

NJCDD

NJ Council on Developmental Disabilities

the Council's

Monday Morning Newsletter

A publication of the New Jersey Council on Developmental Disabilities

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New Rules Could Cut Medicaid Funding

The federal Centers for Medicare and Medicaid Services (CMS) has issued interim final rules on Medicaid Optional State Plan Case Management Services. The changes were prompted by the Deficit Reduction Act of 2005 and will take effect in early March.

Advocacy organizations have expressed concern that the new rules will negatively impact individuals with disabilities and will cut overall federal funding. New Jersey stands to lose millions of dollars in Medicaid funding.

The rules place new limits on the scope and duration of case management services Medicaid will fund, and change the way in which states may bill the federal government for case management, putting

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Looking Ahead in Washington DC: Second session of the 110th Congress Convenes

Lawmakers reconvened in Washington D.C in January, but with the upcoming presidential election, many issues of importance to people with disabilities may be overshadowed by politics. A few bills are expected to see action. They include:

- **The Americans with Disabilities Act:** Many advocates believe that Congress should restore ADA civil rights protections eroded by the Supreme Court's interpretation of the law.
- **Child Care Development Block Grants:** Advocates for children support additional training and technical assistance to increase the availability of child care services for children with disabilities.
- **The Community Living Assistance Services and Supports Act:** National disability advocacy organizations want to see Congress create a national voluntary long-term care insurance program to assist people with disabilities who need home and community-based long-term care.
- **The Developmental Disabilities and Bill of Rights Act:** Advocates are encouraging Congress to preserve the programs currently established by this law.
- **Medicare & Medicaid:** Advocates believe that Congress should maintain Medicaid programs and expand to reach and enroll all eligible individuals. They also want to see Congress eliminate the cap on outpatient therapies (occupational therapy, physical therapy and speech-language pathology), and strengthen access to medications under Medicare Part D.
- **Mental Health Parity:** Advocates are urging Congress to pass mental health parity legislation that would prohibit group health plans from imposing treatment or financial limitations on mental health benefits that are different from those applied to medical/

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David Tag is a very busy man. When he is not working one of his two part-time jobs, or doing volunteer advocacy work, Tag says he enjoys bowling and spending time with friends in ‘Out and About,’ a social group that meets a few times a month.

But there is not much free time in Tag’s life.

Tag works as a Community Liaison for New Jersey Self Advocacy Project – a job he has held since May 2004. In 2005, Tag was appointed by former acting Governor Cody to the New Jersey Council on Developmental Disabilities.

Tag, an active member of the Council, says he wants to see more self-advocates seek appointment. “If there were more self-advocates, people could speak for themselves and the Council would be more reflective of the needs,” said Tag.

Tag’s work often takes him to Trenton, where he has been active in efforts to help plan for adults now living in New Jersey’s developmental centers who want to move out.

planning sessions,” said Krupka. “He does a great job making sure that other advocates are involved.”

Tag describes himself as ‘a product of New Jersey public schools.’ He graduated in 1991 from Eastern Regional High School in Voorhees. He attended special education classes for the early part of his school career, but by the 5th grade, began to attend general education classes. “It

Tag says he especially enjoys his work with the Council’s Men’s Health Task Force, which is holding a statewide conference on June 14th in New Jersey as part of National Men’s Health week.

Pat Krupka, a council staff member, serves as a staff liaison to the task force. “Dave has been very devoted to the issue of men’s health and is very active in the

planning sessions,” said Krupka. “He does a great job making sure that other advocates are involved.”



David Tag

was a very important step for me,” said Tag. “I started making more friends.”

One of the issues driving Tag’s advocacy is his interest in housing. “Yesterday I was in South Jersey to testify on special needs housing,” Tag said. “My testimony was to promote more flexible use of funds (for housing that can be used by adults with developmental disabilities) to get DDD and (the Division of) Community Affairs to work together to address the waiting list.”

Tag’s work often takes him to Trenton and the State House, where he has been active in efforts to help plan for the thousands of adults with developmental disabilities now living in New Jersey’s developmental centers who want to move out.

“I testified before the Legislature on S-1090,” said Tag. “That’s the bill that authorized the New Jersey Division of Developmental Disabilities to develop the Olmstead Plan – the plan to move 1,500 residents of state institutions into the community.”

“It is important because there are so many people living in developmental centers who should be out in the community,” added Tag. “They want to get out, but there are waiting lists.”

In spite of all his work in the area of promoting more access to housing, Tag, who is 37, is still waiting to move out of his parents’ home into one of his own. He says he doesn’t know when that might be. “I’m on the waiting list, too,” said Tag. “Who knows when it will be.”

Profile del consejo

David Tag es un hombre muy ocupado. Cuando no está en uno de sus trabajos de medio tiempo o brindando asesoría legal voluntaria, disfruta jugando bowling y pasa el tiempo con sus amigos en 'Out and About,' un grupo social que se reúne algunas veces al mes.

Pero Tag no tiene mucho tiempo libre.

Él trabaja como Enlace Comunitario para el New Jersey Self Advocacy Project (Proyecto de Autodefensa de Nueva Jersey) trabajo que mantiene desde mayo de 2004. En 2005, Tag fue nombrado por el anterior gobernador interino Cody, para el Consejo de Discapacidades de Desarrollo de Nueva Jersey.

A menudo, el trabajo de Tag lo conduce a Trenton, donde ha desplegado un papel muy activo en los esfuerzos para ayudar a elaborar un plan para los adultos con discapacidades de desarrollo que viven actualmente en centros de desarrollo en Nueva Jersey y quieren mudarse.

Tag, que es miembro activo del Consejo, dice que quiere ver más autodefensores que busquen nombramientos. "Si hubieran más autodefensores, las personas podrían hablar por sí mismas y el Consejo estaría más consciente de las necesidades," dice Tag.

Tag comenta que disfruta especialmente de su trabajo con el Grupo de Trabajo para la Salud del Hombre perteneciente al Consejo, que sostendrá

una conferencia a nivel estatal el 14 de junio en Nueva Jersey como parte de la Semana Nacional para la Salud del Hombre.

Pat Krupka, un miembro del personal del consejo, actúa como enlace de personal con el grupo de trabajo de Tag. "Dave ha dedicado mucho tiempo y esfuerzo al tema de la salud para el hombre y tiene una participación muy activa en las sesiones de planificación," dice Krupka. "Él hace un gran trabajo al asegurar que otros asesores se involucren".

Tag se describe a sí mismo como 'un producto de las escuelas públicas de Nueva Jersey'. Se graduó en el Eastern Regional High School en Voorhees en 1991. Asistió a clases de educación especial durante la parte inicial de su carrera escolar, pero en el 5to grado comenzó a asistir a clases de educación general. "Fue un paso muy importante para mí", relata, "empecé a tener más amigos".

Uno de los temas que impulsa la defensoría de Tag es su interés en la vivienda. "Ayer estuve en South Jersey para testificar sobre viviendas destinadas a personas con necesidades especiales", cuenta Tag. "Mi testimonio fue para promover un uso más flexible de los fondos (para viviendas que pueden usar los adultos con discapacidades de desarrollo) a fin de lograr que el DDD y (la División de) Asuntos Comunitarios trabajen juntos para atender la lista de espera".

A menudo, el trabajo de Tag lo conduce a Trenton y al edificio de la legislación estatal, donde ha desplegado un papel muy activo en los esfuerzos para ayudar a elaborar un plan para los miles de adultos con discapacidades de desarrollo que viven actualmente en centros de desarrollo en Nueva Jersey y quieren mudarse.

"Testifiqué ante la asamblea legislativa sobre la S-1090", dijo Tag. "Se trata del proyecto de ley que autorizó a la División de Discapacidades de Desarrollo de Nueva Jersey a crear el Plan Olmstead, el plan para que 1,500 residentes se muden de instituciones estatales a la comunidad".

"Es importante debido a que hay muchas personas que viven en centros de desarrollo pero que deberían estar presentes en la comunidad", agregó Tag. "Ellos quieren salir, pero existen listas de espera".

A pesar de todo su trabajo en el área de promover mayor acceso a la vivienda, Tag, de 37 años, aún está esperando mudarse de la casa de sus padres a una propia. Dice que no sabe cuándo podrá hacerlo. "También estoy en la lista de espera", dice Tag. "Quién sabe cuándo será".

Looking Ahead in Washington DC

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surgical services.

- **No Child Left Behind:** Special education advocates want to see Congress maintain the NCLB accountability system so that children with disabilities receive a quality public education.
- **The Rehabilitation Act:** Disability rights advocates believe Congress should improve vocational rehabilitation services by enhancing transition services for youth with disabilities, increasing long-term employment supports for adults with disabilities, and expanding partnerships for the vocational rehabilitation system.
- **The Workforce Investment Act (WIA):** Advocates believe Congress should reauthorize WIA and increase physical and programmatic accessibility within the workforce investment system.

President's Budget For 2009 Released

In early February, President Bush released his proposed budget for Fiscal Year (FY) 2009. The plan includes few increases for programs for people with disabilities and their families.

The budget reflects \$153 million for the National Family Caregiver Support Program (NFCSP), a decrease from \$156 million two years ago. The budget also proposes significant cuts to Medicare and Medicaid funding and provides no funding for the Lifespan Respite Care Act, a new program that was passed into law in December 2006 but has yet to be funded.

Funding for special education funding and for Title I grants, the main source of federal funding for poor students, are increased by about 3% .

The President is also seeking to eliminate 47 education programs to save about \$3.3 billion. They include programs to encourage arts in schools, bring low-income students on trips to Washington, and provide mental health services.



Resource Desk: Home Energy Assistance Expanded

This winter, Americans using heating oil will pay on average more than \$2,000 per family – over three times the 2001 costs. For many people with disabilities, that additional cost can be a significant burden. In response, the Bush Administration has released \$450 million in emergency energy assistance to help seniors and working families keep the heat on. New Jerseyans will receive \$25.2 million in emergency funds.

The emergency funding comes from the Low-Income Heating Energy Assistance Program (LIHEAP), which transfers needs-allocated federal

funds to states. In December, Congress set aside \$2.6 billion for LIHEAP, a \$400 million increase over last year.

The New Jersey Department of Human Services notes that to be eligible for LIHEAP benefits, “the applicant household must be responsible for home heating costs, either directly or included in the rent, and must meet income eligibility requirements.”

The Home Energy Assistance Hotline is 1-800-510-3102 or 1-866-240-1347.



New Rules Could Cut Medicaid Funding



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particular strain on states such as New Jersey that are working to move people with disabilities out of institutions and into community settings.

Under the new rules, Medicaid will limit reimbursement for case management services for an individual transitioning from an institution into the community to 60 days. Previous CMS policy had allowed funding for transition case management for up to 180 days. New Jersey's Olmstead Plan indicates that roughly 180 days are required for transition. The rules also eliminate Medicaid funding for case management when transporting or escorting an individual to services.

Other changes will affect Medicaid payments for early intervention and special education case management, which advocates believe has been too narrowly interpreted by CMS.

What Can You Do?

Legislation has been introduced in Washington D.C. in response to the interim final regulations on Medicaid

case management and case management services. S. 2578 AND H.R. 5173 would provide for a moratorium on the rules until April 1, 2009, delaying implementation of the rules, which advocates charge stray beyond the scope of the Medicaid statute.

Interested advocates can contact their Senators and Representative to urge them to co-sponsor S. 2578 and H.R. 5173. For more information go to http://ga4.org/campaign/medicaid_reimbursement

In addition, the rules reduce state's flexibility over payment rates and policies. Currently, states may bill the federal government for 'bundled' case management services, often billed by the month. The new rules will shift case management to a 'fee for service model,' in which states will have to demonstrate, in 15-minute increments of service, what they are billing for.

The rules call for even bigger changes by December 2009. Federal Medicaid funding to states will be limited to one case manager per person, regardless of the number of services the person receives, or the number of state systems those services come from. Advocates believe that this rule will hurt individuals with complex needs who are served in multiple systems and who currently have more than one case manager, and will require levels of interagency agreement and coordination that are not in place.

NOTE: MM thanks Lowell Arye for his technical assistance with this article.

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The Council is a compilation of news from various sources, organized to inform people with disabilities about policies, programs, laws, trainings and events. This publication and others published by NJCDD are available in alternate accessible formats. Please call the Council for more information.

Correction: In the January 2008 issue of MM, we decried a new law -- S502/A1011 -- requiring insurance carriers to pay for prosthetic and orthotic devices. We erred in stating that it pertained only to private insurance carriers. All insurers are now required to reimburse for such devices. Reimbursement is required at the rate set by **Medicare** not **Medicaid** as was referenced.



Community Calendar

- March 8 Pathways to Adult Life – Education & Information Session. Clark, NJ. www.fscnj.org 732-528-8080.
- March 11 Pathways to Adult Life – Education & Information Session. Mays Landing, NJ. www.fscnj.org; 732-528-8080.
- March 13-14 Facing the Future XVI - New Jersey Association for Persons in Supported Employment, Somerset, NJ. <http://rwjms.umdnj.edu/boggscenter/conferences/index.htm>; 732-235-9300.
- March 27 New Jersey Council on Developmental Disabilities Public Meeting. 10 AM – 3 PM. Trenton, NJ. www.njcdd.org; 609-292-3745.
- March 28 Statewide Early Intervention Coordinating Council, Public Meeting. 11AM- 1:30 PM. Lawrenceville, NJ. 609-730-1522.
- April 2 Lunchtime Teleconference - Health Care Series - Advocacy for Children and Youth with Special Health Care Needs. Sponsored by SPAN. www.spannj.org; 973-642-8100 x 116.
- April 6 Aspen Annual Spring Conference: Life After High School - The Journey Continues. Sponsored by Aspen, the Aspergers Syndrome Education Network. 8 AM – 4 PM. Edison, NJ. www.aspennj.org; 732- 321-0880.
- May 10 The Sixth Annual Self Directed Supports Conference, "Getting Great Support Staff: The Skills You Need for the Life You Want." Sponsored by The Boggs Center in collaboration with the NJ Division of Developmental Disabilities and The NJ Direct Support Professional Workforce Development Coalition. Somerset, NJ. <http://rwjms.umdnj.edu/boggscenter/index.htm>; 732-235-9300.

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