



# Capitol News!

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Injury Administrators

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## Dear NASHIA Member,

Welcome to *Capitol News!*, a publication you receive as a NASHIA member to keep you informed of Congressional activities and the work of NASHIA's public policy staff. Before Dec. 8th, Congress will need to take up legislation to extend funding to avoid a government shut down as the current continuing resolution expires on that date. A number of other issues are still on the "to do" list before the end of the year, including funding for both the Children's Health Insurance Program (CHIP) and community health, as funding for both expired Sept. 30; a fix for the Deferred Action for Childhood Arrivals program (DACA); and funding for cost-sharing reduction payments for insurers on the exchanges, which was eliminated by the President. This week, the focus is on the Senate as to whether they will pass tax reform legislation. See more information below.

**The Congressional Brain Injury Task Force (CBITF) has scheduled Brain Injury Awareness Day for Tuesday, March 20, 2018.** Meanwhile, NASHIA's public policy staff, Rebeccah Wolfkiel, Governmental Relations, and Susan Vaughn, Director of Public Policy, along with our members, continue to promote NASHIA's public policy agenda. To view NASHIA's Platform, click on the [Priorities page](#) on NASHIA's website. The [Key Issues page](#) lists support letters, testimony and other information with regard to NASHIA's priorities. To learn how you may affect policy issues, click on the [Get Involved page](#) that has suggestions for advocating as a State employee and other tidbits. If you are interested in serving on NASHIA's Public Policy Committee or have any questions, please let Susan know at [publicpolicy@nashia.org](mailto:publicpolicy@nashia.org).

## This Week in Congress

Following the Thanksgiving break, Congress returned to the Capitol on Monday, Nov. 27th. The President met with Congressional Republican leaders today on a federal spending plan to keep the government open after the current funding expires Dec. 8. The Democratic leaders, who were invited to the meeting, declined to meet. The President is also meeting with Senate Republican leaders on the tax bill.



## FY 2018 Appropriations

### Congressional Leaders Plot to Fund Federal Government After Next Week

House Speaker Paul Ryan (R-WI) has indicated that a short-term continuing resolution (CR) may be necessary to avoid a shutdown of the federal government after the current resolution expires on Dec. 8. On Sept. 14, the U. S. House of Representatives passed a spending package of twelve bills to fund the federal government for Fiscal Year 2018. The full Senate has yet to pass appropriation bills, necessitating the need for a measure to continue funding before the continuing resolution expires. The President met with Republican leaders to discuss how to continue funding for government. The Democratic leaders backed out of the discussion.

Meanwhile, NASHIA signed on to two letters initiated by APSE urging House and Senate Appropriations leaders to restore funding for the Vocational Rehabilitation Supported Employment

(SE) State Grant program, which was eliminated in the FY 2018 budget. The [House](#) and [Senate](#) letters request that the funding be fully restored to at least the \$27.5 million level that is in the FY 2017 budget.

### **Senate and House Agree to Conference Report for DoD Spending Bill with TBI Amendment**

On Nov. 16, the Senate agreed to a conference report for H.R. 2810 authorizing funding for the Department of Defense (DoD) and other related agencies for fiscal year 2018. The House agreed to the conference report two days before, which included an amendment offered by the Congressional Brain Injury Task Force co-chairs, Reps. Bill Pascrell, Jr. (D-NJ) and Tom Rooney (R-FL), requiring DoD to report to Congress on the implementation of policies to ensure adequate consideration of traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in military separations. The amendment is in keeping with the recommendations of the Government Accountability Office (GAO) report, "Actions Needed to Ensure Post-Traumatic Stress Disorder and Traumatic Brain Injury Are Considered in Misconduct Separations." The GAO found that some of the service branch policies related to the consideration of TBI and PTSD in "other than honorable" discharges were inconsistent with DoD policies.

### **Other Legislation**

#### **Senate to Consider Tax Bill This Week**

This week, all eyes are on the Senate which is expected to take up its version of tax relief. The Senate Budget Committee is to package the reconciliation bill today to ready for the floor. The reconciliation process is being used in the Senate in order to pass it with a simple majority vote, in lieu of 60 votes, and to prohibit filibustering. Both the House and Senate tax bills would add \$1.5 trillion to the national debt.

The Senate bill repeals the individual mandate to obtain health insurance in order to help pay for the tax cuts. The individual mandate is a central part of the Affordable Care Act (ACA) and benefits people with disabilities by eliminating pre-existing condition exclusions; banning annual and lifetime limits; prohibiting discrimination based on health status, and much more. According to the Congressional Budget Office, repealing the individual mandate result in almost 14 million people losing their health care coverage. The Senate Finance Committee tax plan eliminates the federal deduction for State and local taxes, among other eliminations, to also pay for cutting income tax rates.

The House bill eliminates the following tax deductions and credits:

- Deduction for high medical expenses;
- A \$2,400 tax credit businesses can get when hiring someone with a disability;
- A \$5,000 tax credit for businesses that make their businesses accessible to people with disabilities (Architectural Barriers credit); and
- The incentive to contribute to non-profit agencies that often provide support for people with disabilities and their families (charitable giving).

The House bill would also make pursuing a STEM (Science, Technology, Engineering and Math) higher education more expensive by:

- Requiring that graduate students' tuition waivers to be counted as income, making them subject to taxes;
- Repealing the ability for students to deduct up to \$2,500 of student loan interest;
- Repealing the ability for employees to exclude from income up to \$5,250 per year in employer-provided education assistance for graduate and undergraduate courses; and
- Consolidating the existing American Opportunity Tax Credit, Hope Scholarship Credit and Lifetime Learning Credit into a single, modified American Opportunity Tax Credit.

With regard to biomedical research the orphan drug tax credit was created to incentivize

companies to invest in the development of drugs that only benefit a small number of people. The Senate and House bill would reduce or repeal, respectively, an orphan drug tax incentive which currently reimburses drug developers for half of their research costs on treatments meant for diseases with patient populations fewer than 200,000 people.

## Committee Hearings

### Subcommittee Holds Hearing on 21st Century Cures Act

On Thurs, the Subcommittee on Health (Committee on Energy and Commerce) will hold a hearing featuring testimony from Dr. Francis Collins, Director of the National Institutes of Health (NIH) and Dr. Scott Gottlieb, Commissioner of the Food and Drug Administration (FDA), to provide an update on implementing the 21st Century Cures Act.

## Proposed Rules and Regulations

### Coalition Submits Comments on Proposed Rule and EHB Benefit and Payment Parameters

NASHIA signed on to a Nov. 27 [letter](#) submitted by the Coalition to Preserve Rehabilitation (CPR) to the Centers for Medicare and Medicaid Services (CMS) with regard to the proposed rule *HHS Notice of Benefit and Payment Parameters for 2019 (the Proposed Rule)*. The Proposed Rule sets forth benefit and payment parameters, provisions related to essential health benefits (EHBs), qualified health plans (QHPs), risk adjustment, and the operation of Federally-facilitated exchanges (FFEs) and State-based exchanges (SBEs), as well as many other policies implementing the Affordable Care Act (ACA). The comment letter focused on key proposed provisions that relate to enrollees in need of medical rehabilitation and post-acute care, specifically rules related to the essential health benefit category of rehabilitation and habilitation services and devices, as well as provider network adequacy requirements.

CPR is a coalition of national consumer, clinician, and membership organizations that advocate for policies to ensure access to rehabilitative care so that individuals with injuries, illnesses, disabilities, and chronic conditions may regain and/or maintain their maximum level of health and independent function.

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*The National Association of State Head Injury Administrators assists State government  
in promoting partnerships and building systems to meet the needs  
of individuals with brain injuries and their families.*

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