



FAMILY VOICES[®]

Washington DC Update
January 23, 2020

Greetings from Washington, DC!

The big news in the health policy world this week was the announcement by the Supreme Court that it will not take up, *on an expedited basis*, the case challenging the constitutionality of the Affordable Care Act. The Court has not yet decided whether to hear the case later. On the regulatory front, there are some very important proposed regulations on which comments are due soon: one on the frequency of disability determinations for SSI and Social Security disability insurance (comments due January 31); and another on financing for the state share of Medicaid (comments due February 1). (Please see “Your Input Sought,” below.) In addition, the Centers for Medicare and Medicaid Services has issued a [Request for Information](#) on “Coordinating Care from Out-of-State Providers for Children with Medically-Complex Conditions,” on which comments are due on March 23. On the legislative front, no bills will be considered in the Senate for a while, as Senators are (figuratively) tied to their desks - in silence, and [without electronics](#) - during the impeachment proceedings. (Although eating is technically forbidden on the Senate Floor, there is a “[candy desk](#),” which traditionally is stocked by a Senator from Pennsylvania, home of Hershey’s and lots of other candy makers). In other news, the American College of Physicians has recommended that the nation adopt a single-payer healthcare system or a public insurance option to complement private health insurance. Check out the webinars happening today, and other news, in this week’s Update.

UPCOMING WEBINARS AND CALLS

TODAY [Family Engagement and Leadership: Strengthening Systems, Services, and Communities](#)

Thursday, January 23, 1:30-3:00 pm ET

SAMHSA TA Network

TODAY [Strategies to Increase Financial Fitness with an ABLÉ Account](#)

Thursday, January 23, 2:00 pm ET

ABLE National Resource Center

TODAY Promising Practices in Social Determinants of Health Capacity Building: [Just Wanna Live My Best Life – Shaping Medicaid HCBS to Fit the Individual Priorities of Self-Advocates](#)

Thursday, January 23, 3:00-4:30 pm ET

Administration for Community Living and the Centers for Medicare and Medicaid

NEW Healthcare's Patient Engagement Journey

Friday, January 24, 3:00-4:00 ET

[Patient and Family-Centered Care Partners](#)

Social Determinants of Health: Technology and Workforce Approaches

Monday, January 27, 1:00-2:30 pm ET

The National Institute for Health Care Management (NIHCM) Foundation

NEW Assessing Culturally Appropriate Treatment in Communities of Color: Role of Providers to Improve Quality of Care for OUD

Tuesday, January 28, 12:00-1:00 pm ET

HHS Office of Minority Health

Moving up the Ladder: Authentic Youth Engagement for Policy and Systems Change

Tuesday, January 28, 2:00-3:30 pm ET

SAMHSA TA Network

Genuine Resilience is Closer (and Easier) Than You May Think

Wednesday, January 29, 2:00 pm ET

National Caregiver Alliance

NEW Communication Partnerships for Public Health Emergencies

Wednesday, January 29, 1:00-2:00 pm ET

Centers for Disease Control and Prevention (CDC)

NEW From Coverage to Care: How to Use Health Coverage

Thursday, January 30, 1:00-2:00 pm ET

CMS Office of Minority Health

NEW Ask TRICARE

Thursday, January 30, 1:00-2:00 ET

TRICARE/ Military OneSource

For more information, see [Bring Your TRICARE Benefit Questions to Jan 30 Webinar](#).

SERIES Person-Centered Planning and Practice

National Quality Forum/Administration for Community Living; Centers for Medicare and Medicaid Services

- **Monday, February 3, 12:30-3:00 pm ET**
- **Monday, June 1, 1:00-3:30 pm ET**
- *[past] Friday, September 6, 2019*
- *[past] Friday, December 13, 2019*
- *[past] Monday, January 6*

Special Enrollment Periods (ACA)

Thursday, February 6, 2:00 pm ET

Health Reform: Beyond the Basics/Center on Budget and Policy Priorities

NEW Family Caregiving Policies and Innovations

Thursday, February 20, 2:00 pm ET

RAISE Family Caregiver Resource and Dissemination Center, National Academy for State Health Policy (NASHP)

REACH for Transition: Developing Independence: Supported Decision-Making, Part 1: Helping Youth/Youth Adults Take Charge of Their Healthcare

Tuesday, February 25, 12:00-1:00 pm ET

SPAN Parent Advocacy Network

Marketplace Appeals Process (ACA)

Tuesday, February 25, 2:00 pm ET

Health Reform: Beyond the Basics/Center on Budget and Policy Priorities

NEW Parent Peer Support Providers: Roles Across Systems and Service Level Intensity

Thursday, February 27, 3:00-4:30 pm ET

Substance Abuse and Mental Health Services Administration (SAMHSA) TA Network

THE COURTS

ACA Case (Texas v. US, now California v. Texas)

On January 21, the Supreme Court announced that it *will not do an expedited* review of the case challenging the constitutionality of the Affordable Care Act (ACA). It is still possible that the Court will review the case, but it will not have time to hear oral arguments or make a decision until its next term. Therefore, a decision would come after the 2020 presidential election. The case, previously known as Texas v. Azar or Texas v. US, is now called **California v. Texas** (and is joined with US House of Representatives v. Texas).

The current status of the case: the federal district-court judge who originally found the entire ACA to be unconstitutional is reconsidering that finding. He was ordered by the federal circuit court of appeals to determine which parts of the ACA, if any, must be deemed unconstitutional in light of the appeals court affirming the district court holding that the “individual mandate” is unconstitutional. See [Supreme Court Declined to Hear Case Challenging Legality of ACA](#) (FierceHealthcare, 1/21/2020); [Court Will Not Fast-Track ACA Petitions](#) (SCOTUSblog, 1/21/20). For background information, see the [December 19 Update](#).

U.S. Asks Supreme Court to Permit Implementation of Public Charge Rule

In an emergency filing on January 13, the Department of Justice (DOJ) asked the Supreme Court to lift a nationwide court injunction that has stopped enforcement of the so-called “public charge” rule while the Department appeals that injunction. See [Government Comes to Court for Relief on Immigration Rule](#) (SCOTUSblog, 1/13/20). The public charge rule would make it more difficult for immigrants to

obtain permanent residency (green cards) if they had used certain public-benefit programs. The government told the Supreme Court that it will suffer “effectively irreparable harm” if it cannot implement the rule. The federal Court of Appeals for the Second Circuit had refused to lift the nationwide injunction on January 8. See [Court Refuses to Greenlight Trump's "Public Charge" Rule to Restrict Immigration](#) (CBS News, 1/8/20). Justice Ruth Bader Ginsburg directed the challengers to file a response to the government’s application by Wednesday, January 22, at 3:00 pm ET.

CONGRESS

Bipartisan House Committee Leaders Ask GAO to Examine Indian Health Service

As explained in this press release -- [Bipartisan Committee Leaders Request GAO Review of Indian Health Service Infrastructure](#) (Republican E&C Press Release, 1/17/20) - Energy and Commerce Chairman Frank Pallone, Jr. (D-NJ), Ranking Member Greg Walden (R-OR), and other committee members sent a [letter](#) to the U.S. Government Accountability Office (GAO) on January 17, requesting a review the Indian Health Service’s (IHS) aging infrastructure and limited capacity. The letter asks the GAO to review:

- The effects of IHS’s aging infrastructure and medical equipment on both patient access to quality health care and patient outcomes;
- Efforts by IHS to maintain, renovate, or replace its aging infrastructure and medical equipment to ensure that quality care is being delivered; and
- Implementation of other programs or technologies by IHS, such as telehealth or other initiatives, to help increase capacity to provide quality health care to patients.

Illinois Senators and Reps. Ask Education Secretary to Address Seclusion and Restraint

In a January 15 [letter](#), Senators Dick Durbin (D-IL) and Tammy Duckworth (D-IL), along with a number of Illinois Representatives (and one from Michigan), asked Education Secretary Betsy DeVos to update federal regulations banning seclusion and restraint practices in schools. The letter was prompted by a report about seclusion and restraint in Illinois. See [Casten, Durbin, Duckworth Urge DeVos to Ban Harmful Student Seclusion, Restraint Practices](#) (Rep. Sean Casten press release, 1/15/20).

MEDICAID/CHIP NEWS, INFORMATION, AND RESOURCES

Request for Information on Out-of-State Provision of Medicaid Services Children with Medically Complex Conditions

On January 21, the Centers for Medicare and Medicaid Services (CMS) published a [Request for Information](#) on “Coordinating Care from Out-of-State Providers for Children with Medically-Complex Conditions.” CMS is seeking public comments on:

- Best practices for using out-of-state providers in coordinating care for children with medically complex conditions;
- How care is coordinated for such children when that care is provided by out-of-state providers including when care is provided in emergency and non-emergency situations; and

- Processes for screening and enrolling out-of-state providers, including efforts to streamline these processes or reduce the burden of these processes on such providers and states.

Comments are due on March 23.

[Medicaid and State Budgets: Checking the Facts \(Yet Again\)](#)

Blog post from the Georgetown Center for Children and Families, 2/28/19

This year-old blog post is worth reviewing, as it explains how to assess the portion of a state's own funds spent on the Medicaid program – a large figure, but lower than it may seem from some reports.

[Medicaid: What to Watch in 2020](#)

Kaiser Family Foundation Issue Brief, 1/17/20

Key Medicaid issues to watch in 2020 include: Medicaid expansion developments; Section 1115 waiver activity; enrollment and spending trends; benefits, payment and delivery system reforms, and the implications of the 2020 elections.

[Medicaid: The Backbone of U.S. Health Care](#)

3M Podcast, 1/9/20

In this interview, the Executive Director of the National Association of Medicaid Directors (NAMD), Matt Salo, discusses the state of Medicaid in 2020 and beyond.

MEDICAID WAIVERS

Democratic Committee Leaders Seek Information on Tennessee and Other §1115 Waivers

On January 14, House Energy and Commerce Chairman Frank Pallone, Jr. (D-NJ) and Senate Finance Ranking Member Ron Wyden (D-OR) sent a [letter](#) to the Department of Health and Human Services' (HHS) Office of Inspector General (OIG) requesting assistance in conducting oversight of Tennessee's pending request to block grant its Medicaid program. See [Energy & Commerce Committee Press Release](#) (1/14/20). The letter also asks for a staff briefing on how the OIG plans to oversee implementation of these waivers to ensure program integrity. See also [Democrats Warn against Tennessee Medicaid Block Grant](#) (The Hill, 1/14/20).

Tennessee "Block Grant" Waiver

Comments on the Tennessee proposed waiver to "block grant" its Medicaid program were due on December 27, 2019. The Centers for Medicare and Medicaid Services (CMS) received about [6,200 comments](#). Among these were a [letter from children's health groups](#) (click on attachment) expressing concern about the potential impact of such a waiver. A number of other health care [patient and provider groups also submitted comments expressing concern](#) about the proposal.

Pending Waiver Requests

Georgia. Georgia has submitted a new, five-year [Sec. 1115 demonstration proposal](#) to CMS that would create a **new eligibility group restricted to individuals with incomes between 35 percent and 100 percent FPL who work at least 80 hours a month**. Those with incomes above 50 percent FPL would also have to pay a monthly premium to maintain eligibility. The [federal comment period](#) is open until **February 7, 2020**.

Idaho. On January 3, 2020, Idaho requested a new 5-year [section 1115 demonstration](#) that would allow the state to receive federal financial participation for inpatient, residential, and other services provided to otherwise-eligible Medicaid beneficiaries while residing in **institutions for mental diseases (IMD)** for diagnoses of substance use disorder (SUD) and/or serious mental illness (SMI)/serious emotional disturbance (SED). Federal public [comments can be submitted](#) through **February 8, 2020**.

NEW - Illinois. Illinois has submitted an application for a [new 5-year section 1115 demonstration](#) seeking authority for three initiatives: (1) **Extension of the postpartum coverage** from 60-days to 12-months; (2) **Managed care organization (MCO) reinstatement** for Medicaid beneficiaries who submit late redetermination paperwork within 90-days; and (3) **The waiving of hospital presumptive eligibility (HPE)**. [Comments can be submitted](#) through **February 13, 2020**.

Waiver Updates:

- [Medicaid Waiver Tracker: Approved and Pending Section 1115 Waivers by State](#) (Kaiser Family Foundation)
- [A Snapshot of State Proposals to Implement Medicaid Work Requirements](#) (National Academy for State Health Policy)

ACA NEWS, INFORMATION, AND RESOURCES

NOTE: The open-enrollment period for plans sold on the federally facilitated exchanges (healthcare.gov) has ended, but some state marketplaces are still open:

- District of Columbia: January 31, 2020
- Massachusetts: January 23, 2020
- New York: January 31, 2020

[The ACA Is Fine Without the Individual Mandate](#) (Axios Vitals, 1/14/20)

American College of Physicians Calls for Health Care Reform: [U.S. Medical Specialty Society Prescribes Universal Healthcare Coverage as Cure for Country's Health System](#) (FierceHealthcare, 1/21/20)

The American College of Physicians has called for either a universal, single-payer health care system (like “Medicare for All”) or a regulated private market with a public-program option. Read the article, [Envisioning a Better U.S. Health Care System for All: A Call to Action by the American College of Physicians](#), in an issue of the *Annals of Internal Medicine* devoted to the U.S. health care system - [Better Is Possible: The American College of Physicians' Vision for the U.S. Health Care System](#) (1/21/20).

TRICARE

[Bring Your TRICARE Benefit Questions to Jan. 30 Webinar](#) (1/14/20)

[Filling Prescriptions with TRICARE: You've Got Options](#) (1/16/20)

More TRICARE info can be found at www.facebook.com/TRICARE and www.twitter.com/TRICARE
Or [Sign up for TRICARE email updates](#).

OTHER NEWS, INFORMATION, AND RESOURCES

New Resource on Family Engagement

Family Voices, in partnership with experienced family leaders and professional partners from community, academic, public health, and pediatric settings, has developed a [Family Engagement in Systems Assessment Tools](#) (FESAT) for assessing and improving family engagement in child- and family-serving organizations. A recent webinar about the FESAT discusses how it can be used with organizational partners to assess and improve family engagement in systems-level initiatives. [Click here](#) for links to the slide deck, webinar recording, and to download the FESAT.

[Parity in Practice? Examining Requirements and Enforcement of the Mental Health Parity and Addiction Equity Act](#)

Blog of the Georgetown Center on Health Insurance Reforms, 1/13/20

[Department of Transportation Hosts the Inaugural Meeting of Committee to Advise on Air Ambulance Billing Issues](#)

Blog of the Georgetown Center on Health Insurance Reforms, 1/21/20

States Address Health Care Workforce Shortages

As explained in [this blog post](#), 30 states enacted legislation in 2019 to address workforce shortages among behavioral health providers, physician assistants, nurse practitioners and oral health providers. [View an interactive map of U.S. state health workforce policies](#).

YOUR INPUT SOUGHT

Please see above section on Medicaid waivers to comment on state waiver proposals.

[Nominations for Membership on the Interagency Autism Coordinating Committee \(IACC\) – due January 24, 2020.](#)

This [committee](#), which was reauthorized by the Autism Collaboration, Accountability, Research, Education, and Support (CARES) Act of 2019, is seeking nominations of individuals to serve as non-federal public members. The call for nominations is open through Friday, January 24, 2020. For more information on the IACC, see the [News Release](#) calling for nominations.

Proving Disability More Frequently – Due January 31, 2020

A proposed rule from the Social Security Administration, [Rules Regarding the Frequency and Notice of Continuing Disability Reviews](#) (Nov. 18, 2019), would require individuals receiving disability benefits to prove their disability more frequently. [Submit comments](#).

[Input Sought from Family Caregivers](#) – due February 7, 2020 (updated)

The Administration for Community Living (ACL) is seeking input on the challenges faced by family caregivers from individuals and organizations that capture the breadth of the family caregiving experience. This information will be used to assist the RAISE [Family Caregiving Advisory Council](#) in developing its initial report to Congress and to inform the development of the national family caregiving strategy. It also will be used to help the Council plan future activities, including public listening sessions that will begin in 2020. **To provide your input, please complete the [form](#) 11:59 p.m. EST on Friday, February 7, 2020.**

Organ Donation Regulations – due February 21, 2020

On December 17, the administration announced a proposed rule intended to increase the number of organ donations. For more information, see the press release, [Organ Procurement Organization \(OPO\) Conditions for Coverage Proposed Rule: Revisions to Outcome Measures for OPOs](#), and [Trump Administration Announces Move Aimed to Increase Organ Donations](#) (The Hill, 12/17/19). **The proposed regulation can be found, and comments can be submitted on [Regulations.gov](#).**

DOT Seeks Input on Proposal to Make Airplane Lavatories More Accessible – due March 2, 2020

The U.S. Department of Transportation (DOT) seeks public comments on a new [proposed rule](#) to improve restroom access for passengers with disabilities on single-aisle aircraft with 125 or more seats. The rule is based on [negotiated rulemaking](#) undertaken by DOT's Advisory Committee on Accessible Air Transportation, which included aviation industry representatives, disability rights advocates, and other stakeholders. The proposed regulation addresses lavatory interiors, on-board wheelchairs, and training of flight attendants. **Comments are due by March 2, 2020, and can be submitted [here](#).**

FDA Patient Representatives

Are you a patient or caregiver who wants to get involved at FDA? Contact [the Patient Affairs Staff \(PAS\)](#) or follow them on Twitter [@FDAPatientInfo](#).

Submit stories about how Medicaid has helped you to “That’s Medicaid”

Through its [“That’s Medicaid”](#) initiative, the Robert Wood Johnson Foundation is publicizing stories about how Medicaid has helped people in various situations. These stories might be helpful as you educate policymakers and the public about Medicaid. People can submit their own Medicaid stories [here](#) (scroll down).

OF POSSIBLE INTEREST

[Precision Medicine Has a Blind Spot: Children with Cancer](#) (STAT 12/30/20)

[Industry Grapples with Gene Therapy Cost](#) (Axios Vitals, 1/14/20), which references [Gene Therapy - Keeping Costs from Negating Its Unprecedented Potential](#) (CVS White Paper, 2020).

[No Shield from X-Rays: How Science Is Rethinking Lead Aprons](#) (Kaiser Health News, 1/15/20)

[High-Deductible Plans Jeopardize Financial Health of Patients and Rural Hospitals](#) (Kaiser Health News, 1/10/20)

[You've Got To Hear This: Funding A New Health Policy Podcast](#) (Health Affairs blog, 1/15/20)

We at Family Voices 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! Comments and questions can be directed to jguerney@familyvoices.org.

Yours truly,
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Family Voices

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