**PARF NEWS**
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**Dateline: September 16, 2011**

**Help for Distressed Victims of Storms in PA**

Flooding from Hurricane Irene and Tropical Storm Lee has devastated communities in much of the central and eastern parts of Pennsylvania and left countless families and businesses facing destruction. President Obama signed a major disaster declaration for Pennsylvania on September 12 upon the request of Governor Tom Corbett, making federal aid available for PA residents who sustained significant damage as a result of the disaster. Individuals and businesses in the counties in the storm-affected as listed below can immediately apply for federal aid by visiting [www.disasterassistance.gov](http://www.disasterassistance.gov), by web-enabled device at [m.fema.gov](http://m.fema.gov) or by calling 1-800-621-FEMA (3362.). The toll-free number will operate from 7 a.m. to 10 p.m. local time seven days a week until further notice. *For Hurricane Irene* eligible counties include: Bucks, Chester, Delaware, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Sullivan and Wyoming). *For Tropical Storm Lee* eligible counties include: Adams, Bradford, Columbia, Cumberland, Dauphin, Lancaster, Lebanon, Luzerne, Lycoming, Montour, Northumberland, Perry, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wyoming and York). FMI: See [www.depweb.state.pa.us](http://www.depweb.state.pa.us) and click “Flood-related information” or “Regional Resources.” See [www.state.pa.us](http://www.state.pa.us).

**CAAP Asks for Assistance in Meeting Housing Needs of Disaster Victims**

The Community Action Association of Pennsylvania is encouraging community service organizations to reach out to their network of property owners, rental agencies, realtors, etc. and ask them to utilize the free website [www.PAHousingSearch.com](http://www.PAHousingSearch.com) to post any available rental properties to help the displaced flood victims. In turn, [www.PAHousingSearch.com](http://www.PAHousingSearch.com) is the primary source for individuals and families to find temporary housing.

**DPW Hosts Consumer & Family Forum on Shared Living RFI**

On September 30 the PA Department of Public Welfare (DPW) is hosting a Consumer and Family Forum to provide an opportunity for interested parties to share their ideas and responses to the Shared Living Request for Information (RFI). The forum will be held on September 30 from 1:00 p.m. to 4:00 p.m. at Room 105 Rachael Carson Building, Market Street, Harrisburg, PA. In its announcement DPW pointed out that it currently has two existing Shared Living options: Family Living through the PA Office of Developmental Programs and Domiciliary Care through the PA Office of Long Term Living. DPW recently released an RFI to gather information from all interested stakeholders about strategies to improve and enhance these types of service options. To register please e-mail Jessica Bradley at e-mail address [jebradley@pa.gov](mailto:jebradley@pa.gov) by September 26, 2011. DPW has indicated that Room 105 in the Rachael Carson Building has a reasonable amount of capacity, but DPW wishes to accommodate everyone within the seating limitations. Written submissions will continue to be accepted until September 30, 2011. They can be submitted to [sharedliving@pa.gov](mailto:sharedliving@pa.gov). On September 16 the PA DPW Office of Developmental Programs (ODP) issued Announcement 119-11 on the Sharing Living Request for Information (RFI) Consumer and Family Forum. FMI: See [www.odpconsulting.net](http://www.odpconsulting.net).
ODP Announcement on Year 4 Cost Report Website Training Registration

On September 12 the PA DPW Office of Developmental Programs (ODP) issued Announcement 116-11 on ODP Year 4 Cost Report Website Training Registration. The announcement is directed to Waiver Direct Service Provider staff who have a role in completing cost reports for Year 4 (historical reporting period of Fiscal Year (FY) 2010/2011), Administrative Entity (AE) staff who will have a role in desk reviews of cost reports and ODP Regional Staff that will have a role in overseeing the desk review process. The Year 4 Cost Report Website Training Session will be held on October 4, 2011 from 1:30 p.m. to 3:00 p.m. EST. ODP will be hosting the web-based training session for providers and AE staff who are new to the cost reporting process or who would like a refresher on the submission process. Topics that will be covered include the (a) automated cost report submission process, including how to use the Cost Report website, file naming conventions, and real-time edit messages, and (b) discussion on user accounts necessary for accessing the cost report website. FMI: See www.odpconsulting.net.

ODP Announcement on Support Networks

On September 15 the PA DPW Office of Developmental Programs (ODP) released ODP Communication Number: Announcement 118-11 concerning a new resource now available to organizations enrolled in College of Direct Supports (CDS-PA), titled Reflecting on Our Own Support Networks. The resource is designed to enhance and reinforce the concepts presented in the Understanding Support Networks lesson (Lesson #1) in the Working with Families and Support Networks CDS course. FMI: See www.odpconsulting.net.

PA House Committees Conduct Joint Hearing on Special Veterans Courts


PA Statewide Conference on Immigrants & Culturally Diverse Individuals with Disabilities

On Wednesday, October 5 a statewide, cross-disability conference entitled Empowering the “Forgotten Ones” Through Systems Change will be held at Temple University, Student Center (South), 1755 North 13th Street (between Cecil B. Moore Avenue & West Montgomery), Philadelphia, PA 19122. The statewide conference looks at the challenges faced by immigrants and culturally diverse individuals with disabilities in Pennsylvania. Please direct all inquiries about the conference to the Conference Coordinator, Diversity Dynamics, LLC, 201-320-1669. FMI: Contact PARF at parmail@parf.org.
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ODP to Host Teleconference Calls for College of Direct Support (CDS-PA) Learners

On September 15 the PA DPW Office of Developmental Programs (ODP) issued Announcement 117-11 - Conference Calls Discussions for College of Direct Support (CDS-PA) Learners. In its release of information ODP announces that it will host three conference call discussions for CDS-PA learners as an opportunity to reinforce the concepts presented in CDS lessons and to build a community of support for CDS-PA users. Information regarding registration, dates and times for the conference calls can be found in the announcement. FMI: See www.odpconsulting.net.

PCA Hosts Planning Sessions

The Pennsylvania Council on the Arts (PCA) is hosting planning sessions to be held across the state to discuss the future for the arts in Pennsylvania and assist PCA in updating its strategic plan. PARF encourages its members to participate and comment on people with disabilities in the arts. Meetings are scheduled to be held throughout the state starting in late September. To register, click on http://www.pacouncilonthearts.org/. All sites are in accessible locations. If other accessible accommodations are required, please contact the PCA at 717-525-5548 at least two weeks prior to meeting date. Scheduled meetings are: September 22 (10 am to 1 pm) at the Erie Art Museum, Erie, PA; September 26 (2 pm to 5 pm) at the Scranton Cultural Center, Scranton, PA; September 27 (10 am to 1 pm) at the Lehigh County Government Center, Public Hearing Room, Allentown, PA; October 11 (10 am to 1 pm) at the Reading Public Museum, Reading, PA; October 11 (3 pm to 6 pm) at Millersville University, Lancaster; October 13 (10 am to 1 pm) at Juniata College, von Liebig Center for Sciences, Sill Board Room, Huntingdon; October 14, (10 am to 1 pm) at Jump Street, Harrisburg, PA; November 2 (2 pm to 5 pm) at Williamsport Community Arts Center, Ladies Parlor, Williamsport; November 9, (10 am to 1 pm) at August Wilson Center, Cultivation Room, Second Floor, Pittsburgh; November 10, 2011 (2 pm to 5 pm), Pitt-Johnstown, Conference Center, Johnstown, PA; November 15, (2 pm to 5 pm) at Farm House at People's Light & Theatre Company, Malvern, PA; November 16, (9:30 am to 12:30 pm and 3 pm to 5 pm), Greater Philadelphia Cultural Alliance & Asian Arts Initiative, Philadelphia, PA. Meeting dates and locations are posted on the website. For further information contact: Pennsylvania Council on the Arts, 216 Finance Building, Harrisburg, PA 17120. Phone: 717-525-5548 (RSVP). TTY: 1-800-654-5984. FMI: See http://www.pacouncilonthearts.org/. FMI: See also www.state.pa.us.

National Disability Employment Awareness Month

National Disability Employment Awareness Month (NDEAM) will be celebrated in October 2011 at activities highlighting the contribution of Americans with disabilities to our workforce and society. The 2011 theme, Profit by Investing in Workers with Disabilities, emphasizes the rich diversity and talent that workers with disabilities bring to the workplace. In October, PARF will be promoting NDEAM. See http://www.dol.gov/odep/pubs/ndeam2011poster.htm for resources available, including NDEAM posters.
American Jobs Act Offers Aid to States

On September 12 President Barack Obama delivered to Congress the American Jobs Act, a series of proposals with the goal of providing additional stimulus to the American economy consisting of about $450 billion in total spending and tax cuts. The proposal involves three major pieces: First, proposals affecting tax rates make up slightly more than half of this total, with initial estimates at around $250 billion, a majority of which is directed towards a payroll tax cut. Second, the bill also contains $100 billion in spending directed towards infrastructure, which includes roads, bridges, schools and an infrastructure bank. The final major element of the bill contains $100 billion in direct spending for aiding state and local governments, extending additional unemployment benefits and funding various worker retraining programs. For a detailed fact sheet see http://www.whitehouse.gov/the-press-office/2011/09/08/fact-sheet-and-overview. For the impact on non-profit organization see http://www.whitehouse.gov/blog/2011/09/16/american-jobs-act-and-nonprofits

Joint Select Committee on Deficit Reduction Holds First Public Hearing

On September 13 the U.S. Congress Joint Select Committee on Deficit Reduction held its first public hearing. The week before – on September 8 – the Committee held its first meeting at which members of the committee made opening statements and considered proposed committee rules. At the September 13 hearing Congressional Budget Office (CBO) Director Doug Elmendorf testified on The History and Drivers of Our Nation’s Debt and Its Threats. Elmendorf was the committee’s only witness. He said that the nation cannot sustain its spending and policies with the same level of tax revenues it has been accustomed to. Elmendorf said that he would develop information and provide analysis but that key decisions on taxes, spending and deficit reduction were to be made by the Committee. For the video of the September 13 meeting, see http://deficitreduction.senate.gov/public/index.cfm/pressreleases?ID=1e5258ea-82e8-46d6-9880-e27e29119b1a. The committee met on September 15 at a closed-door breakfast meeting. The co-chairs have said hearings will be open to cameras, but that in order to conduct the tough negotiations that are needed some meetings would have to be private. On September 22 the Committee will hold a hearing entitled “Overview: Revenue Options and Reforming the Tax Code” at 10:00 a.m. at which Chief of Staff of the Joint Committee Thomas Barthold will testify. The Committee has established a website at http://deficitreduction.senate.gov/public/. The special committee must report a bill with its recommendations by November 23, 2011. The recommendations would then have to be voted on by the full House and Senate under special rules. If the Joint Committee or Congress fails to act by December 23, 2011, the bill calls for automatic across-the-board cuts, split 50-50 between defense and non-defense spending, including Medicare. Social Security and Medicaid would be excluded from those automatic cuts. The plan also requires the House and Senate to vote on a balanced budget amendment to the Constitution by December 31, 2011. FMI: See http://www.c-span.org/deficit/ and http://deficitreduction.senate.gov/public/.
House Committee Holds Hearing on Social Security Disability Work Incentives

The Ways and Means Committee of the US House of Representatives has scheduled a hearing on Work Incentives in Social Security Disability Programs on Friday, September 23, 2011. The hearing will focus on the current work incentives in the SSDI and SSI programs, their impact on the number of individuals exiting the benefit roles, including the data and reports documenting such impact. The Subcommittees will also examine recommended performance standards to guide future evaluations of work incentives programs, with particular focus on Ticket to Work, WIPA, PABSS, and Vocational Rehabilitation Services. In addition, ongoing and proposed SSDI demonstration projects will also be reviewed. The hearing is step to the potential reauthorization of the WIPA program and an opportunity to educate Congress about the successes and outcomes of the 102 national WIPA projects. IF you wish to submit testimony please see the announcement of the September 23 hearing by U.S. Congressman Sam Johnson (R-TX), Chairman of the House Committee on Ways and Means Subcommittee on Social Security, and U.S. Congressman Geoff Davis (R-KY), Chairman of the House Committee on Ways and Means Subcommittee on Human Resources http://waysandmeans.house.gov/News/DocumentSingle.aspx?DocumentID=260393 See also http://waysandmeans.house.gov/Calendar/EventSingle.aspx?EventID=260395 FMI: See www.house.gov.

ODEP to Review Federal Employment Policy and Initiatives

On Wednesday, October 12 from 12:00 - 1:00 p.m. (EST) Kathleen Martinez, Assistant Secretary of Labor for Disability Employment Policy U.S. Department of Labor, Office of Disability Employment Policy (ODEP) will be featured in a free webinar on a wide range of topics including: the current state of employment for people with disabilities, and the importance of providing opportunities for people with disabilities to U.S. business and the economy; President Obama’s initiative to increase employment of people with disabilities in the federal sector and its broader impact; insight and advice on what your organization can do to advance efforts to support and employ people with disabilities. The conversation is hosted by Susanne Bruyère, Associate Dean of Outreach at Cornell University ILR Employment and Disability Institute (EDI). This webcast is free of charge. Register at http://www.ilr.cornell.edu/events/10122011-conversationwithkathleenmartinez.html. In order to participate in the webcast, you will need computer access with high speed Internet connection. The required browser is Internet Explorer. Windows users need to install Windows Media. Macintosh users need to install the Silverlight plug in. FMI: http://www.dol.gov/odep/ and http://www.ilr.cornell.edu/edi

RSA Webinars in September

The U.S. Department of Education Office of Special Education and Rehabilitative Services (OSERS) Rehabilitation Services Administration (RSA) is sponsoring a series of technical assistance webinars on topics that will serve a variety of professional communities. Please visit https://ncrtm.org/moodle/course/view.php?id=193 to take part in previous, current, and future webinars. Upcoming webinar events include presentations on September 21 Strategies for Providing Effective Vocational Rehabilitation to Underserved Populations and on September 22 Contract Development and Administration. FMI: For more information on RSA see http://www2.ed.gov/about/offices/list/osers/rsa/index.html.
Senate HELP Committee Hears Testimony on Employment for People with Disabilities

On September 15, the Senate Committee on Health, Education, Labor and Pensions held a hearing on the future of employment for people with disabilities. Committee Chairman Senator Tom Harkin focused the discussion on employment options addressing the needs and potential of people with disabilities. Panelists addressed public perception and expectations, employer responses to people with disabilities, and employment options for people with disabilities, including sheltered workshops. All panelists supported the need to increase competitive employment and diverse job options. The Committee Hearing - The Future of Employment for People with the Most Significant Disabilities – featured testimony from Katy Beh Neas, Senior Vice President, Government Relations, Easter Seals, Office of Public Affairs, Office of Public Affairs, Washington Fredric Schroeder, Former Commissioner, Rehabilitation Services Administration, Department of Education, Interwork Institute, San Diego State University, San Diego, CA Jonathan Young, Chair, National Council on Disability, Washington, DC Ruby Moore, Executive Director, Georgia Advocacy Office, Decatur, GA Julie Petty, Past President, Self Advocates Becoming Empowered, Fayetteville, AR Deb Pumphrey, Ottumwa, IA Janet Samuelson, President and CEO, Service Source, Alexandria, VA Michael Pearson, President, Union Packaging, LLC, Yeadon, PA Senate Committee on Health, Education, Labor & Pensions includes Robert P. Casey, Jr. (PA). FMI: To view the two hour hearing see http://help.senate.gov/hearings/hearing/?id=448c93b8-5056-9502-5d7e-35fed69d35e4.

New Social Security Rule on Documenting and Evaluating Disability in Young Adults


ITEM Coalition Seeks Information on Coverage of Rehabilitative and Habilitative Services

The ITEM coalition is collecting information on typical coverage of rehabilitative and habilitative services and devices by employer-sponsored health insurance plans. The ITEM Coalition is a consumer-led coalition of disability-related organizations with the goal of improving access to assistive devices, technologies and related services for individuals with disabilities of all ages. The Coalition is particularly interested in physical therapy, occupational therapy, speech therapy, durable medical equipment, orthotics, prosthetics, and other assistive devices. Individuals with health insurance through an employer and those with a disability or chronic condition are encouraged to respond to the ten (10) question, anonymous survey "Insurance Coverage of Rehabilitative and Habilitative Devices," at http://www.surveymonkey.com/s/LY58SY5. The survey closes on September 23. Responses will help The ITEM coalition to advocate for comprehensive coverage of these services and devices within the new insurance exchanges.
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U.S. Department of Education Announces New Rules on Special Education

On September 6 the U.S. Department of Education announced two regulatory actions they are taking with respect to the Individuals with Disabilities Education Act (IDEA). First, the Department of Education released final regulations stemming from the 2004 reauthorization of IDEA that govern IDEA Part C, which provides education services for infants and toddlers. For a copy of the Part C regulations see http://www2.ed.gov/policy/speced/reg/idea/part-c/index.html. Key provisions in the final regulations require states to obtain parental consent before accessing a family’s public or private insurance to help pay for services, strengthen parental rights to keep personally identifiable information confidential, provide for a new seven-day maximum timeline for referring a child who is potentially eligible for early intervention services, and require that states provide for a multidisciplinary assessment to help find the unique strengths and needs of children. The Department of Education also released a notice of proposed rulemaking to amend the IDEA Part B regulations, which cover special education students ages 3-21. For a copy of the Part B regulations see http://www2.ed.gov/policy/speced/reg/idea/part-b/index.html. The proposed regulations seek to ease fiscal burdens on states and local schools by modifying how often they must obtain parental consent before using a child’s or parent’s public benefits or insurance to pay for Part B services. Comments are due on the proposed rule 75 days after publication in the Federal Register. FMI: See http://www2.ed.gov/about/offices/list/osers/news.html

Joint Commission Annual Report Names Top Performing Hospitals

On September 14, the Joint Commission (JCAHO) issued it 2011 annual report on quality and safety Improving America’s Hospitals which for the first time lists hospitals and critical access hospitals that are top performers in using evidence-based care processes closely linked to positive patient outcomes. The 405 organizations designated as attaining and sustaining excellence in accountability measure performance for the full previous year (2010) represent approximately 14 percent of Joint Commission-accredited hospitals and critical access hospitals that report core measure performance data. The listing is based on performance related to 22 accountability measures for heart attack, heart failure, pneumonia, surgical care and children’s asthma care, The Joint Commission report singles out hospitals in 45 states. The list of top performing hospitals and the measure set or sets for which the hospital was recognized are available online. JCAHO says that the newest data, drawn from more than 3,000 accredited hospitals, show significant progress in consistently using evidence-based treatments. The percentage of hospitals achieving composite accountability measures greater than 90 percent has also dramatically improved. In 2010, 91.7 percent of hospitals achieved 90 percent compliance, compared to 20.4 percent in 2002. JCAHO says that although hospitals achieved 90 percent or better performance on most individual process of care measures, the report contends that more improvement is needed. Quality, safety and patient satisfaction results for specific hospitals can be found at www.qualitycheck.org. For the JCAHO press release, see http://www.pwrnewmedia.com/2011/joint_commission/annual_report_release/. See the listing at http://www.jointcommission.org/joint_commission_annual_report_names_top_performing_hospitals/. To view the document see http://s3.documentcloud.org/documents/249296/joint-commission-report-on-quality-and-safety.pdf.
DOL and HHS to Implement Anti-Waste Measures

On September 14 new initiatives were announced in the Obama administration’s campaign to eliminate waste in Medicaid and to strengthen partnerships with states to reduce improper unemployment insurance payments. The U.S. Department of Health and Human Services (HHS) released its final rule for the Medicaid Recovery Audit Contractor Program which is expected to save $2.1 billion over the next five years, of which $900 million will be returned to states. (See below) The Department of Labor announced next steps in its efforts to reduce improper unemployment insurance payments and hold states accountable for progress. DOL unveiled an online map that will show citizens their state’s payment errors, which types of problems are driving its error rate, and the steps it has taken to address its rate. DOL has also identified six high priority states -- Virginia, Indiana, Colorado, Washington, Louisiana, and Arizona -- based on their high rate of improper payments and said that it is working with these states to ensure they develop a comprehensive turnaround plan to reduce their improper payments. The Department of Labor also awarded nearly $92 million to 42 states to implement waste-cutting initiatives and improve the Unemployment Insurance program, including upgrading technology systems to more accurately collect data and process claims. See http://www.hhs.gov/news/press/2011pres/09/20110914a.html

MedPAC Recommends Repeal of SGR Formula for Physician Payment

On September 15, the Medicare Payment Advisory Commission (MedPAC) issued draft recommendations for moving forward away from the sustainable growth rate (SGR) system that is used by the Centers for Medicare and Medicaid Services (CMS) to set Medicare physician payments. MedPAC notes in its draft recommendations that repealing the system has high budgetary costs: a 10 year freeze in payment across all services would cost $300 billion and repeal would require significant offsets. The MedPAC draft document identifies principles for repealing the SGR: Eliminate the 30% cut in 2012, replace the SGR with legislated fee schedule updates, strike a balance between the cost of repeal with the need to assure beneficiary access, and sever the link between annual updates and the cumulative expenditures for fee-schedule services. The plan would freeze primary care payments for 10 years and cut payment for other services by 5.9 percent for three years followed by a freeze for the remaining seven. The draft plan anticipates that fee schedule updates would cost $200 billion. The offsets would total $235 billion over 10 years and would come from cuts in other health care sectors. Post acute care is expected to pick up approximately 21% of the offsets or over $46 billion over 10 years. Hospitals are to pick up 11% or over $25 billion. The American Medical Association said the MedPAC draft recommendations threaten access to care for patients and would have severe consequences for the Medicare system; the American College of Surgeons said the recommendations fail to meet the goal of quality and further jeopardize access to care. The recommendations will be reviewed by MedPAC at meetings on October 6 and 7. Medicare physician payments are scheduled to be cut nearly 30-percent on January 1. See http://www.ama-assn.org/amednews/ The slides from the MedPAC presentation are available at http://www.medpac.gov/transcripts/SGR%20sept%202011%20handout.pdf. See http://www.medpac.gov/meeting_search.cfm?SelectedDate=09/16/2011&t=m&month=2011-09. See also www.medpac.gov.
CMS Publishes Final Rule on Medicaid RACs

On September 14 the Centers for Medicare and Medicaid Services (CMS) issued a final rule implementing section 6411 of the Patient Protection and Affordable Care Act (ACA) and providing guidance to states related to federal and state funding of state start-up, operation and maintenance costs of Medicaid Recovery Audit Contractors (Medicaid RACs) and the payment methodology for state payments to Medicaid RACs. The rule also directs states to assure that adequate appeal processes are in place for providers to dispute adverse determinations made by Medicaid RACs. The rule directs states to coordinate with other contractors and entities auditing Medicaid providers and with state and federal law enforcement agencies. In addition, the final rule requires that states must fully implement their Medicaid RAC programs by January 1, 2012. The final rule was published in the Federal Register. FMI: See http://www.gpo.gov/fdsys/pkg/FR-2011-09-16/html/2011-23695.htm
See also www.regulations.gov, and www.cms.gov.

HHS Launches Million Hearts Initiative

On September 13 U.S. Department of Health and Human Services (HHS) has launched a new public-private sector initiative which aims to prevent one (1) million heart attacks and strokes in (5) five years. HHS is engaged with several key initial partners in the Million Hearts initiative that aims to prevent 1 million heart attacks and strokes over the next five years. Million Hearts focuses on improving aspirin use, blood pressure, cholesterol control and tobacco prevention. Million Hearts is focused on two goals: (1) Empowering Americans to make healthy choices such as preventing tobacco use and reducing sodium and trans fat consumption, thereby reducing the number of people who need medical treatment such as blood pressure or cholesterol medications to prevent heart attacks and strokes. (2) Improving care for people who do need treatment by encouraging a targeted focus on the “ABCS” – Aspirin for people at risk, Blood pressure control, Cholesterol management and Smoking cessation – addressing the major risk factors for cardiovascular disease and can help to prevent heart attacks and strokes. FMI: See http://www.hhs.gov/news/press/2011pres/09/20110913a.html.

HHS Awards ACA Funds for Organizations to Develop Community Health Centers

On September 15 U.S. Department of Health and Human Services (HHS) announced awards totaling $10 million to aid 129 organizations across the country to become community health centers. The funds are made available by the Affordable Care Act to support organizational development as a future health center. Eligible applicants included public or nonprofit private entities, including tribal, faith-based and community-based organizations. Current Health Center Program grantees were not eligible. To see health center planning grants, listed by organization and state, visit: http://www.hrsa.gov/about/news/2011tables/1108healthcenterplanning.html. FMI See http://www.hhs.gov/news/press/2011pres/09/20110915e.html.
Leon Rodriguez Appointed Director HHS Office for Civil Rights

On September 13 Leon Rodriguez was appointed as Director of the Office for Civil Rights (OCR) of the U.S. Department of Health and Human Services (HHS). As the department’s civil rights and health privacy rights law enforcement agency, OCR investigates complaints filed by the public and provides technical assistance and public education to ensure understanding of and compliance with federal nondiscrimination and health information privacy laws. Rodriguez most recently served as chief of staff and deputy assistant attorney general for the Department of Justice Civil Rights Division. FMI: See http://www.hhs.gov/news/press/2011pres/09/20110913c.html

HHS Rules Expand Patient Access to Health Information

On September 12 the U.S. Department of Health and Human Services (HHS) proposed new rules that would expand the rights of patients to access their health information through the use of health information technology (IT). Specifically, the new rules would empower patients and allow them to gain access to test results reports directly from labs. They would ensure that labs covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) provide such information, upon request, directly to patients or their personal representatives. The announcement came at the kick-off of the first-ever HHS Consumer Health IT Summit, which brought consumers, providers, and the public and private sectors together to discuss how best to empower consumers to be partners in their health and care through health IT. HHS also unveiled an innovative voluntary Personal Health Record (PHR) Model Privacy Notice, which creates an easy-to-read, standardized template allowing consumers to compare and make informed decisions based on their privacy and security policies and data practices about PHR products. FMI: For more information about the proposed amendments to the CLIA and HIPAA Privacy regulations, please visit https://www.cms.gov/apps/media/fact_sheets.asp. For the HHS news release see http://www.hhs.gov/news/press/2011pres/09/20110912a.html.

CMS Changes Deadlines for Applications for Bundled Payment Initiative

On September 9 the Centers for Medicare and Medicaid Services (CMS) Innovation Center announced that deadlines for applications for Model 1 of the Bundled Payments for Care Improvement initiative (BPCI) have been modified. Bundled Payments for Care Improvement Model 1 Deadlines Changed. Interested organizations must submit a nonbinding letter of intent by October 6, 2011 for Model 1 and November 4, 2011 for Models 2-4 as described in the Bundled Payments for Care Improvement initiative RFA. For applicants wishing to receive historical Medicare claims data in preparation for Models 2-4, a separate research request packet and data use agreement must be filed in conjunction with the Letter of Intent. Final applications must be received on or before November 18, 2011 for Model 1 and March 15, 2012 for Models 2-4. For more information on the Bundled Payments for Care Improvement initiative, including the RFA, visit the Innovation Center website. See http://www.innovations.cms.gov/ See also http://www.innovations.cms.gov/areas-of-focus/patient-care-models/bundled-payments-for-care-improvement.html. To ask a question, e-mail BundledPayments@cms.hhs.gov.
HHS-OIG Seeks Recovery for Incorrect Coding of Place-of-Service for Physician Services

On September 7 the U.S. Department of Health and Human Services Office of Inspector (HHS OIG) issued reports on place-of-service coding for physician services processed by Medicare Part B contractors for 2008 and 2009. In its report General Review of Place-of-Service Coding for Physician Services Processed by Medicare Part B Contractors during Calendar Year 2009 (A-01-10-00516) at [http://go.usa.gov/0z6](http://go.usa.gov/0z6) HHS OIG estimated that Medicare contractors nationwide overpaid physicians $9.5 million for incorrectly coded services provided during 2009. HHS OIG recommended that Centers for Medicare & Medicaid Services (CMS) instruct its Medicare contractors to (1) recover overpayments; (2) immediately reopen the claims associated with the non-sampled services and recover any overpayments; (3) strengthen their education process and reemphasize to physicians and their billing agents the importance of correctly coding the place of service and the need for internal controls to prevent Medicare billings with incorrect place-of-service codes; and (4) continue to work with program safeguard contractors and, if necessary to develop a data match that will identify physician services at high risk for place-of-service miscoding and recover any identified overpayments. On September 7, the U.S. Department of Health and Human Services Office of Inspector also reported similar findings in its Review of Place-of-Service Coding for Physician Services Processed by Medicare Part B Contractors during Calendar Year 2008 (A-01-10-00513). See [http://go.usa.gov/0zF](http://go.usa.gov/0zF). HHS OIG made recommendations similar to those made in its audit of 2009. FMI: See [http://go.usa.gov/0z6](http://go.usa.gov/0z6) and [http://go.usa.gov/0zF](http://go.usa.gov/0zF).

New Rule Strengthens Protections for Americans with Disabilities at Rail Stations

The U.S. Department of Transportation announced a new rule requiring new station platform construction or significant renovation to enable individuals with disabilities to get on and off any car on a train. The U.S. Department of Transportation (DOT) is amending its Americans with Disabilities Act (ADA) regulations to require intercity, commuter and high-speed passenger railroads to ensure that at new and significantly renovated station platforms passengers with disabilities can get on and off any accessible car of the train. The Final Rule is available at [http://www.ofr.gov/OFRUpload/OFRData/2011-23576_PI.pdf](http://www.ofr.gov/OFRUpload/OFRData/2011-23576_PI.pdf).

HUD Issues Guidance for Public Housing Authorities on Olmstead and ADA Section 504

On August 11 the U.S. Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity issued guidance (Information Bulletin # 340) to its regional and field offices regarding enforcement of the Americans with Disabilities Act ADA, Section 504 and the Olmstead decision. The guidance notes that HUD has prioritized efforts to support the transition of people with disabilities out of institutions and into community-based settings. The guidance highlights strategies to ensure that public housing programs operate to support this objective. HUD pointed out that Section 504 imposed an affirmative obligation on Public Housing Authorities to assess housing needs of persons with disabilities in their local service area, including those transitioning from institutional to community-based settings. Under a PHA housing choice voucher program, this affirmative duty includes ensuring that PHA adopt suitable means to assure that notice of availability of vouchers reaches persons in institutions. FMI: See [http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/inhousing](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/inhousing).