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42 Members of Congress Sign Letter Urging Administration to Enforce MOE Provisions

As states like Arizona apply for a special waivers from the Medicaid “Maintenance of Effort” (MOE) provision in the Affordable Care Act (ACA), Congressman Raul Grijalva (D-AZ) and 41 of his House colleagues sent a letter to Department of Health and Human Services (HHS) Secretary Kathleen Sebelius and Centers for Medicare and Medicaid Services (CMS) Administrator Donald Berwick reaffirming Congressional intent and support for the provision. The MOE provision requires that states maintain eligibility levels for adult Medicaid (and not cut current patients) until Secretary Sebelius declares that state health insurance exchanges are fully operational in early 2014. MOE is required for children’s coverage until 2019.

With many states facing budget deficits, some in Congress argue that the provision must be eliminated. However, states experiencing financial hardship are eligible to apply for waivers from this ACA provision that would allow them to remove certain adult populations from Medicaid rolls. Prospective states must certify the following:

- That they are experiencing a budget deficit;
- Cuts would apply to adults who were originally eligible based on income only—not pregnancy or disability;
- Cuts would only apply to adults with incomes above 133% of the Federal Poverty Level

The Grijalva letter reaffirms Congressional intent for the provision, and urges the Secretary and the Administrator to enforce it by only granting waivers to states who meet the above requirements.

In his press release on the letter, Rep. Grijalva says that not only does Arizona not meet the qualifications for obtaining a waiver from MOE provisions for the Arizona Health Care Cost Containment System (AHCCCS), a decision in the state’s favor could cause other states to follow suit.

To view the press release and letter, please visit:

<http://grijalva.house.gov/index.cfm?sectionid=13§iontree=5,13&itemid=1028>



ADMINISTRATION UPDATES

White House Launches Indian Country Website

On June 28th, the White House announced the launch of a new website entitled, “Winning the Future: President Obama and the Native American Community.” In response to requests during a recent listening session, the website is, “meant to serve as another tool to help Indian Country navigate the federal government.” Visitors can learn more about the President’s agenda, view blog posts and press releases, and peruse resources available to them through the 25 Federal agencies that interact with Tribes. The website can be accessed at:

<http://www.whitehouse.gov/nativeamericans>

IHS Launches National Breastfeeding Initiative

As part of First Lady Michelle Obama’s Let’s Move in Indian Country initiative, the Indian Health Service (IHS) launched the, “IHS Baby-Friendly Hospital” initiative on June 23rd. Meant to reduce childhood obesity by providing babies with a healthy start to life, the initiative encourages hospitals that serve Indian Country to become “baby-friendly” by supporting and educating breastfeeding mothers.

Studies show that breastfed babies are 22% less likely to grow up to be obese than their non-breastfed counterparts. IHS’ goal is to certify 14 federal IHS obstetric facilities as baby-friendly hospitals by 2012 while encouraging Tribal obstetric facilities to do adopt the program as well.

To read more about this initiative, please visit: <http://www.letsmove.gov/blog/2011/06/23/helping-native-youth-get-healthy-start-life-launch-ihs-baby-friendly-hospital-initia>

New Proposed Rule for Community Health Centers Issued by CMS

The Centers for Medicare and Medicaid Services (CMS) has issued a proposed rule establishing the first-ever conditions of participation (CoPs) that Community Health Centers (CMHCs) would be required to meet in order to participate in the Medicare program. The proposed CoPs are intended to protect patients and improve care. They include:

- Instituting a set of qualifications for CMHC employees
- Client rights
- Procedures for client treatment and discharge
- Quality assessment
- CMHC organization, governance, and administration

The new CoPs would enable CMS to survey CMHCs for compliance with health and safety requirements. Comments are due to CMS by August 16th. To view the proposed rule or to comment, please visit:

<http://www.federalregister.gov/articles/2011/06/17/2011-14673/medicare-program-conditions-of-participation-cops-for-community-mental-health-centers>

NIHB UPDATES

NIHB Hosts Board Retreat

National Indian Health Board hosted a quarterly retreat for its Board of Directors this week in Sault Ste. Marie, Michigan. NIHB Chairperson Cathy Abramson of the Sault Ste. Marie Tribe of Chippewa Indians was delighted to have her fellow Board Members in town to discuss NIHB business and progress.



OTHER UPDATES

6th Circuit of Appeals Upholds Individual Mandate

On June 29th, a three-judge panel in the 6th Circuit Court of Appeals ruled in favor of the Obama Administration in the case of Thomas More Law Center vs. Obama, upholding the controversial “individual mandate” provision in the Affordable Care Act (ACA) by a vote of 2-1. Although the Law Center (on behalf of itself and two individuals) argued that Congress was overstepping the bounds of the Commerce Clause in mandating that all U.S. citizens carry health insurance, the 6th Circuit upheld a lower district court ruling that concluded that the mandate falls well within Congress’ constitutional ability to regulate interstate commerce. The Thomas More Law Center is likely to appeal the ruling, which could lead to Supreme Court consideration of this or another health reform case this fall.



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http://www.nihb.org/legislative/washington_report.php

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NEXT WEEK IN WASHINGTON

IHS TRIBAL CONSULTATION SUMMIT

JULY 6 -7, 2011

BETHESDA, MD

DRAFT AGENDA

REGISTRATION FORM

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NIHB PRE-IHS CONSULTATION SUMMIT TRIBAL CAUCUS MEETING

JULY 6, 2011

7:00 – 9:00 AM

BETHESDA NORTH MARRIOTT HOTEL

AND CONFERENCE CENTER

GLEN ECHO ROOM

5701 MARINELLI ROAD

BETHESDA, MARYLAND

HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES MARKUP OF FY 2012 APPROPRIATIONS BILL

DATE: JULY 7TH

TIME: 9:00 AM

ROOM: B-308 RAYBURN HOB

SAVE THE DATE

CMS ALL TRIBES' CALL

JULY 15, 2011 1 – 2 PM ET

CALL IN NUMBER: 1-866-288-9872

PASSCODE: 165709

PURPOSE: TO PROVIDE INFORMATION ON
 SECTION 2402(A) OF THE AFFORDABLE CARE
 ACT: OVERSIGHT AND ASSESSMENT OF
 HOME AND COMMUNITY BASED SERVICES

