

Actionline

A bi-monthly newsletter of The Arc of Texas Governmental Affairs Department
February 2006

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March is MR/DD Awareness Month!

March is Mental Retardation/Developmental Disabilities Month across the country. In preparation, a simple media kit has been developed for use by local chapters and advocates.

The kit includes:

1. Sample Letter to the Editor
2. Sample Proclamation
3. Sample Press Release
4. Radio Public Service Announcements
5. Ideas for use leading up to and during March
6. Guidelines for reporting and writing about people with disabilities
7. Fact sheet about mental retardation
8. Sabbath Sunday promotional information (for use with faith-based communities)

Advocates are encouraged to utilize the tools in this kit to create awareness about MR/DD issues in local communities. Please visit The Arc of Texas website at <http://www.thearcoftexas.org> and see 'Advocacy News' for the media kit. For further guidance on using this media kit, contact either Amy Mizcles at amizcles@thearcoftexas.org, or Esther Chung at echung@thearcoftexas.org .

If advocates are interested in using this media kit to jump-start a local A-Team (Advocacy Team), contact Dee Dee Eberle at (800) 252-9729, ext. 110, or at deberle@thearcoftexas.org .

New & Improved Website for The Arc of Texas!

The Arc of Texas is proud to present to our newly redesigned website:
<http://www.thearcoftexas.org/>

The Arc of Texas's new site was launched on February 9, 2006. The response from chapters, members and advocates has been very positive. We hope users will find this new site easier to navigate, getting advocates the information they need.

Here is a quick look at some of the new tools and sections on the website:

- On the bottom right of the homepage, there is a section called 'Advocacy News'. This section contains the latest advocacy-related information, links to pertinent documents, and important updates advocates need to know.
- 'Governmental Affairs' is now more fittingly called 'Advocacy'. This section has been organized into five sections: Introduction, News, Training, Publications, and Helpful Links.
- 'Introduction' gives general information about advocacy efforts and lists The Arc team's contact information.
- 'News' will contain archived information and links that previously existed under 'Advocacy News' on the homepage.
- 'Training' has information on advocacy training, as well as the latest training schedule.
- 'Publications' features many resources and documents that may be of interest to members.
- 'Helpful Links' provides important legislative links.
- 'Resources for Family' (under the tab called 'Resources'), contains a wealth of information on education and inclusion.
- In addition, *Texas Advocates*, the statewide self-advocacy group, has their own website: <http://www.txadvocates.org>

More information and new features will continue to be added to ensure the website remains a valuable resource for advocates. Let us know if you have any comments or feedback about our website by sending an email to: echung@thearcoftexas.org

Thank you for visiting our website and be sure to check back often!

Another Successful Trip to Washington, DC!

The Arc of Texas Board members Laura Butler (Vice President) and Jamie Travis were joined by Amy Mizcles (staff) at this year's Disability Policy Seminar, an event sponsored by The Arc of the United States, American Association on Mental Retardation, United Cerebral Palsy, Association of University Centers on Disabilities, and National Association of Councils on Developmental Disabilities. With only two-days to prepare for Capitol Hill visits, the Disability Policy Collaboration staff provided a wealth of information on key issues to seminar participants. Breakout sessions on topics including Grassroots E-Advocacy, Intro- or Expert-Level Advocacy Training, Education, Emergency Planning, Housing, Employment, and the Developmental Disabilities Act were led by experts on the topic (including Capitol Hill staff!).

The Arc of Texas delegation met with Healthcare Aides in 4 offices (Sen. John Cornyn, Sen. Kay Bailey Hutchison, Congressman Michael Burgess, and Michael McCaul) and one member (Congressman Ron Paul).

Every year, Summit Participants are provided with Federal Public Policy Fact Sheets on Priority Disability Issues. See fact sheet on Medicaid Long Term Services and Supports in the Deficit Reduction Act of 2005 below. For the entire packet, visit <http://www.thearc.org/ppc/facts2006.htm>.

FACT SHEET
MEDICAID: LONG TERM SERVICES AND SUPPORTS INCLUDED IN DEFICIT
REDUCTION ACT OF 2005

Background

Each year, the House and Senate develop a joint budget resolution which guides the process for developing the spending bills for the coming fiscal year. The budget resolution will outline increases or decreases in spending across the discretionary and mandatory parts of the federal budget. The discretionary parts of the budget are addressed through annual appropriations bills. The mandatory parts of federal spending are handled through reconciliation bills. The major entitlement programs, such as Medicaid, Supplemental Security Income (SSI), and Medicare, are typically addressed through the reconciliation process. Reducing spending to entitlement programs requires that the programs be changed in the statute in ways which will result in lower expenditures than what would be expected under current law. To “reconcile” the entitlement programs to the requirements of the budget resolution, Congress passes a budget “reconciliation” bill which alters the entitlement programs in ways to produce the expected savings. These changes might include such things as changes in eligibility or services allowed, changes in rates of payments to providers or states, or other changes to the structure of the program that will bring about the desired reduction in spending.

Action Taken by Congress and the Administration

The FY 2005 budget resolution called for changes to entitlement programs to reduce federal spending by almost \$35 billion over five years. After the House and Senate passed their respective versions of the budget reconciliation bill, a joint House-Senate Conference Committee met to iron out differences between the two bills. Identical bills must pass both the House and Senate before legislation can be signed into law. The House passed the conference report on December 19, 2005; the Senate passed it on Dec. 21 with some amendments. The House voted again on February 1, 2006 and passed the Deficit Reduction Act of 2005 (commonly referred to as the budget reconciliation bill) on a vote of 216 to 214. The President is expected to sign the bill into law.

The Deficit Reduction Act (DRA) includes a number of provisions affecting long term services and supports. A provision of key interest to people with disabilities is Section 6086, Expanded Access to Home and Community-Based Services for the Elderly and Disabled, which would become effective on January 1, 2007.

Section 6086 contains the majority of provisions of Title II of S. 1602, the Improving Long-Term Care Choices Act, introduced by Senators Charles Grassley (R-IA), Evan Bayh (D-IN), and Hillary Clinton (D-NY) with the support of the disability community. These provisions of Section 6086 will: establish a new option for states to provide home- and community-based services (HCBS) without states needing to use a waiver process; allow states to provide any of the services now covered under HCBS waivers; and require states to establish stricter eligibility (level of care) criteria for institutional services than for community-based services.

However, the good provisions of the Grassley-Bayh bill are overshadowed by new state flexibility provisions included in Section 6086 of the DRA. Section 6086 will allow states to cap the number of people to be served under the new home and community services Medicaid option. It will allow states to provide these services in limited areas of the state and will explicitly allow states to maintain waiting lists for these services. HCBS beneficiaries who do not meet

any new criteria established by the state in the future would have grandfathering protection for as little as only one year. This combination of new state flexibility provisions establishes a precedent in the basic Medicaid program: it maintains the states' entitlement for federal reimbursement for allowed expenditures while it eliminates the individual's entitlement to services under the basic Medicaid state plan. Since the services will be state-plan option services, rather than waiver services, the federal government will no longer have a role in periodically approving these services.

Beneficiaries receiving services under Section 6086 of the DRA will not have an entitlement to services because the law will allow the states to cap the number of people receiving services, maintain waiting lists, and offer services in limited areas of the state. Advocates are concerned that the state flexibility provisions of Section 6086 might undermine grassroots advocacy efforts to move people out of institutions in compliance with the U.S. Supreme Court's decision in *Olmstead*, which required that waiting lists at least move at a reasonable pace. Advocates are also concerned that states might move to cap the number of beneficiaries and maintain waiting lists for services now covered under the state Medicaid plan, such as personal care services and rehabilitation services, by moving them into the new home- and community-based services option.

In addition, it looks as though the states' new authority to establish cost-sharing for services (see Medicaid: Critical Health Services for Children and Adults with Disabilities Fact Sheet) will also apply to non-institutional long term services and supports.

Other long term services and supports sections of the budget reconciliation conference report will: establish a Money Follows the Person Rebalancing Demonstration (to provide incentives for states to move people from institutions to community settings); establish a new option for self-directed personal assistance services (known as "cash and counseling", this provision would not allow self-directed personal services for beneficiaries who live in homes or property that is owned, operated, or controlled by a service provider); and making asset transfer rules more stringent by lengthening the "look-back" period and changing the beginning date for the period of ineligibility for people who transfer assets before applying for Medicaid.

Recommendations

The 109th Congress should work with advocates to amend Section 6086 to ensure that the state flexibility provisions do not undermine progress at the state level to provide services to more people in the community.

Relevant Committees

Senate Finance Committee

House Energy and Commerce Committee (Subcommittee on Health)

For more information, please contact The Arc and United Cerebral Palsy Disability Policy Collaboration (202-783-2229), Association of University Centers on Disabilities (301-588-8252), AAMR (202-387-1968), or National Association of Councils on Developmental Disabilities (703-739-4400).

Texas Legislature: Senate Interim Charges Posted

NEW!! To see the 79th Session Interim Committee Charges, go to <http://www.senate.state.tx.us/assets/pdf/79.Interim.Charges.pdf>

To see the 79th Session Interim Committee Charges, go to
<http://www.house.state.tx.us/committees/charges/79interim/79thinterimcharges.pdf>

Statewide Meeting Notices, Trainings & Information Sites

March 2006

Mental Retardation/Developmental Disabilities Awareness Month

For more information, contact your local Arc Chapter or call Esther Chung
(echung@thearcoftexas.org or 1-800-252-9729)

March 2, 2006

DADS Real Choice Navigator Grant De-Briefing Forum

8:30 a.m. to 12 p.m.

Health and Human Services Commission, Brown-Heatly Building, RM 1420

March 8-9, 2006

Self-Determination for Texas Mini-Immersion Conference, Dallas/Ft. Worth Area

For more information, contact Cheryl Harris, Imagine Enterprises (charris18@houston.rr.com or 281-331-0430)

March 9, 2006

Medical Care Advisory Committee (MCAC), Austin, Texas

Texas Dept. of Aging and Disability Services, Public Hearing Room 125W

For more information, contact Jennifer Morrison (512-491-1128)

March 10, 2006

Legislative Advocacy Training, Austin, Texas

For more information, contact Dee Dee Eberle (deberle@thearcoftexas.org or 1-800-252-9729)

March 18, 2006

Legislative Advocacy Training, Victoria, Texas

For more information, contact Dee Dee Eberle (deberle@thearcoftexas.org or 1-800-252-9729)

March 29, 2006

Texas Self-Determination Policy Team Meeting, Austin, Texas

For more information, contact Amy Mizcles (amizcles@thearcoftexas.org or 1-800-252-9729)

April 6-7, 2006

Legislative Advocacy Training, Tarrant County

For more information, contact Dee Dee Eberle (deberle@thearcoftexas.org or 1-800-252-9729)

April 20, 2006

Promoting Independence Advisory Committee Meeting, Austin, Texas

Contact: Marc Gold (marc.gold@dads.state.tx.us)

Health and Human Services Commission (Brown-Heatley Bldg.) Room 1410

April 22, 2006

Legislative Advocacy Training, Rio Grande Valley, Texas

For more information, contact Dee Dee Eberle (deberle@thearcoftexas.org or 1-800-252-9729)

April 26, 2006

Legislative Advocacy Training, Woodlands, Texas

For more information, contact Dee Dee Eberle (deberle@thearcoftexas.org or 1-800-252-9729)

April 29, 2006

Legislative Advocacy Training, Collin County, Texas

For more information, contact Dee Dee Eberle (deberle@thearcoftexas.org or 1-800-252-9729)

May, 11, 2006

Medical Care Advisory Committee (MCAC), Austin, Texas

Texas Dept. of Aging and Disability Services, Public Hearing Room 125W

For more information, contact Jennifer Morrison (512-491-1128)

May 30, 2006

Legislative Advocacy Training, Bryan, Texas

For more information, contact Dee Dee Eberle (deberle@thearcoftexas.org or 1-800-252-9729)

July 13, 2006

Medical Care Advisory Committee (MCAC), Austin, Texas

Texas Dept. of Aging and Disability Services, Public Hearing Room 125W

For more information, contact Jennifer Morrison (512-491-1128)

July 20, 2006

Promoting Independence Advisory Committee Meeting, Austin, Texas

Contact: Marc Gold (marc.gold@dads.state.tx.us)

Health and Human Services Commission (Brown-Heatley Bldg.) 3501

Other Information Links:

For up to date information from the Texas Education Agency on Special Education, go to <http://www.tea.state.tx.us/special.ed/whatsnew.html>.

For more information on Health and Human Services Commission meetings, public hearings, workshops and events, go to <http://www.hhsc.state.tx.us/news/meetings.asp>.