

FROM THE HILL

Health Reform Update

Prior to the conclusion of the first legislative session of the 111th Congress, the Senate passed its health reform bill (H.R. 3590) at 7 a.m. on December 24. After months of difficult negotiations, and in the first Christmas Eve vote since 1895, the Senate passed its bill on a party-line vote of 60-39, far exceeding the simple majority needed for passage. The Senate adjourned on December 24, 2009, and reconvened on January 20. The House of Representatives, which passed its health reform legislation (H.R. 3962) in November, returned on January 12.

Now that two separate health reform bills have passed in each respective chamber, the Senate and House must merge their bills into one and pass the same product or pass without amendment the other chamber's bill. Majority Leaders in each chamber aimed to complete the process before the President delivers his State of the Union address on January 27. However, that is unlikely to happen now that the Democrats have lost their filibuster proof majority due to the Massachusetts special election to fill the seat vacated by the late-Sen. Edward Kennedy (D-MA).

It is unclear how Congress will advance procedurally or when. NASUA weighed in with Congressional leaders on the impact of some of the health reform provisions that passed in each chamber. To view the letter, **see attached.**

(For a complete side by side **see attached**) •

IN WASHINGTON

Long-Term Quality Alliance to Advocate for Consumers of Long-Term Services and Supports

The Long-Term Quality Alliance (LTQA) is a new alliance which focuses on the quality of care provided in nursing homes and home and community-based

settings. NASUA's Executive Director, Martha Roherty serves as a member of the Board which includes leaders from organizations representing caregivers, consumers, nursing homes, foundations, and a host of other key players in long-term services and supports. The alliance will focus on "person-centered" quality measures that reflect the perspectives of consumers and their family caregivers. Their first priorities include finding ways to improve care coordination/transitions in care and investigating ways to avoid unnecessary hospital admissions among frail and chronically ill people. Watch for more information about this alliance as the group begins meeting later this month. •

AARP Solutions Forum: Saving Jobs in a Recession: How Work Sharing Can Help

AARP held this forum on December 11, 2009 discussing how "work sharing" can help employers avoid layoffs during a downturn by cutting work hours and spreading the remaining work among existing employees, who receive pro-rated unemployment benefits. AARP reports that several European nations and seventeen states in the U.S. are using work sharing programs to help curb layoffs during the economic recession.

To read the transcript or view the webcast of this forum: http://www.aarp.org/research/ppi/econ-sec/work/articles/solutions_forums_091211.html •

ANNOUNCEMENTS

Welcome Maria Greene and Rex O'Rourke: New Staff Members at NASUA

NASUA is thrilled to announce that Maria Greene has agreed to join NASUA as a Senior Consultant. Maria will be available to states for consultation and technical assistance concerning all aspects of running a state unit on aging. She will also support NASUA's



efforts on Older Americans Act Re-authorization. Maria Greene has over 25 years of experience in the areas of human services delivery and administration of services to older adults and people with disabilities. She most recently served 10 years as the director of Georgia's Aging Services programs. Maria's strengths and expertise are in administration and personnel management, continuous quality improvement, and advocacy and coalition building. She has a Masters degree in Human Resources Management, Masters certification in Gerontology and is a certified mediator.



Rex O'Rourke joins NASUA as a Policy Associate. Rex's primary areas of focus will be Medicare Improvements for Patients and Providers Act; State Health Insurance Assistance Program; and Public Benefits, including Enrollment and Eligibility. Rex will also work under the direction of Peggie Rice to support NASUA's public policy advocacy. Rex brings to NASUA a wealth of international public policy and legislative affairs experience in the aging and disability field. As a lead Policy Officer to the New South Wales Minister for Aging and Disability, Rex developed and implemented advanced departmental policies, priorities and goals that focused on independence and dignity for older people and people living with disabilities. In particular, Rex gathered strong community and political support to expand and streamline community-based support services. Most recently, Rex worked for Oklahoman's Department of Human Services, Aging Services Division, assisting it to respond to and proactively plan for fiscal challenges. Rex holds a

BA in Health Sociology and Policy Analysis from The University of Sydney, and a Masters of Administrative Law and Policy from the University of Sydney, School of Law. In addition, Rex is due to complete his JD from The University of Oklahoma December 2010. •

Extra Help Program for Medicare Prescription Drug Plan Costs

On January 8, 2010, Michael J. Astrue, Commissioner of Social Security, and Chubby Checker, Grammy Award winner and rock and roll legend, launched a new campaign to inform Americans about a new "twist" in the law that makes it easier to qualify for *extra help* with Medicare prescription drug costs. Under the new Medicare law, the cash value of life insurance is no longer counted as a resource and any assistance a person receives from others to pay for household expenses is no longer counted as income. "The changes in the Medicare law that take effect this month will allow hundreds of thousands of Americans who are struggling to pay their prescription drug costs to get *extra help* during these tough economic times," said Commissioner Astrue.

For more information:

<http://www.socialsecurity.gov/prescriptionhelp/> •

"Meaningful Use" and Standards for Electronic Health Records

On Wednesday, December 30, 2009, the Centers for Medicare & Medicaid Services (CMS) and the Office of the National Coordinator for Health Information Technology (ONC) proposed regulations defining the term "meaningful use" of certified electronic health record (EHR) technology and setting standards, implementation specification, and certification criteria for EHR technology.

CMS and ONC have worked closely and received input from hundreds of experts to develop these two rules. They are now seeking public comment on the proposed rules.

The Recovery Act Health IT Page is:

http://www.cms.hhs.gov/Recovery/11_HealthIT.asp.

A copy of the ONC Regulation is available at:

<http://healthit.hhs.gov/standardsandcertification>.

The HHS Press Release is available at:

https://www.cms.hhs.gov/apps/media/press_releases.asp.

The CMS Fact Sheets are available at:

https://www.cms.hhs.gov/apps/media/fact_sheets.asp. •

NASUA News

The Newsletter of the National Association of State Units on Aging

JANUARY 2010

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New Executive Director and CEO of the National Osteoporosis Foundation

On December 22, 2009, the National Osteoporosis Foundation (NOF) named Amy McGuire Porter as their new Executive Director and CEO, effective February 1, 2010. Ms. Porter most recently served as the Executive Director of the Foundation for the National Institutes of Health and boasts over twenty years of experience in the nonprofit sector.

“We are very pleased to have Ms. Porter assume the leadership role at NOF,” said Robert R. Recker, M.D., President of the NOF Board of Trustees. “Amy brings a dedication and professional expertise that we are confident will serve the Foundation, patients, healthcare professionals and community well.” •

NEW RESOURCES AVAILABLE

Limited Income Newly Eligible Transition Program

On January 1, 2010, the Centers for Medicare & Medicaid Services (CMS) implemented the Limited Income Newly Eligible Transition Program to provide Part D prescription drug coverage to Medicare LIS eligible individuals who are not yet enrolled in a Part D plan and are in immediate need of enrollment, as well as retroactive coverage for new dual eligibles. The new Limited Income NET Program will replace the existing Point-of-Sale Facilitated Enrollment (POS FE) process.

For more information:

http://www.humana.com/pharmacists/resources/li_net.asp •

Health Affairs Focuses on Long-Term Services and Supports

January’s edition of *Health Affairs* focused on “Advancing Long-Term Services and Supports.” Topics addressed include improving the long-term care workforce, issues concerning family caregivers, housing, Medicare and Medicaid in long-term care, and end of life care. To introduce this new issue of *Health Affairs*, a briefing entitled “Advancing Long-Term Services & Supports” was held in Washington, DC on January 5, 2010.

Audio and Video of the briefing available at:

http://www.healthaffairs.org/issue_briefings/2010_01_05_long_term_care/2010_01_05_long_term_care.php

To purchase a copy of January’s edition of *Health Affairs*: http://www.healthaffairs.org/1330_issue.php Health Affairs Website: <http://www.healthaffairs.org/> •

National Legal Resource Center Website Launched

Kathy Greenlee, HHS Assistant Secretary for Aging, launched a new website for the National Legal Resource Center (NLRC). “The new NLRC website creates a much needed resource portal to critical support tools designed to help providers serve older consumers facing difficult legal issues impacting their independence and financial security,” said Assistant Secretary Greenlee.

The NLRC’s primary objectives are: 1) to support the leadership, knowledge, and systems capacity of states, legal services providers, area agencies on aging, ADRCs, and other organizations serving older persons in order to enhance the quality, cost effectiveness, and accessibility of legal assistance, and elder rights programs provided to older persons; and 2) support demonstration projects and state wide initiatives designed to expand or improve the delivery of legal assistance and elder rights protections to older persons with social or economic needs.

To visit the NLRC website:

<http://www.nlrc.aoa.gov/NLRC/Index.aspx> •

Issue Brief: Rural Health and Health Reform

This month, the Alliance for Health Reform released this issue brief discussing the unique challenges of rural health care delivery, including provider shortages, high unemployment rates, low private insurance rates and special demographic and geographic issues. It then looks at how the House and Senate health reform bills plan to help rural areas deal with these challenges.

To view the issue brief:

http://www.allhealth.org/publications/Uninsured/Rural_Health_and_Health_Reform_94.pdf •

Background Paper: The Role of Ombudsman in Assuring Quality for Residents of Long-Term Care Facilities: Straining to Make Ends Meet

In December 2009, Carol O’Shaughnessy of the National Health Policy Forum released this background paper discussing the role of long-term care ombudsman; the background of the program; its goals, funding sources, and staff role and capacity. The paper then examines issues concerning the ability of the program to meet its legislative mandates and fulfill its role as a consumer advocate.

To view the background paper:

<http://www.nhpf.org/library/details.cfm/2767> •

Issue Brief: *To be or not to be Homebound: The Limits of States' Discretion in Medicaid's Coverage for Home Health Services*

On December 21, 2009, the National Senior Citizens Law Center released this issue brief discussing the boundaries of a state's home health service standard in order to provide useful background for advocates trying to maximize the community-based options of persons with chronic needs.

To view this issue brief:

http://www.nslc.org/areas/medicaid/to-be-or-not-to-be-homebound-the-limits-of-states2019-discretion-in-medi-caid2019s-coverage-for-home-health-services/at_download/attachment. •

Report: *Aging Strategic Alignment Project*

The Benjamin Rose Institute, through a grant from the Administration on Aging, has released this report which examines the progress toward and impediments to shifting the balance of care settings from institutional to home and community-based services (HCBS) in the states. The report provides an expansive picture of each state's infrastructure for HCBS programs serving older adults and adults with physical disabilities. Finally, the report provides a look at the accomplishments, challenges, and initiatives that have and will have the greatest effect on the states' HCBS delivery system.

To view this report:

<http://www.benrose.org/KPI/ASAP111809.cfm> •

OMBUDSMAN CORNER

On Tuesday, January 5th, 2010, Carol O'Shaughnessy, Principal Policy Analyst for the National Health Policy Forum spoke to a group of Volunteer Ombudsmen at the Holiday Park Multi Service Senior Center in Wheaton, Maryland. These volunteers were part of the team of local long-term care ombudsman who regularly visit long-term care facilities in Montgomery County, Maryland.

Ms. O'Shaughnessy shared information from her recently released paper, "The Role of Ombudsmen in Assuring Quality for Residents of Long-Term Care Facilities: Straining to Make Ends Meet." In addition, she gave the group background on the Older Americans Act (OAA) including the foundation of aging policy. As a part of the Older Americans Act, the Long-Term Care Ombudsman program has evolved with the Act. She

showed the group how the ombudsman reporting is used to determine the top six resident complaints and how states differ in accessibility to the ombudsman program. In her conclusion, Ms. O'Shaughnessy emphasized the important role that ombudsmen play in assisting thousands of residents each year; and what an important complement they are to the regulatory process. She also talked about the limited funding that is available for the program and its effect on the ability of the staff, including volunteers, to make regular visits to facilities.

Deborah Merrill, Senior Policy Advisor at the National Association of State Units on Aging (NASUA), also spoke to the group. She emphasized the need for Ombudsman Volunteers to report their activities. Volunteer data is an important piece of the long-term care ombudsman picture. Data generated by paid ombudsman staff and volunteer staff can be used at the state and national levels to advocate for improved quality of care and quality of life for long-term care residents. •

TASC CORNER

As NASUA continues our outreach and planning efforts to assist and educate states as they develop their state plans for submission to the Administration on Aging (AoA), the technical assistance and support center (TASC) Planning Zone, located on NASUA's website, is potentially beneficial to states throughout the state plan development process, including those currently 'planning to plan' for future fiscal year submissions, as well as the 15 states with plans due in fiscal year (FY) 2011. For example, it is helpful for states in all stages of planning to be familiar with AoA's annually released program instructions, which are applicable to plans due that fiscal year and outline focus areas for which states must develop and incorporate performance measures into their plan. For FY 2011, AoA is asking states to include at least one such measure addressing each of the following: OAA core programs, AoA discretionary grants and consumer control and choice. Thus, although these program instructions relate specifically to the states with plans due in FY 2011, becoming familiar with program instruction compliance and the state plan development process as a whole, while gaining insight into AoA's priorities, is a valuable planning resource, regardless of where any given state may fall on the state plan development continuum.

The first focus area for the state plans due in FY 2011 is on OAA core programs, which are encompassed in Titles III, VI, and VII of the OAA and include: Supportive Services, Nutrition, Disease Prevention/Health Promotion, Caregiver Programs, Native American Programs and Elder Rights Programs. To address the important, foundational role of the OAA core programs



in the aging network, AoA is asking states to specify in their plans how they will better coordinate with the current Title VI Native American programs, as well as how they will work to strengthen their existing Title III and IV services. Additionally, AoA is asking that state plans address how states will better integrate these aforementioned OAA programs with the second focus area in the FY 2011 program instructions, the AoA discretionary grant programs.

To tie together the two focus areas of OAA core programs and AoA discretionary grants, AoA is requiring states to consider how they will integrate the OAA Title III, IV and VI core programs with the different AoA discretionary grant programs each state receives. In accordance with AoA's measurable objective requirement, it follows, then, that states receiving AoA discretionary grants to implement Community Living Programs (CLP), the Alzheimer's Disease Supportive Services Program (ADSSP) and the Evidence-Based Disease and Disability Prevention Program will need to develop measurable objectives that include integration of these grant programs with the OAA core programs in the first focus area.

In coordination with AoA's request for states to focus on their funded discretionary grant programs, there is a new FY 2011 requirement instructing states to develop five year Aging and Disability Resource Center (ADRC) plans as a condition to receiving ADRC discretionary grant funding from AoA. To align this new plan with the state plans on aging, and to streamline these respective planning processes, AoA is allowing for some overlap between the two. That is, the information specific to ADRCs that is required to be in state plans may also operate as that state's ADRC five year plan. However, in order for the ADRC state plan content to serve these dual purposes, the state plans must follow AoA's program instruction guidelines and specifically address how their ADRCs projected objectives, partners and budget will lead to not only statewide ADRC expansion, but also to the full integration of ADRCs with the OAA core programs.

The final focus area for state plans in FY 2011, consumer control and choice, highlights AoA's position that state policies and programs supporting consumer control and choice require fundamental changes to improve. That is, while OAA Title VII programs and services are designed to support consumer control and choice, opportunities to maximize consumer control also exist elsewhere; specifically, within programs under OAA Titles III and VI. To encourage expansion into previously overlooked OAA programs, AoA is asking state plans to include measurable objectives supporting consumer control and choice across the

spectrum of long-term care services, including home, community and institutional settings.

As states continue to work to develop their state plans and incorporate these focus areas into that process, NASUA's online TASC Planning Zone, accessible at www.nasua.org, is available to assist with these, and many other, state planning efforts. •

IN THE STATES

CMS Announces Electronic Health Record Matching Funds Awards for Nine States

On December 12, 2009, CMS announced that California, New York, Georgia, Texas, Idaho, Montana, and the U.S. Virgin Islands will receive federal matching funds for planning activities under the Recovery Act's electronic health record incentives program. Then, on January 4, 2010, CMS announced that Tennessee and Pennsylvania would also receive these federal matching funds. NASUA congratulates these nine recipients for their dedication to developing a stronger health information technology (HIT) infrastructure in the U.S.

To view the press releases:

http://www.cms.hhs.gov/apps/media/press_releases.asp •

FUNDING OPPORTUNITIES

ARRA Funding to Help Older Americans Fight Chronic Disease

On December 16, 2009, Secretary Kathleen Sebelius announced the availability of \$27 million to help older individuals with chronic health conditions to improve their health and reduce their use of costly medical care. The initiative gives each state and territory's Aging and Health Department the opportunity to implement Chronic Disease Self-Management Programs (CDSMP) to help individuals better manage their health. "This innovative program will give at-risk older people and their caregivers the tools they need to make their own decisions so they can live longer, healthier and more independent lives," said Assistant Secretary for Aging Kathy Greenlee.

The **deadline** for application is **February 12, 2010**. Eligible Applicants include all 56 States and territories. Only state units on aging or state health departments are eligible to submit applications. Requirements:

- The state unit on aging and state health departments must be full partners in administering the program and they must involve their local area agencies on aging and health departments.
- The State Medicaid Agency must also be involved in the program.
- The application must include a letter of support from the state's Governor.
- States must comply with reporting requirements authorized under the Recovery Act.

To view the Funding Opportunity Announcement:

<http://www.aoa.gov/AoARoot/Grants/Funding/index.aspx> •

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2010 State Health Insurance Assistance Program Grants from CMS

On December 16, 2009, the Centers for Medicare & Medicaid Services (CMS) announced the availability of \$45 million in direct grants and support contracts for State Health Insurance Assistance Programs (SHIP). SHIPs can receive base grant and supplemental funding, and performance-based awards from CMS. State responses to the grant announcement are due **February 16, 2010** and funding will be awarded in April 2010.

To view the CMS announcement:

<http://www.cms.hhs.gov/apps/media/press/release.asp?Content=3560> •

Wider Opportunities for Women RFP for the Elder Economic Security Initiative

Wider Opportunities for Women (WOW) is asking lead state organizations to participate in a nationally coordinated campaign and launch the Elder Economic Security Initiative in their state. The Elder Economic Index gives a measure of the income elders require to age in place that accounts for basic expenses such as housing, health care, food and transportation. This tool is meant to inform and guide policy makers, aging advocates, services providers and others as they develop policies and programs to promote the economic independence of elders.

WOW will provide a cash stipend and technical assistance to each participating state during the first two years, equaling an in-kind contribution of over \$90,000. **Proposals are due by March 5, 2010.**

To view the RFP:

http://www.wowonline.org/ourprograms/eesi/documents/RFPforJan2010.pdf?utm_campaign=2010%20Request%20for%20Proposals&utm_medium=Email&utm_source=VerticalResponse&utm_term=Request%20for%20Proposals •



Upcoming Events

Reauthorization Listening Forums: NASUA

In order to maximize your valuable time and minimize travel expenses, NASUA will be hosting a day-long meeting for each region at the conclusion of the AoA sponsored “listening forum.”

The dates of the listening forums are below. Please note that NASUA events will take place the day after AoA’s forums.

- February 19th, Dallas
- February 26th, Washington, DC
- March 4th, San Francisco

Reauthorization Listening Forums: Administration on Aging

In advance of the 2011 reauthorization of the Older Americans Act, the Administration on Aging (AoA) plans to convene a series of Reauthorization Listening Forums early in 2010 to get input from the aging network, stakeholders, policymakers and the public (in particular older Americans) on key issues that will impact our growing aging population and their families.

- February 18th, Dallas (Regions IV, VI, VII and Title VI representatives)
- February 25th, Washington, DC Metro Area (Regions I, II, and V)
- March 3rd, San Francisco (Regions VIII, IX, X and Title VI representatives)
- March 16th, NCOA/ASA Annual Conference in Chicago

OAA Reauthorization Policy Forum: NASUA

June 27th – 29th, 2010
Washington, DC

The NASUA OAA Reauthorization Policy Forum will be held instead of the June Membership meeting. The policy forum will highlight:

- A final discussion and debate on NASUA core principles and priorities for reauthorization;
- An opportunity to hear from key federal officials including White House Officials, AoA, CMS and HHS;
- A hill briefing and forum for Congressional staff on the role of the Aging Services Network;
- An opportunity to meet with your Congressional delegation.

Aging in America

NCOA-ASA Conference

March 15th – 19th, 2010
Chicago, IL

For more information:

<http://www.agingconference.org/AiA10/index.cfm>

I&R Training and Education Conference

Alliance of Information and Referral Systems (AIRS)

May 23rd – May 26th, 2010
Rochester, New York

For more information: <http://www.airrs.org>

26th National Home and Community Based Services Conference

National Association of State Units on Aging

September 26th – 29th, 2010
The Hilton Hotel

Atlanta, GA

The National Association of State Units on Aging

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