



FAMILY VOICES[®]

Washington DC Update
July 11, 2018

Greetings from Washington!

Congress was out of session last week so it was a bit quieter than usual inside the beltway -- not counting the fireworks over the Washington Monument on the 4th of July. Things got louder on Monday night, though, when the president announced his nominee for the Supreme Court, Brett Kavanaugh. In the health policy world, the big news is the administration's announcement that it will not be providing the next round of "risk adjustment" payments to insurers. Advocates fear that this will cause an increase in 2019 insurance premiums beyond those that might occur anyway. Read an explanation of this issue and more in this week's Update.

UPCOMING WEBINARS AND CALLS

(All topics; in chronological order, by first webinar in a series where applicable.)

[NEW Redesigning Health and Social Systems for the Cheyenne River Sioux Tribe Using Community-Engaged Decision-Making](#)

Wednesday, July 11, 12:00-1:00 ET

Systems for Action National Coordinating Center

[NEW Messages and Audiences](#)

Wednesday, July 11, 2:00-3:00 ET

CDC's Crisis & Emergency Risk Communication (CERC)

[NEW Exploring Applications of the Child Opportunity Index](#)

Wednesday, July 11, 2:00-3:00 ET

Children's Hospital Association

[NEW Marketplace Assister Webinar](#)

Wednesday, July 11, 2:00-3:30 ET

Centers for Medicare and Medicaid Services (CMS)

[Leveraging Digital Tools to Treat Patients along the Continuum of Care](#)

Wednesday, July 11, 2:00-3:00 ET

FierceHealthCare/Appian (one presenter is from Nemours Children's Hospital)

NEW Hearing: Examining the Importance of Paid Family Leave for American Working Families

Wednesday, July 11, 3:00 ET

U.S. Senate Committee on Finance

The Committee will examine current legislative options regarding paid family leave, such as the [Family and Medical Insurance Leave \(FAMILY\) Act \(S.337\)](#)

Adverse Childhood Experiences: Implications for Policymakers and Practitioners

Wednesday, July 11, 4:00-5:00 ET

[The Dibble Institute](#)

NEW Supporting a New Generation of Caregivers

Thursday, July 12, 2:00-3:00 ET

Coalition to Transform Advanced Care (C-TAC)

Assistive Technology Resources for Family Caregivers and Respite Care Providers Announced

Thursday, July 12, 2:00-3:00 ET

The AT3 Technical Assistance and Training Center

Where the Magic Happens: A Guide to Grassroots Organizing for Consumer-Driven Delivery Reform!

Thursday, July 12, 2:00-3:00 ET

Community Catalyst Center for Consumer Engagement in Health Innovation

To learn about the guide, [Where the Magic Happens: A Guide to Grassroots Organizing for Consumer-Driven Delivery Reform!](#)

NEW Webcast: U.S. Senator Susan Collins on Addressing Rising Drug Prices

Monday, July 16, 11:30-12:30 ET

The Pew Charitable Trusts

Putting Medicaid to Work

Tuesday, July 17, 1:00-2:00 ET

USC Annenberg Center for Health Journalism

NEW EPSDT Education for Providers and Advocates

Wednesday, July 18, 1:00-2:30 ET

Georgetown Center on Children and Families and the American Academy of Pediatrics

NEW The Game-Changing Impact of Empowering Patients with Health Data

Thursday, July 19, 1:00-2:00 ET

FasterCures, the Milken Institute

Cannabidiol (CBD) Use in Pediatric Treatment-Resistant Epilepsy

Thursday, July 19, 3:00-4:00 ET

Family Voices of California

NEW A Conversation on Care Coordination for Children with Medical Complexity: Whose Care Is It, Anyway?

Thursday, July 26, 1:00-2:00 ET

Lucile Packard Foundation for Children's Health

NEW Collaborating with Non-Traditional Partners to Develop Diverse Family Leaders

Thursday, July 26, 1:30-2:30 ET

National Center for Family Professional Partnerships (a project of Family Voices)

NEW Health and Human Services Partnership Success Story

Tuesday, July 31, 3:30-4:30 ET

Alliance for Strong Families and Communities

THE COURTS

Supreme Court Nomination

On Monday, the president [announced](#) his nominee for the Supreme Court vacancy to be left by the retirement of Justice Anthony Kennedy – Brett Kavanaugh. Mr. Kavanaugh is currently a federal judge for the District of Columbia Court of Appeals, considered one of the most important courts in the country because it hears many cases related to federal laws and regulations. For more information about Mr. Kavanaugh, see the [White House statement about him](#) and [Who is Brett Kavanaugh, Trump's Supreme Court nominee?](#) (PBS News Hour, 7/9/18).

The Senate will now consider whether to confirm Mr. Kavanaugh. Given the expected absence of Senator McCain (R-AZ) due to illness, 50 Republican and 49 Democratic Senators are expected to vote. Only a simple majority of 50 votes will be needed for confirmation because the Senate no longer permits filibusters for judicial nominations. (To break a filibuster, 60 votes are needed.) Some advocates for abortion rights are hoping that either Senator Susan Collins (R-ME) or Senator Lisa Murkowski (R-AK) will decide to oppose the nomination based on their support for a woman's "right to choose," first established in 1973 in [Roe v. Wade](#). If all the Republican Senators stick together, however, Kavanaugh should be confirmed. See [Democrats Have Few Tactical Options to Fight Supreme Court Pick](#) (Roll Call, 7/10/18).

THE ADMINISTRATION

Family Separations at the Border

As explained in the last Update, the president issued an [Executive Order](#) on June 20 to end the administration's practice of separating immigrant children and families who enter the US at the southern border. In addition, a [federal court ordered](#) that children under age five be reunited with their families by July 10, and that all other children be reunited with their families by July 26. Reportedly, about half of the approximately 100 young children will be reunited by the July 10 deadline. The children and families will then be released into the U.S. pending their immigration

proceedings. See [U.S. Will Reunite and Release Over 50 Immigrant Children](#) (Associated Press, 7/10/18); [More than 50 Separated Children to be Reunited with Parents Tuesday](#) (Washington Post, 7/9/18).

CONGRESS

Congress was on recess last week, but here is some news from the week before:

Palliative Care Bill Approved by House Subcommittee

On June 27 the Health Subcommittee of the House Energy & Commerce Committee approved by voice vote the Palliative Care and Hospice Education and Training (PCHETA) Act ([H.R. 1676](#)). It will now go to the full committee. As summarized in the subcommittee's [background memo](#), the bill would direct HHS to award grants to improve the training of health professionals in palliative care; increase education and awareness about the benefits and services of palliative care, and enhance research on palliative care through leveraging existing authorities and funds at the National Institutes of Health (NIH). The bipartisan bill has 282 cosponsors, in addition to sponsors Eliot Engel (D-NY), Tom Reed (R-NY), and Earl Carter (R-GA). An identical bill ([S. 693](#)) has been introduced in the Senate by Senator Tammy Baldwin (R-WI) and Shelley Moore Capito (R-WV).

MEDICAID AND CHIP NEWS, INFORMATION AND RESOURCES

Medicaid work requirements

As reported in the July 3 Update, a federal district court invalidated the waiver that the Department of Health and Human Services (HHS) had granted to Kentucky to allow the state to establish work requirements as a condition of Medicaid eligibility. The court's ruling was based on the fact that the administration failed to consider a "salient factor" in deciding to grant a waiver -- the waiver's impact on furnishing medical assistance -- and remanded the waiver application to HHS for proper evaluation. CMS Administrator Seema Verma [said](#) that the agency will be conferring with the Department of Justice to consider next steps. For more information about this case and other states' work requirements, see [Stewart v. Azar and the Future of Medicaid Work Requirements: What Are the Takeaways, and What Happens Next?](#) (Blog of the Commonwealth Fund, 7/3/18) and [Despite U.S. Court's Ruling, Medicaid Work Requirements Advance In Other States](#) (Kaiser Health News, 7/2/18).

EVV Good-Faith-Effort Exemption Requests

Beginning on January 1, 2019, states will be required to use electronic visit verification for Medicaid home visiting services, but states may apply for a 1-year delay through the 'good-faith' exemption. On June 28, 2018, CMS posted a [clarification regarding the process of applying for this exemption](#).

WORTH REPEATING: Informational Bulletin on Medicaid Home and Community-based Services

As [announced](#) on June 28, the Centers for Medicare & Medicaid Services (CMS) released an [Informational Bulletin](#) on ensuring the health and welfare of individuals receiving Medicaid-funded Home and Community Based Services (HCBS). The Centers for Medicaid & CHIP Services (CMCS) Informational Bulletin follows up on a joint report issued in January 2018 by the Office of Inspector General, the Office of Civil Rights, and the Administration for Community Living, focusing on individuals with developmental disabilities living in group homes. The Informational Bulletin addresses one of the

three suggestions in the Joint Report: to encourage states to implement compliance oversight programs for group homes and regularly report to CMS.

MEDICAID RESOURCE

Medicaid Social Media Toolkit

The American Association on Health & Disability has developed a [social media toolkit for Medicaid](#). The toolkit provides sample social media posts as well as graphics and relevant hashtags which can be combined to underscore the importance of the Medicaid program, particularly for people with disabilities. The toolkit also provides lists of social media accounts to follow, digital materials, and Medicaid statistics. The toolkit is available on the website of the [National Disability Navigator Resource Collaborative](#), where it can be downloaded as a zip drive.

AFFORDABLE CARE ACT (ACA)

CMS to Withhold Risk-Adjustment Payments to Insurers

On Saturday, July 7, CMS [announced](#) that it will not be making the "risk adjustment" payments to insurers as prescribed by the ACA. This decision was based on a February 28, 2018, court ruling that bars the current formula for collecting and issuing these payments to insurance companies. The risk-adjustment payments are intended to prevent adverse selection by consumers, and risk selection ("cherry-picking") by insurance companies by redistributing funds from plans with lower-risk enrollees to plans with higher-risk enrollees. See [Explaining Health Care Reform: Risk Adjustment, Reinsurance, and Risk Corridors](#) (Kaiser Family Foundation, 8/17/16). The major insurance trade association (America's Health Insurance Plans) released a [statement](#) expressing concern that withholding the risk adjustment payments will lead to higher insurance premiums due to insurers' uncertainty at the time they must set 2019 rates. See [Trump Administration Freezes Payments to Affordable Care Act Insurers with Sicker Patients](#) (Fortune, 7/8/18).

New Application/Renewal Process for the Certified Application Counselor (CAC) Program

The Centers for Medicaid and Medicare Services (CMS) is implementing a new application and renewal process for [Certified Application Counselor Designated Organizations](#) (CDOs). Any organization seeking to become a [Certified Application Counselor](#) (CAC) for Plan Year 2019 must apply to become a CDO. Existing CDOs that fail to reapply during the CAC Program re-application window will be de-designated and will not be permitted to certify CACs or assist consumers. In preparation for the next Open Enrollment Period, the **deadline to submit an application to become a CDO is September 14, 2018.** The CDO Application can be accessed [here](#).

TRICARE

[Moving this Summer? Your TRICARE Options May Change](#)

(TRICARE Benefits Update, 6/27/18)

Moving is a [Qualifying Life Event](#) (QLE). It doesn't change your TRICARE eligibility, but it may change your TRICARE health plan options.

[Summer Travel: Getting Care While Overseas](#)

(TRICARE Benefits Update, 7/5/18))

TRICARE covers you when you travel on business or take a vacation with family. When traveling overseas, you should know what to do in the event of illness or other health issues.

YOUR INPUT SOUGHT

[Listed in order of due date.]

NEW Best Practices in Guardianship

[@SenateAging](#) is taking comment on best practices in guardianship through July 20, 2018, to inform a report they are producing. Email comment@aging.senate.gov. Topics include data collection, avoiding exploitation by guardians, removing guardianships when no longer needed, and others. (Thanks to Jennifer Akers)

Research Survey for Caretakers of Women with Intellectual and Developmental Disabilities

A researcher at Brandeis University is conducting a study on sexual and reproductive health care for women with intellectual and developmental disabilities. She is seeking family caregivers of such women to complete an [online survey](#). The goal of the survey is to understand the perspectives and experiences of family caregivers about sexual and reproductive health care for women with intellectual and developmental disabilities. The survey is available [here](#).

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We would love to hear any suggestions you might have about how to make the Update more useful to you. Does it provide the right amount of information? What parts are helpful and not so helpful? Please let us know!

And, as always, please feel free to contact us with any questions. Comments and questions can be directed to jguerney@familyvoices.org.

Yours truly,
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Family Voices

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