

DC Update October 2, 2008

Congress delayed their target adjournment date of September 26th due to the current economic/financial environment. Congress may wrap up business this week depending on whether a bailout/rescue package clears both chambers. During this time, a continuing resolution (CR) was passed that will provide stop gap funding for the 2009 fiscal year which began, yesterday, October 1st. Though the CR expires March 6, 2009, Congress has yet to indicate whether a “lame-duck” session will convene after the elections. NACBHDD will update members of any legislative schedule changes.

Mentally Ill Offender Legislation Reauthorized

Last week the U.S. Senate passed the Mentally Ill Offender Crime Reduction and Treatment Reauthorization Improvement Act (MIOTCRIA). The House passed the legislation earlier this year that provided an authorization level of \$75 million; however the Senate bill maintained the original \$50 million authorization level. The House then took up the Senate measure on Monday, September 29, 2008 and passed by a voice vote. The MIOTCRA program provides grant money to counties and states to carry out diversion and re-entry programs and will now be authorized through 2014. Last year, Congress appropriated \$6.5 million for these grants. NACBHDD has been working with a coalition to complete this process and recently sent a joint letter with NACo urging Senator Tom Coburn (R-OK) to lift a hold he had placed on the legislation.

FY 2009 Budget and Appropriations

Last week both the House and Senate passed a continuing resolution (CR) to fund the government through March 6, 2009. The legislation does provide full funding for national security programs, military construction and departments of Defense, Veterans’ Affairs and Homeland Security. Other appropriations will receive FY 2008 level funding in the stop gap package. Final decisions on domestic spending will be left until next year to a new Congress and Administration. The President signed the bill on September 30, 2008.

Second Economic Stimulus Package

The U.S. House of Representatives passed a second economic stimulus package that includes a temporary FMAP increase for states. Included is a provision that would ensure federal dollars to be passed back to “political subdivisions” if they are required to pay a portion of the non-Federal share of Medicaid. The Senate was unable to advance a similar legislation. The White House has already indicated it would not support either proposal. The outlook for the stimulus bill is uncertain and growing more unlikely as adjournment of the 110th Congress nears.

Parity

Last night the U.S. Senate passed the Emergency Economic Stabilization Act (H.R.1424). This financial rescue package includes tax extenders and parity legislation, the *Paul Wellstone and Pete Domenici Mental Health and Addictions Equity Act of 2008*. The package is now in the U.S. House of Representatives where it is unclear whether the legislation will be passed. We anticipate a vote on the House floor, tomorrow, Friday, October 3rd. Previously the House was unable to pass an economic rescue

package and on a separate occasion expressed concern over the tax extenders legislation. NACBHDD will keep members updated of parity developments.

Medicaid

Recently, Representative McHugh (D-NY) introduced H.R. 7219, legislation that would place a moratorium on the Medicaid Outpatient Hospital and Clinic regulation. This regulation was excluded from the supplemental bill that contained 6 other regulations placed under a moratorium until April 1, 2009. NACBHDD supports this effort and encourages you to contact your members of Congress to support the moratorium.

In other Medicaid news, Senator Stabenow (D-MI) recently introduced S. 3611, a bill that would improve the provision of rehabilitation services and case management and targeted case management services under the Medicaid program. There is not a similar bill that has been introduced in the U.S. House of Representatives and it is likely no action on this legislation will be taken during the current Congress. However, it does provide a vehicle to address the Medicaid regulations, contained in the moratoria, which will expire in April of 2009. NACBHDD will keep members posted on this legislation and strategy as we move into next year.

Veterans Mental Health and Other Care Improvements Act of 2008 (S. 2162)

The House and Senate passed the legislation and sent it to the White House for signature. This bill makes changes in the Department of Veterans Affairs (VA) to improve mental health and substance use disorders services. Other components of the bill included language from the Mental Health Improvements Act (H.R. 4053) and the Justin Bailey Veterans Substance Use Disorders Prevention and Treatment Act (H.R. 5554).