

# FEDERAL UPDATE HEALTH & HUMAN SERVICES



NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*



**Joy Johnson Wilson, Health & Human Services Policy Director**  
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# Key Enactments - 2016

## ❖ **Comprehensive Addiction and Recovery Act (CARA) – P.L. 114-198**

- Authorizes grants from the Departments of Health and Human Services and Justice to address prescription opioid abuse and heroin use.
- Reauthorizes the National All Schedules Prescription Electronic Reporting (NASPER) program and extends funding for five years at \$10 million per year for FY 2017 – FY 2021)
- Provides for Medication-Assisted Treatment for recovery from addiction.
- Provides assistance to veterans.

## ❖ **Older Americans Act – P.L. 114-144**

- Increases authorization levels by approximately 2% above FY 2016 funding levels for FY 2017; and by approximately 2% increases above the previous year for FY 2018 and FY 2019.
- Changed the funding formula for meals program to reflect the number of elderly individuals in the state. Provides that no state will be allotted less than 99% of the allotment for the previous year for each of FY 2017-FY 2019, or 100% of the FY 2019 for FY 2020 and each subsequent fiscal year.
- Includes major changes to the Long Term Care Ombudsman Program.





# Key Enactments - 2015

## ❖ Medicare Access and CHIP Reauthorization Act of 2015 (P.L.114-10)

- Repealed the Sustainable Growth Rate (SGR), “Doc Fix”
- **Two-year extension of the Children’s Health Insurance Program (CHIP)**
  - Extends Express Lane Eligibility and Outreach and Enrollment Programs
- **Permanently extended the Transitional Medical Assistance (TMA) and the Qualified Individual (QI) Programs**
- Extends the State Abstinence Education Grant and the Personal Responsibility Education Program (PREP Act) for one year
- **Extended the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program through FY 2017.**

## ❖ Every Student Succeeds Act (ESSA) (P.L. 114-95)

- **Includes provisions regarding children in foster care and homeless children.**

## ❖ Consolidated Appropriations Act, 2016 (P.L. 114-113)





# Key Enactments - 2014

## ❖ Medicare Access and CHIP Reauthorization Act of 2015 (P.L.114-10)

- Two-year extension of the Children's Health Insurance Program (CHIP) and Extended Express Lane Eligibility and Outreach and Enrollment Programs
- Permanently extended the Transitional Medical Assistance (TMA) and the Qualified Individual (QI) Programs
- Extended the State Abstinence Education Grant and the Personal Responsibility Education Program (PREP Act) for one year
- Extended the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program through FY 2017

## ❖ Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)

## ❖ Child Care and Development Block Grant (P.L. 113-186)







# New Budget Term

- ❖ At the beginning of the 112th Congress, the House adopted changes in the Rules of the House concerning budget enforcement, specifically clause 10 of Rule XXI. Previously, clause 10 of Rule XXI was known as the “**Pay-As-You-Go (PAYGO)**” rule and required mandatory spending increases to be offset with either an equal decrease in mandatory spending or increase in revenue.
- ❖ The new “**Cut-As-You-Go (CUTGO)**” rule changes the emphasis of the rule, requiring that increases in mandatory spending be offset only with equal or greater decreases in mandatory spending. Like the PAYGO rule, CUTGO requires provisions be compliant in the current year, the budget year, and over the five and ten year budget windows. The rule is intended to stop growth in the size and scope of the federal government and prioritize spending cuts over revenue increases.





## **Pending Legislation Race to the Finish Line**

- ❖ **Families First Act (H.R. 5456)**
- ❖ **Helping Families in Mental Health Crisis Act (H.R. 2646)**
- ❖ **Child Nutrition Reauthorization Bills (H.R.5003; S. 3136)**
- ❖ **Senate and House FY 2017 Labor, HHS and Education Appropriations (S. 3040; H.R. 5926)**
- ❖ **TANF - Social Impact Partnership Projects (H.R. 5170); Subsidized Employment Demonstration (H.R. 2990); TANF State MOE (H.R. 2959); Employment Outcome Measures (H.R. 2952); Adds Reducing Child Poverty as a Statutory Goal of TANF (H.R. 2966)**





# NCSL Comments/Letters Submitted

## ❖ NCSL Comments to Proposed Regulations:

- NPRM: Elementary and Secondary Education Act of 1965, As Amended by the Every Student Succeeds Act- Accountability and State Plans (July 28, 2016)
- NPRM: VA Advance Practice Registered Nurses (July 25, 2016)
- NPRM: Child Care and Development Fund (February 22, 2016)

## ❖ NCSL Letters

- Letter in response to Representative Tim Murphy's request for information regarding Sec. 401(c) of H.R. 2646, the Helping Families in Mental Health Crisis Act of 2016 (March 11, 2016)
- Letter in response to from Senators Orrin Hatch and Ron Wyden requesting information on Medicaid data collection and state reporting requirements (January 8), 2016



# Final Rules/Final Rules Pending

## ❖ Final

- Comprehensive Child Welfare Information System (CCWIS) - Would replace the Statewide and Tribal Automated Child Welfare Information Systems (S/TACWIS)
- Medicaid Managed Care, CHIP Delivered in Managed Care, Medicaid and CHIP Comprehensive Quality Strategies, and Revisions Related to Third Party Liability
- Application of Mental Health Parity Requirements to Coverage Offered by Medicaid Managed Care Organizations, the CHIP program, and Alternative Benefit Plans

## ❖ Pending

- Child Care And Development Block Grant
- Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs







# GAO Report

- ❖ Medicaid: Changes to Funding Formula Could Improve Allocation of Funds to States. Testimony by Carolyn Yocom, Director, Health Care, GAO before the Subcommittee on Health, Committee on Energy and Commerce, U.S. House of Representatives. (February 10, 2016) <http://www.gao.gov/assets/680/675072.pdf>
  - “The automatic trigger would use readily available economic data to begin assistance rather than rely on legislative action at the time of a future national economic downturn. Once the increased FMAP is triggered, targeted state assistance would be calculated based on (1) increases in state unemployment, as a proxy for increased Medicaid enrollment; and (2) reductions in total wages and salaries, as a proxy for decreased revenues for maintaining state Medicaid programs. The increased FMAP would end when the EPOP ratio indicated that less than the threshold number of states was in an economic downturn.”





# U.S. Supreme Court

## DECIDED

- *North Carolina Board of Dental Examiners v. FTC* (Decided February 25, 2015) - When a controlling number of the decision makers on a state licensing board are active participants in the occupation the board regulates, the board can invoke state-action immunity only if it is subject to active supervision by the state.
- *Armstrong et al. v. Exceptional Child Center, Inc.* (Decided March 31, 2015) - Medicaid providers do not have a cause of action to challenge a state's reimbursement rates.
- *Gobeille v. Liberty Mutual Insurance Company* (Decided March 1, 2016) - As applied to Employee Retirement Income Security Act plans, ERISA pre-empts a Vermont law that requires certain entities, including health insurers, to report payments relating to health care claims and other information relating to health care services to a state agency for compilation in an all-inclusive health care database.





# Hot Topics



- ✓ Opioid Abuse/Substance/Mental Health
- ✓ Zika
- ✓ Medicaid Program Integrity
- ✓ Medicaid Prescription Drug Costs
- ✓ Medicaid Managed Care
- ✓ CCDBG Implementation
- ✓ ESSA – Implementation of Homeless and Foster Care Children Provisions
- ✓ Welfare/Health Reform
- ✓ Health Professions Licensure – State v. Federal
- ✓ Regulation of Airbuses



Joy Johnson Wilson, Health & Human Services Policy Director,  
[Joy.Wilson@ncsl.org](mailto:Joy.Wilson@ncsl.org)

Rachel Morgan, RN, BSN, Committee Director, Health & Human  
Services Committee Director [Rachel.Morgan@ncsl.org](mailto:Rachel.Morgan@ncsl.org)

