



April 21, 2008

NACHSA e-Alert

Greetings NACHSA Members:

Major positive developments occurred in Washington, DC last week on Medicaid and the State Children's Health Insurance Program, while the reauthorization of the farm bill containing new investments in food and nutrition programs sparked to life. This e-Alert updates you on those developments, as well as providing you with a few new studies and other resources that have crossed my screen in recent weeks.

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Federal Update

Medicaid Moratoria Victory, Entire House Plans Vote on Bill Tuesday, April 22

A floor vote is expected tomorrow on the Medicaid moratoria bill. Last week, the House Energy and Commerce Committee unanimously adopted (46-0) a bill (H.R. 5613) to stop implementation of a number of Medicaid regulations proposed by HHS until April 1, 2009, which would give time for a new administration to review and decide whether to proceed with any of them. Each proposed regulation has a different implementation date, but all would be in effect by June 30 of this year. CBO estimates a federal savings of \$20 billion in the next five years if they became effective. The rules in question would affect: payments provided to public safety net institutions; coverage of rehabilitation services for people with disabilities; outreach and enrollment in schools as well as specialized medical transportation to school for children covered by Medicaid; graduate medical education payments; coverage of hospital

clinic services; case management services that allow people with disabilities to remain in the community; state provider tax laws; and appeals filed through HHS.

The administration has promised to veto the bill. Despite the threat, Ranking Member of the Energy and Commerce Committee Joe Barton (R-TX) has urged his members to support the measure. Offsets to pay for the \$1.7 billion cost of the bill have been identified. As of today, 205 members have co-sponsored the legislation. [Click here](#) to view the latest cosponsor list.

Because of the bipartisan support, the bill has been placed on the suspension calendar which does not allow amendments to the legislation and requires a two-thirds vote to pass it. A large margin of support will assist in persuading the Senate to quickly consider the measure.

Call your members of Congress today at 202.225.3121 and urge them to cosponsor H.R. 5613 if they have not yet done so.

The Senate's Medicaid moratoria bill (S. 2819) is more expansive than the House version. Not only would it establish moratoria on Medicaid regulations, it also would place a moratorium on the August 2007 HHS directive on the State Children's Health Insurance Program (SCHIP). The measure also includes a \$12 billion package equally divided between a temporary increase in the federal Medicaid match to states and a general fiscal relief package to qualifying states. These additional state relief packages may be pulled from a final Senate bill since the bipartisan House bill doesn't include them. Given the administration's veto threat, a veto-proof vote in the Senate (timing uncertain) will likely be necessary, since the House is overwhelmingly supporting its bill.

Congressional Agencies Determine HHS Exceeded Authority in Restricting SCHIP

Late last week, the Government Accountability Office and the Congressional Research Service each issued legal opinions stating that the Centers for Medicare and Medicaid Services (CMS) did not have the authority to restrict state SCHIP programs via its August 17, 2007 directive. Both agencies cited the 1996 Congressional Review Act which requires federal agencies to notify Congress before making a significant policy changes. Both the GAO and CRS found that the directive amounted to a rule which should have gone through the normal rulemaking process and Congressional review before it became effective.

Despite the legal opinion, CMS stands by its directive. Several states filed SCHIP lawsuits earlier this year, arguing that the numerous requirements under the directive exceed CMS's authority and effectively stop states from expanding their programs. Given CMS's rejection of the findings, Congress may choose to respond legislatively and/or states may continue to pursue legal action. [Click here](#) to view a press release and links to the legal opinions.

Farm Bill Containing Food Stamp Benefit Improvements Moves Slowly

House and Senate farm bill conferees began meeting in earnest last week, after months of stalemate over how to pay for new investments in food and nutrition and farm programs. While agreement on how to pay for the new investments remains elusive, both sides of the aisle remain engaged. Approximately \$10 billion in new funds over ten years is contemplated for all farm bill programs, including food and nutrition, but any new increases in the federal budget are extremely controversial, with many of the proposals being rejected by the administration. Farm bill programs are currently operating on a week-to-week basis, with the latest short-term extension expiring April 25. FY 2008 funding for food programs are not affected, but any new improvements are at risk if a compromise is not achieved.

Human Services Resources

Evolving Roles of Public and Private Agencies in Privatized Child Welfare Systems

This [HHS child welfare report](#) is the third in a series of papers on the privatization of child welfare services. It provides information to state and local child welfare administrators who are considering or implementing privatization reforms. It is also intended to highlight some of the key issues about privatization efforts that have implications for federal child welfare programs. The paper focuses on transitioning case management functions from public to private agencies as well as on how roles and responsibilities are shared and divided once privatization occurs. (25pp.)

The Transition From Foster Care to Adulthood Wiki

This new [Foster Care to Adulthood Wiki](#) has been created as a space for sharing information about state law and practice regarding foster youths' transition from foster care to adulthood. It may be a useful resource for those interested in improving the support provided to foster youth aging out of care, including youth advocates, judges, legislators, lawyers and policy makers. It allows those with access to information on a specific jurisdiction to make that information easily available to others. This collaborative effort may result in the creation of a convenient, comprehensive, and continually updated resource for finding information on the various legal and practical approaches states have taken regarding the transition from foster care to adulthood. This site includes a list of the fifty states, along with certain territories and tribal nations. Each element on the list links to a page containing information relevant to that state's particular jurisdiction, including age limits, discharge procedures, available programming, and juvenile court jurisdiction/practice.

Child Welfare Law Website Available

Developed and maintained by the Child Welfare Information Gateway, this resource provides the reader with an index, text and summaries of the [major federal child welfare laws](#) enacted since the 1970's.

Homelessness Report

The [Second Annual Homeless Assessment Report to Congress](#) has been completed. This resource provides patterns of shelter use as well as data on unsheltered homeless people on a given night. Additionally, authors provide information on the capacity of the United States to house the homeless and information on where the homeless are most likely to receive shelter.

NACHSA News

Save the Date: NACHSA will meet on Friday, July 11 NACo's Annual Conference in Kansas City, MO. To register and learn more about the conference, [click here](#).

NACHSA Dues: Thanks to many of you who have responded to the mailed invoice. There are still some members who have not paid their [2008 dues](#). Please do so today. Lapsed members will soon be removed from NACHSA's e-Alerts.

Tom Joseph
National Association of County Human Services Administrators