramatically increase unnecessary litigation, create uncertainty in the workplace, and upset the balance struck by Congress in adopting the ADA." The Department suggested that the appropriate fix for the ADA would be to restore the damage done by *Sutton vs. United Airlines* which concluded that an individual requesting protection under the ADA would be considered in their "mitigated state." This means that if an individual with a disability managed his/her condition well with medication or devices, he/she would not be considered disabled in the eyes of the law. While a step forward, the DPC and others strongly voiced that this proposed solution falls short of protecting all individuals with disabilities who Congress intended to protect. The DOJ's suggested solution would do nothing to protect people with intellectual and developmental disabilities, others without mitigating measures, and those who need to prove their disability affects "a major life activity" to bring their claim forward in a court of law.

## **MAJOR EVENTS AHEAD**

### U.S. Congress

**The Congress is in a week long Presidential Day recess.** During the recess, Congressional leaders will be devising strategy to move priority bills, including the Fiscal Year 2009 Budget Resolution, in a bipartisan manner.

### Medicaid

**The Arc and UCP will submit comments today on a notice of proposed rulemaking (NPRM) published by CMS which addresses the new Section 1915(j) state option for self-directed personal assistance services, also known as "cash and counseling".** The new state option was added to the Medicaid program through the Deficit Reduction Act of 2005. The purpose of the proposed regulations is to spell out the requirements that states must meet in offering the self-directed, or cash and counseling, option to eligible Medicaid beneficiaries. DPC staff notes that the NPRM is generally very positive, but that there are a few areas which would benefit from clarification or data collection. The NPRM can be viewed at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20081800/edocket.access.gpo.gov/2008/pdf/08-115.pdf>

## ANNOUNCEMENTS

### Disability Policy Seminar

**Nearly 500 individuals are already registered for the Disability Policy Seminar that starts in less than two weeks.** There is still ample room for additional registrants. Registrants are encouraged to view a state by state list of participants which is posted on the United Cerebral Palsy and The Arc websites. Hill visits to the offices of Members of Congress should be made before Seminar participants travel to DC. For all Seminar information, including lists of registrants by state, please see: <http://www.thearc.org/NetCommunity/Page.aspx?&pid=1642&srcid=183> and [http://www.ucp.org/ucp\\_generalsub.cfm/1/8/12477](http://www.ucp.org/ucp_generalsub.cfm/1/8/12477)

### Medicaid Regulations Paper

**The Center on Budget and Policy Priorities has published a new paper, “Administration’s Medicaid Regulations Will Weaken Coverage, Harm States, and Strain Health Care System.”** The paper can be accessed at <http://www.cbpp.org/2-13-08health.htm>.

### Leadership Institutes

**The National Leadership Consortium on Developmental Disabilities announced its spring and summer 2008 Leadership Institutes.** Participants may work in areas of management or program leadership in organizations that provide, advocate for, or fund supports for people with developmental disabilities and their families. Week-long intensive programs will be offered from April 27 to May 2 (application due by February 25) and July 20 to July 25 (application due May 5) in Newark, Delaware. For more information, see [www.nlcdd.org](http://www.nlcdd.org)

### DPC Staff Travel

**DPC Staff Director Paul Marchand travels to Albany to address the NYSARC Legislative Conference.**