

# DISABILITY AND REHABILITATION RESEARCH COALITION

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February 19, 2016

## **VIA ELECTRONIC SUBMISSION**

Administration for Community Living  
Attention: NIDILRR NPRM  
U.S. Department of Health and Human Services  
Washington, DC 20201

**RE: Proposed Rule for National Institute on Disability, Independent Living, and Rehabilitation Research (RIN 0985-AA12)**

The undersigned members of the Disability and Rehabilitation Research Coalition (DRRC) offer comments on the proposed rule entitled, *National Institute on Disability, Independent Living, and Rehabilitation Research*. This Proposed Rule would implement the Workforce Innovation and Opportunity Act of 2014 ([Pub. L. 113-128](#)), which made significant changes to Title II (Research) of the Rehabilitation Act of 1973 ([Pub. L. 93-112](#)). It would also reflect the transfer of the NIDILRR from the Department of Education to the Department of Health and Human Services (Administration for Community Living).

The DRRC is a coalition of national non-profit organizations committed to enhancing the federal commitment to disability, independent living, and rehabilitation research. DRRC seeks to maximize the return on the federal investment in such research with the goal of improving the ability of Americans with disabilities to live and function in the community as independently as possible.

## **DRRC COMMENTS**

### **General Approach**

We support:

- (1) The consolidation of the NIDILRR regulations into a single part and alignment of the NIDILRR regulations with the statute and HHS policies.
- (2) The elimination of unnecessary regulatory language that already exists in other documents, such as the application materials or terms and conditions of grant awards.
- (3) Largely retaining appropriate language from the existing Department of Education regulations.

However, given the proposed streamlining of the regulations, we are concerned that an entity potentially eligible for an award under a NIDILRR program that has little or no experience applying for funding may no longer be able to rely on the regulation to determine whether and how to apply for NIDILRR funding. We recommend that the NIDILRR website be updated to include specific information or hyperlinks to materials that will explain the process for applying for funding so that such an entity may make an informed decision about whether and how to apply for NIDILRR funding.

### **Subpart A—Disability, Independent Living, and Rehabilitation Research Projects and Centers Program**

We support:

- (1) Adding a definition of the term “development activities.” [§1330.3(e)]
- (2) Deleting several definitions from the existing regulation.
- (3) Adding a definition of the term “stages of research, including “exploration and discovery,” “intervention development,” “intervention efficacy,” and “scale-up evaluation.” [§1330.4]
- (4) Adding a definition of the term “stages of development,” including “proof of concept,” “proof of product,” and “proof of adoption.” [§1330.5]

### **Subpart B—Requirements for Awardees**

We support:

Deleting general requirements for disability and rehabilitation research projects.  
[§350.10-350.12; §350.20-23; §350.30-35; §350.41]

### **Subpart C—Selection of Awardees**

We support:

- (1) Retaining the core policies included in the existing rules regarding the purpose and importance of peer review, the peer review process, composition of peer review panel, evaluation process, and selection criteria. [§ 1330.20-24]
- (2) Adding to the selection criteria—extent to which applicants obtain and use input from individuals with disabilities and other stakeholders to shape the proposed research activities. [§1330.24(c)(2)(vii)]
- (3) Adding to the selection criteria—applicants identify and justify the stage of research to establish that the proposed research has a foundation in the current state of knowledge on the topic. [§1330.24(c)(2)(viii)] See also [§1330.24(c)(3) and (4)]

- (4) Adding to the selection criteria—a factor which allows for the assessment of development projects. [§1330.24(d)]
- (5) Deleting subpart G from existing regulations [§350.60-350.66] regarding conditions that must be met after an award.

We have **concerns** with the following provision:

The policy included in the proposed rule [§1330.25] pertaining to “additional considerations for field-initiated priorities”, particularly the authority to fund out of rank order field initiated applications when the application receives a peer review score of at least 80 percent or more of available points. We recognize that this policy is similar to the existing policy, [§350.55]. In the preamble to the proposed rule you state that “this will allow NIDILRR to take advantage of a unique opportunity to advance a field, complement our investment in a particular research area, or build the capacity in one of our research domains or broad priority areas, while maintaining quality standards.”

The DRRC believes there is a compelling need for greater transparency authorizing the Director to override peer review by funding applications out of order. What is the point of peer review if it can be ignored? Is 80 percent the correct cut-off in 2016?

- DRRC could not reach a consensus on changing the 80 percent cut off.
- DRRC did reach a consensus, however on the need to include objective criteria in the final rule specifying the circumstances under which the Director may override peer review for funding field-initiated applications out of order.
- DRRC members also believe that the Director should appoint an advisory committee that would make recommendations to the Director regarding applications that should be funded out of order. The advisory committee should be guided in its recommendations by the objective criteria included in the final rule.

#### **Subpart D—Disability, Independent Living, and Rehabilitation Research Fellowships**

We support:

- (1) Retaining the core policies included in the existing regulations regarding research fellowships. [§1330.30]
- (2) In making final selection decisions regarding fellowships, adding authority to the Director to consider the extent to which applicants present a unique opportunity to effect a major advance in knowledge, address critical problems in innovative ways, present proposals which are consistent with the Long-Range plan, build research capacity in the field, or complement and significantly increase the potential value of already planned research and related activities. [§1330.30(d)]

- (3) Deleting policies in existing rules specifying which additional regulations apply to the program. [Sections 356.3; 356.4; 356.10; 356.11; 356.20; 356.21; 356.30; 356.32; 356.40-356.42; 356.50-356.52]

### **Subpart E—Special Projects and Demonstrations for Spinal Cord Injuries**

We support:

- (1) Retaining the core policies included in the existing regulations regarding spinal cord injury programs. [§1330.40]
- (2) Deleting policies included in existing regulations specifying what regulations apply to this program [Sections 359.3-359.4; 359.10-359.11; 359.30-359.32]

DRRC appreciates the opportunity to comment on the above-referenced proposed rule. Thank you for consideration of our comments. If you have any questions, please contact us at 202.466.6550.

Sincerely,

#### **DRRC Coordinators**

Bobby Silverstein, JD  
Peter Thomas, JD  
Sara Rosta, MA

#### **DRRC Member Organizations Endorsing Comments**

American Academy of Physical Medicine & Rehabilitation  
American Congress of Rehabilitation Medicine  
American Medical Rehabilitation Providers Association  
American Physical Therapy Association  
American Speech-Language-Hearing Association  
Amputee Coalition of America  
Association of Academic Physiatrists  
Brain Injury Association of America  
National Association of Rehabilitation Research Training Centers  
National Association of State Head Injury Administrators  
National Council on Independent Living  
National Multiple Sclerosis Society  
Paralyzed Veterans of America  
RESNA, Rehabilitation Engineering and Assistive Technology Society of North America  
United Spinal Association