PA Congressional Map Redrawn

On December 22 PA Governor Tom Corbett signed into law Senate Bill 1249, a bill apportioning the state into congressional districts in conformity with constitutional requirements. The measure goes into effect for the 2012 congressional election. The bill was approved in a 136-61 vote by the PA House of Representatives on December 20. The redrawing of the state's Congressional districts is conducted once every decade. It is expected that this year’s redistricting will enable Republicans to hold at least 12 seats in Congress and Democrats to hold at most 6 seats, with the potential for a Republican pick-up in southwestern Pennsylvania in the 2012 elections. A version of the bill was introduced and approved earlier in the Senate. For information on PA Congressional districts see http://images.dailykos.com/i/user/303419/PA_map.html. See also http://www.politicspa.com/redistricting-vote-who-crossed-party-lines-and-why/30258/. For analyses see http://www.politico.com/news/stories/1211/70391.html and http://blogs.mcall.com/capitol_ideas/2011/12/the-top-5-political-stories-of-2011-no-4-maps-and-legends.html. For comment see http://www.politicspa.com/dccc-silver-lining/30301/. See also http://www.pennlive.com/editorials/index.ssf/2011/12/worst_part_of_pa_congressional.html.

PA Legislative Reapportionment Committee Approves Final Redistricting Plan

On December 12 a five-member Legislative Reapportionment Commission approved a new map of the state's 203 state House and 50 state Senate districts. The redistricting map creates new House and Senate seats in eastern Pennsylvania by shifting existing Democratic seats from western Pennsylvania. The Final Reapportionment Plan was filed with the Secretary of the Commonwealth on December 12, 2011. Any appeal seeking to change the plan must be submitted directly to the Supreme Court by January 11, 2012. For details of the redistricting of the Pennsylvania legislature see http://www.redistricting.state.pa.us/Maps/index.cfm. FMI: For documents related to the redistricting see www.redistricting.state.pa.us.

PA Budget Secretary Holds Briefing on State Budget

On December 20 Pennsylvania Budget Secretary Charles Zogby offered a public briefing on the Commonwealth’s current budget. At the public briefing Budget Secretary Zogby reported that: through the first five months of this fiscal year, revenue collection has fallen $345 million below estimates (page 12); the projected total revenue shortfall for this fiscal year is estimated to be $500 million (page 14); and, mandated spending for debt service, pensions, and Medicaid entitlements will increase spending in next year’s budget by $800 million (pages 17 and a bar chart on page 18). Budget Secretary Zogby said that at this point, the Governor and his advisors are seeking $746 million in spending reductions (“budget cuts”) in order to develop a balanced budget for next year. The total value of the budget freezes that are being considered has been estimated at approximately $200 million. A detailed list of freezes that are being planned for this year’s budget is expected to be released soon. FMI: To view the 2011-12 Mid-Year Budget Briefing presentation, visit the “Current and Proposed Commonwealth Budgets” section of the Office of the Budget website at www.budget.state.pa.us.
PA Caregiver Support Program Altered

On December 22 PA Governor Tom Corbett signed into law House Bill 210 amending the Family Caregiver Support Act which was enacted in 1990 to provide benefits and services for eligible caregivers who care for functionally dependent relatives 60 years of age and older as well as adults with chronic dementia such as Alzheimer’s who are 18 years of age and older. HB 210 brings the state program in line with its federal counterpart. HB 210 changes the name of the current law to Pennsylvania Caregiver Support Act. The program now becomes the Pennsylvania Caregiver Support Program. The new law also increases the maximum amount allowable under the program for out-of-pocket expenses from $200 per month to $500 per month. In addition to out-of-pocket expenses, the program also provides grants of up to $2,000 for home modifications such as ramps and chair lifts. The law also alters the definition of caregiver to include non-relative caregivers and removes the requirement that a caregiver must live with the care recipient. These changes bring the Pennsylvania program in line with what is offered through the National Family Caregiver Support Program. House Bill 210, which received unanimous support in both the state House and Senate, was signed into law as Act 112 of 2011 and takes effect on February 21. See www.legis.state.pa.us.

New PA Rules on Medical Practice and Healthcare Administration Signed into Law

On December 22 PA Governor Tom Corbett signed into law several bills that make changes to laws affecting medical practice and health care administrative procedures in Pennsylvania. Governor Corbett signed into law House Bill 332 (a bill amending the Medical Practice Act further providing for definitions and regulation of genetic counselors) and House Bill 333 (amending the Osteopathic Medical Practice Act and providing for definition and the regulation of genetic counselors). Governor Corbett also signed into law Senate Bill 957, amending the Osteopathic Practice Act to provide for the licensure of athletic trainers, to change the term used to describe athletic trainers from “certified athletic trainer” to “licensed athletic trainer,” to provide definitions and to make other changes. Governor Corbett also signed into law a companion bill – Senate Bill 967, which amends the Medical Practice Act of 1985 and provides for the licensing and oversight of licensed athletic trainers. In addition, PA Governor Tom Corbett signed several bills that change health care administrative procedures in Pennsylvania. They include House Bill 1052 (establishing an independent informal dispute resolution process for long-term care nursing facilities to dispute Department of Health survey deficiencies and providing for the powers and duties of the Department of Health) and Senate Bill 1336 (amending the Accident & Health Filing Reform Act to addresses rates, contracts, and commonwealth exclusivity). FMI: To read the full text of these bills, visit the General Assembly’s website at www.legis.state.pa.us.

Limits on MA Transportation Service to Methadone Treatment Established

On December 22 PA Governor Tom Corbett signed into law Senate Bill 638 amending the Public Welfare Code to limit the costs for providing transportation for individuals receiving methadone treatment by a licensed provider, pursuant to a narcotic treatment program, and providing for an exceptions process. To read the full text of SB 638 see www.legis.state.pa.us.
HB 2024 to Require Insurers to Disclose Coverage & Limits on Brain Injury Services

On December 20 PA Representative Tom Murt (R-Montgomery) introduced House Bill 2024, amending the Insurance Company Law of 1921 by adding a section to require the disclosure of specific insurance policy provisions covering and limiting acquired brain injury treatment and services. Under HB 2024 insurers would be required to provide to each insured and enrollee (and each prospective insured and enrollee) in writing a description of coverage, benefits and benefit maximums related to 19 different acquired brain injury treatment and rehabilitation services. Benefit limitations and exclusions of coverage, health care services, and the definition of medical necessity used by the plan in determining whether these benefits will be covered – all would be described. In addition, insurers must provide a description of all necessary prior authorizations and a description of an insurer's personnel responsible for case management and prior authorizations of an insured or enrollee with an acquired brain injury. The Insurance Department, in consultation with the Department of Health's Traumatic Brain Injury Advisory Board, shall promulgate regulations concerning the specific contents and wording of the notice required under this section. The bill was referred to the House Committee on Insurance. FMI: For a copy of HB 2024 see www.legis.state.pa.us.

ODP Hosts Webcast and Conference Call on Provider Monitoring

On December 19 the PA DPW Office of Developmental Programs (ODP) issued ODP Announcement 173-11 on a provider on-site audit webcast and follow-up conference call related to provider monitoring. ODP announced the release of the Provider On-Site Audit Webcast developed to support the implementation of the new Provider Monitoring Process, specifically the On-Site Audit phase which will begin on January 15, 2012 and the scheduling of follow-up conference calls for AEs and providers following the viewing of the webcast. As communicated in ODP Announcement #081-11, the fourth webinar in a series of webinars related to the Provider and SCO Monitoring Process Provider On-Site Audit webcast is now available on: The Administrative Entity Information Center (AEIC): http://aeinfo.odpconsulting.net/ (Course Category >Annual Provider/ SCO Monitoring > Provider/ SCO Monitoring Process) The Provider Information Center (PIC) http://pic.odpconsulting.net/ (ODP Business Practice Information > Annual Provider Monitoring > Provider Monitoring Process). Calls are scheduled for January 5, 2012 - 10:00 am – 12:00 pm and 1:00 pm – 3:00 pm. To register, please use the following link (this link is also available on the AEIC & PIC): http://documents.odpconsulting.net/alfresco/d/d/workspace/SpacesStore/d864ffc1-38fe-42af-a983-bc443601e898/SCO%20Select%20jan.html.

BAS Publishes Special Edition December 2011 Newsletter

The second in the series of special newsletters of the PA DPW ODP Bureau of Autism Services (BAS) has been published. The December 2011 newsletter highlights the results from the recent Pennsylvania Autism Needs Assessment study BAS conducted through the Eastern ASERT. The edition also includes information about BAS adult programs, ASERT Collaboratives, materials available through the redesigned Virtual Training and Resource Center (VTC), and upcoming training opportunities. To obtain the first newsletter in this series (the October 2011 Newsletter) see http://bastraining.tiu11.org and set up a free account. FMI: See www.autisminpa.org and www.dpw.state.pa.us.
PA Alerts Insurers to New Requirements for External Review under Health Care Reform

In the December 31 edition of the Pennsylvania Bulletin, the PA Insurance Department and the PA Department of Health published a joint notice to Pennsylvania insurers, including managed care plans, concerning external review under the Affordable Care Act. The notice said that the Departments were responding to a determination issued on July 29, 2011 by the U.S. Department of Health and Human Services that the Commonwealth of Pennsylvania does not meet federal requirements for external review under the Affordable Care Act (ACA) and a letter sent on November 22, 2011 by the Centers for Medicare and Medicaid Services (CMS) requiring issuers of health insurance in the Commonwealth to make good faith efforts to come into compliance with Federal law and to be fully participating in a Federally-administered external review process on January 1, 2012. The Departments said that they are reminding managed care plans that the requirements of PA Act 68 remain in effect after January 1, 2012, except to the extent that federal law has replaced those requirements. Thus, issues of network adequacy, contract review, credentialing, which are dealt with by the Department of Health, and prompt pay, which is dealt with by the Insurance Department, among other matters, will still be reviewed by the relevant department. The Departments said that they will continue to review as complaints matters that are not considered adverse benefit determinations as defined by the ACA and its regulations in the same manner as before the passage of the ACA. Complaints relating to contract exclusions, and issues relating to co-payments, formulary changes, out-of-network benefits, and services beyond the contractual limitation should continue going to the PA Departments and not go to HHS. However, adverse benefit determinations, as defined by the ACA, will be subject to Federal review. Adverse benefit determinations include issues that relate to denials, reductions, terminations or failures to provide or make payment in whole or in part for a benefit. FMI: See www.pabulletin.com

PA Seeks Public Comments on IDEA Grant Application

In the December 31 edition of the Pennsylvania Bulletin, the PA Department of Education invited public comment on its proposed grant application proposed grant application under Part B of the Individuals with Disabilities Education Act (IDEA-B). The annual grant application provides assurances that the Commonwealth's policies and procedures in effect are consistent with the Federal requirements, to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age, including children who have been suspended or expelled from school. The current policies and procedures are available on the Department's web site at www.education.state.pa.us (click on the "Programs" tab, select "Programs S-Z," select "Special Education," click on "Funding Sources," select the 2009 link under IDEA-B Policies and Procedures). Written and verbal comments must be received by April 1, 2012. The written comments should be directed to Jean B. Inskip or Dr. Ronald Wells, Bureau of Special Education, Department of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333. Dates, locations and times allotted for verbal testimony regarding the proposed grant application are set for March 12 at PaTTAN Pittsburgh, 3190 William Pitt Way, Pittsburgh, PA (4 p.m. to 6 p.m.); March 13 at PaTTAN Harrisburg, 6340 Flank Drive, Harrisburg, PA (4 p.m. to 6 p.m.); and March 14, at PaTTAN King of Prussia, 200 Anderson Road, King of Prussia, PA (4 p.m. to 6 p.m.). FMI: See http://www.pabulletin.com/secure/data/vol41/41-52/2189.html.
ODP Issues Revised Letters and Policy Bulletins on Rate Setting and Payments

On December 29 the PA Department of Public Welfare (DPW) Office of Developmental Programs (ODP) issued newly corrected cover letters and policy bulletins related to five (5) public notices recently published in the Pennsylvania Bulletin announcing the rate setting methodology and fee schedule rates for specific time periods covered in FY 2011/2012 DPW ODP said that the corrections were minor and do not affect the content of the bulletins. The bulletins were: Office of Developmental Programs (ODP) Bulletin #00-11-08, “Rate Setting Methodology for Consolidated and Person/Family Directed Support Waivers and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System from July 1, 2011 through November 14, 2011”; Office of Developmental Programs (ODP) Bulletin #00-11-09, “Medical Assistance Program Fee Schedule for select Services in the Consolidated and Person/Family Directed Support Waivers and Community Mental Retardation Base Program Effective July 1, 2011 through November 14, 2011”; Office of Developmental Programs (ODP) Bulletin #00-11-10, “Rate Setting Methodology for Consolidated and Person/Family Directed Support Waivers and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System from November 15, 2011 through June 30, 2012”; Office of Developmental Programs (ODP) Bulletin #00-11-11, “Medical Assistance Program Fee Schedule for select Services in the Consolidated and Person/Family Directed Support Waivers and Community Mental Retardation Base Program Effective November 15, 2011 through June 30, 2012”; Office of Developmental Programs (ODP) Bulletin # 00-11-12, “Adult Autism Waiver, FY 2011-2012 Service Rates”. FMI: See www.odpconsulting.net.

ODP Adds Requirements for Certificate of Occupancy to Licensing Rules

On December 29, Department of Public Welfare (DPW) Office of Developmental Programs (ODP) issued ODP Informational Memo 180-11 with a Uniform Construction Code Clarification for Licensed Providers. ODP Memo 180-11is directed to providers with sites licensed or may be licensed under 55 Pa Code § 2380, 2390, 6400, and 6500 regulations. The memo was issued to clarify the application of the Fire and Panic Regulation (F&P) and Uniform Construction Code (UCC) for sites that require licensure by ODP in order to comply with regulation 55 Pa Code §2380.14, 55 Pa Code §2390.14, 55 Pa Code §6400.14(a), 55 Pa Code §6500.16 and 55 Pa Code §20.35(a).The memo says that effective immediately, the Department of Public Welfare (DPW) is requiring that all providers include a copy of their Certificate of Occupancy, as applicable, along with their initial application packet, addendum for all new sites, and renewal applications if the certificate of occupancy has changed. ODP says that the provider may reference the link below or contact their local municipality to determine if their municipality has decided to take on the responsibility (“opted in”) to enforce the Pennsylvania Uniform Construction of Code. If so, the provider is responsible to contact the municipality where the home is located in order to obtain the certificate of occupancy. If the municipality decided not to apply the Uniform Construction of Code (“opted out”), the Department of Labor and Industry is responsible for all commercial code enforcement in that municipality. For a complete list of Pennsylvania’s municipalities and their decisions regarding local enforcement of the UCC can be accessed at http://www.portal.state.pa.us/portal/server.pt/community/uniform_construction_code/10524/local_enforcement/596334. FMI: See www.odpconsulting.net.
OLTL Posts Amended Medicaid Independence Waiver

An amended Independence Waiver that has been approved by the Centers for Medicare and Medicaid Services (CMS) has been posted to the PA Office of Long-Term Living (OLTL) website. See http://www.portal.state.pa.us/portal/server.pt?open=514&objID=733698&mode=2. On its website OLTL indicates that the services provided through the Independence Waiver may be able to help adults with physical disabilities to live or remain in the community and remain as independent as possible. To be eligible for the Independence Waiver you must be a Pennsylvania resident between the ages of 18 and 60. Individuals who are currently in the waiver and were enrolled prior to July 1, 2006 will age in place. FMI: View the 2011 Independence Waiver (an accessible version of this document is available upon request) http://www.portal.state.pa.us/portal/server.pt?open=514&objID=733698&mode=2. The 2011 OLTL Global Corrective Action Work Plan is also at http://www.portal.state.pa.us/portal/server.pt?open=514&objID=733698&mode=2.

ODP Announces PA Outcomes Training Follow-up Activity

On December 29 the PA Department of Public Welfare (DPW) Office of Developmental Programs (ODP) issued ODP Announcement 179-11 on Pennsylvania’s Outcomes Training Follow-up Activity: Required Training for Supports Coordinators and SC Supervisors. The announcement is directed to Supports Coordinators and SC Supervisors supporting individuals in the Person/Family and Directed Support Waiver (P/FDS) or Consolidated Waiver and Supports Coordination Organizations. ODP Announcement 179-11 announced the availability of the Pennsylvania’s Outcomes Training Follow-up Activity that provides the last three (3) required credit hours for the 2011 calendar year if completed by March 30, 2012. The Pennsylvania’s Outcomes Training Follow-up Activity consists of two parts: a webcast and an outcome development activity. SCs and SC Supervisors must view the webcast, complete the activity and print a Certificate of Achievement by March 30, 2012 to receive three (3) hours of ODP 2011 SC Required Training credit for the course. After completing the course, participants are asked to complete a survey to give feedback about the course. FMI: See www.odpconsulting.net.

ODP Releases Statewide Training Report

On December 28 the PA DPW Office of Developmental Programs (ODP) issued ODP Announcement 178-11 on its release of the ODP statewide training report for FY 010-2011. The ODP Statewide Training Report gives an account of the trainings delivered throughout Pennsylvania by ODP-contracted training entities and by the Bureau of Autism Services. The report includes profiles of each training entity and information on the trainings that each one provides. The ODP Statewide Training Report is available online at http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/report/p_003086.pdf See also http://www.odpconsulting.net. Then scroll down to the “ODP Resources” box and click on “Publications and Other Resources.”
ODP Seeks Comments on Proposed Changes to Waivers

On December 23 the PA Department of Public Welfare (DPW) Office of Developmental Programs (ODP) issued to its ODP Stakeholder Workgroup four (4) documents related to the Consolidated and Person/Family Directed Support Waiver Renewals. The documents reflect proposed changes to the Consolidated and Person/Family Directed Support Waivers. Prior to ODP finalizing the renewal applications and prior to submitting the renewals to CMS, ODP is requesting review and comments from all stakeholders. Included in its release were: (a) Side-by-Side: Proposed Changes to the Consolidated and P-FDS Waivers, including a general explanation of the issues, proposed changes and current and proposed language; (b) a consolidated summary of the final QIS (c) Appendix G current waiver language; and, (d) Appendix G proposed language. The deadline for comment is January 12, 2012. PARF is encouraging its members and supporters to submit comments to both ODP and to PARF. Please submit comments to the PA DPW Office of Developmental Programs at RA-ODPCComment@pa.gov and to PARF at parfmail@parf.org. It is important to use both addresses. ODP has asked that commentators use the document entitled "Side-by-Side of Proposed Consolidated and P-FDS Changes" to record comments in the comment column. FMI: Contact PARF at parfmail@parf.org.

ODP Prepares Users for v5010 Initiative

On December 22 the PA DPW Office of Developmental Programs issued ODP Informational Memo 177-11 on Billing Adjustments, Voids and Resubmissions to support the v5010 Federal Initiative effective January 1, 2012 and forward. ODP Informational Memo 177-11 is to be used to educate billers on how to submit claim adjustments, voids and resubmissions, effective January 1, 2012, for a claim that was submitted prior to January 1, 2012. ODP says that in order to support the implementation of the v5010 CMS initiative certain modifications are currently being made and tested in PROMISETM. ODP notes that beginning on January 1, 2012 a provider using the PROMISETM Internet application to submit a claim will see windows that will be in the v5010 format. ODP says that providers should be aware of certain features to handle claim adjustments, the resubmission of denied claims and voids made January 1, 2012 and forward for claims submitted prior to January 1, 2012. For additional information on the department’s ANSI X12 v5010 and NCPDP vD.0 upgrades and implementation plan, see http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/softwareandservicevendors/hipaas5010d.0upgradeinformation/index.htm.

ODP Offers Update on Peer Review Process and Training

On December 22 the PA DPW Office of Developmental Programs (ODP) issued ODP Informational Packet 176-11 on Peer Review Process and Training. The packet was issued to inform affected groups that the Columbus Organization which currently holds the contract for the Certified Investigator Program will be providing Peer Review Process training. Notification regarding the training schedule and registration will be forthcoming. ODP says that providers currently trained in the Labor Relations Alternatives, Inc. (LRA) Peer Review Process are responsible for conducting peer reviews and should continue to use the LRA materials for this process. The packet describes the interim process to be used when measuring Peer Review process compliance during Provider Monitoring. FMI: See www.odpconsulting.net.
MH/MR Program Administrators Association Renamed PACA MH/DS

The Mental Health and Mental Retardation Program Administrators Association of Pennsylvania (MH/MR PAAP) is changing its name, effective in 2012. The new name of the association will be the Pennsylvania Association of County Administrators of Mental Health and Developmental Services (PACA MH/DS). The MH/MR PAAP Board directed staff to move forward with the change in September 2011 at their annual retreat. Members adopted the new name at the membership meeting in November. On January 3 information and resources of PACA MH/DS can be accessed at the new web address www.mhdspa.org.

HAP Webinar on Inpatient Rehabilitation Facility (IRF) Coding Update on January 31

The Hospital and Healthsystem Association of Pennsylvania (HAP) in cooperation with the Georgia Hospital Association will host a webinar on Inpatient Rehabilitation Facility (IRF) Coding Update on Tuesday, January 31, 2012 from 1:00 p.m. – 2:00 p.m. (Eastern Time). The webinar will address the complex billing and coding issues for the IRF staff, and the need for supporting documentation of patient resources and offer strategies to ensure compliance. Additionally, current RAC (Recovery Audit Contractor), MIC (Medicaid Integrity Contractor), and private commercial audit findings and focuses will be reviewed. This program will be of particular interest to chief executive officers, chief operating officers, chief financial officers, chief medical officers, chief nursing officers, PAI coordinators, inpatient rehabilitation program directors, acute care managers responsible for inpatient rehabilitation units, planning and strategy staff responsible for further development of inpatient rehabilitation programs, and key rehabilitation managers or staff. FMI: For a brochure and registration form click on http://www.haponline.org/programs/details/a6gA98MXPSUVh74VHO8b. Any questions may be directed to Mary Barth, Member Relations and Education, at mbarth@haponline.org or (717) 561 5270 at Education Services, The Hospital & Healthsystem Association of Pennsylvania 4750 Lindle Rd., Harrisburg, PA 17111.

Philadelphia Alliance Invites Proposals for DSP Conference Presentations

The Philadelphia Alliance is inviting proposals for presentations at workshops to be held at the Tenth Annual Conference for Direct Service Professionals: Advancing in the Human Services Field: It’s Not a Job, It’s a Profession on Friday, April 20, 2012 at Hilton Philadelphia City Avenue, Philadelphia, PA. The deadline for proposal submissions is January 6, 2012. The conference will celebrate the critical role and commitment demonstrated by direct service professionals who provide services and supports to adults or children with mental illness, intellectual disabilities, or substance abuse in our community. The conference attracts 700 attendees each year. Attendees seek workshops that are educational, interactive and engaging. See www.philalliance.org for a detailed list of topics of interest. Workshop size varies from 20 to 200, depending on the level of interest. FMI: Please call 267-385-7440 for more information. See www.philalliance.org for a detailed list of topics of interest. The deadline for submitting a workshop proposal is January 6, 2012 to Vicki Haggerty at Vicki@philalliance.net or phone 267-385-7440 or visit www.philalliance.org.
Congress Agrees on Payroll Tax Cut Extension – for 2 Months

On December 23 the U.S. House and Senate approved a two-month extension of the expiring payroll tax provisions as well as extended unemployment benefits and the Temporary Assistance for Needy Families (TANF) program. In acting on the extension of the payroll tax exemption and unemployment benefits, Congress also postponed a 27.4 percent reduction in Medicare reimbursement rates. The bill is very similar to the two-month extension passed by the Senate earlier this month, although the new version includes an agreement for the Senate to appoint conference for a conference between the House and Senate to negotiate a one year extension once Congress returns from recess. H.R. 3060 has provided additional time for Congressional representatives to negotiate differences and reach an agreement on offsetting the additional cost of extending these provisions for the remainder of 2012. The House and Senate are currently in recess. The House is expected to return on January 17 and the Senate on January 23. FMI: See www.house.gov and www.senate.gov.

CMS-Approved Reduction in Medicaid Reimbursement Rates Halted

On December 28 a U.S. District Judge in Los Angeles ruled in favor of the California Hospital Association (CHA) and issued a preliminary injunction to halt California from imposing reductions in its Medicaid reimbursement rates for hospital based skilled nursing services. District Court Judge Christina Snyder found that CHA had demonstrated that there would be irreparable harm if the reductions in reimbursement rates were not reversed, at least temporarily. Judge Snyder also noted in her decision that “The state’s fiscal crisis does not outweigh the serious irreparable injury the plaintiffs would suffer absent the issuance of an injunction.” On October 27, the Centers for Medicare and Medicaid Services (CMS) had granted an approval for such reimbursement rates to the California Department of Health Care Services. The reductions are expected to save $623 million. However, federal law says Medicaid rates must be “sufficient to enlist enough providers” so that Medicaid recipients have access to care to the same extent as the general population in an area. In a related case District Judge Snyder also issued on December 28 a preliminary injunction to block 10% cuts in Medi-Cal payment rates for pharmacy and managed care services. In October 2011, DHCS received CMS approval to impose the cuts to rates for pharmacy and managed care services, resulting in a reduction of $152 million annually in state spending and a reduction in federal spending of $137 million annually. Pharmacists argued that the cuts would hurt them and hinder access to care for Medi-Cal beneficiaries. In her ruling, Snyder wrote, “as long as there is evidence showing that at least some Medi-Cal beneficiaries might lose services as a result of a rate reduction, irreparable harm is adequately demonstrated.” FMI: For a copy of the order see http://www.dhcs.ca.gov/Documents/DHCS%20Budget%20Actions/CHA.OrderGrantingPI.pdf and http://www.dhcs.ca.gov/Documents/DHCS%20Budget%20Actions/MPCOrderGrantingPI.pdf. For a copy of the CAH statement see http://www.calhospital.org/media-statement/cha-pleased-court-order-blocking-medi-cal-payment-cuts-hospital-based-skilled
SAMHSA Announces a Working Definition of "Recovery"

The U.S. Substance Abuse Mental Health Services Administration (SAMHSA) recently announced a new working definition of recovery from mental disorders and substance use disorders. The new working definition of Recovery from Mental Disorders and Substance Use Disorders is as follows: A process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential. Through the Recovery Support Strategic Initiative, SAMHSA also has delineated four major dimensions that support a life in recovery: Health: Overcoming or managing one's disease(s) as well as living in a physically and emotionally healthy way. Home: A stable and safe place to live. Purpose: Meaningful daily activities, such as a job, school, volunteerism, family caretaking, or creative endeavors, and the independence, income, and resources to participate in society. Community: Relationships and social networks that provide support, friendship, love, and hope. The definition is the product of a year-long effort by SAMHSA and a wide range of partners in the behavioral health care community and other fields to develop a working definition of recovery that captures the essential, common experiences of those recovering from mental disorders and substance use disorders. SAMHSA led this effort as part of its Recovery Support Strategic Initiative. Read the full press release at http://www.samhsa.gov/newsroom/advisories/1112223420.aspx. Learn more about the SAMHSA Recovery Support Initiative at http://www.samhsa.gov/recovery/.

NLRB Postpones Required Posting of Employee Rights

On December 23, the National Labor Relations Board (NLRB) announced that it has agreed to postpone the effective date of its employee rights notice-posting rule at the request of the federal court in Washington, DC hearing a legal challenge regarding the rule. The Board’s ruling states that it has determined that postponing the effective date of the rule would facilitate the resolution of the legal challenges that have been filed with respect to the rule. The new implementation date is April 30, 2012. Most private sector employers will be required to post the 11-by-17-inch notice on the new implementation date of April 30. The notice is available at no cost from the NLRB through its website, www.nlrb.gov, which has additional information on posting requirements and NLRB jurisdiction. FMI: See https://www.nlrb.gov/news/nlrb-postpones-effective-date-rights-posting-rule-april-30.

DOT Issues Guidance on Transportation of People with Disabilities Following a Disaster

The Office of the Secretary of the U.S. Department of Transportation (DOT) has issued guidance to public transportation and emergency management agencies to emphasize the needs of individuals with disabilities following a disaster. The DOT document responds to a request by the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (ICC). To access the ICC’s 2009 report, and for more information regarding the ICC, please visit www.DisabilityPreparedness.gov. Applicable regulatory provisions underlying this guidance can be found in 49 CFR Part 37, Transportation Services for Individuals with Disabilities, at http://www.fta.dot.gov/civilrights/ada/civil_rights_3906.html. The Federal Transit Administration has published a guide: Disaster Response and Recovery Resource for Transit Agencies that provides additional information for transit agencies and communities on planning for and meeting the needs of people with disabilities following a disaster. That report is available at http://go.usa.gov/N8U.