
VOR Weekly E-Mail Update
September 26, 2008

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Contents

- 1. Financial Stimulus Package**
- 2. Federal Continuing Resolution**
- 3. Congress passes, and President signs, bill to amend the Americans with Disabilities Act**
- 4. CALIFORNIA: State Budget Delay Impacts Services**

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1. Financial Stimulus Package

Sources: Families USA and AFSCME

Today (Friday, September 26), the House is expected to vote on a stimulus package that includes \$19.6 billion to reduce the states' share of Medicaid costs by increasing the federal share by four percent. The bill, which has not yet been introduced, is expected to include nearly \$13 billion in new federal funds for state Medicaid programs.

All states would benefit. Here is an excerpt from a release from Senators Reid and Byrd Medicaid support to states: "Helping States Deal with a Flagging Economy: Twenty-nine States are facing a \$52 billion shortfall in revenues in their FY 2009 budgets, resulting in cuts in health care, education, and other programs. The stimulus package includes \$19.6 billion to reduce the States share of Medicaid costs by increasing the Federal share by four percent."

The package is also expected to propose extensions to unemployment benefits, helps states with child support costs, increases Food Stamps, and invests in rebuilding communities.

The Senate vote on the stimulus package is expected within the next day or 2, following House action. To prevail on consideration of this package we will need 60 Senators to support ending debate.

To support these stimulus packages - especially inclusion of increased federal Medicaid support to states, call 1-888-460-0813 to reach the Capitol Switchboard RIGHT AWAY. House and Senate action is anticipated very, very soon.

2. Federal Continuing Resolution

Summary: Congress is expected to pass a Continuing Resolution to keep the federal government running through March 6, 2009, despite the fact budgets for most federal agencies have not yet been finalized. Only budget for the Departments of Defense, Homeland Security and Military Construction and Veterans Affairs are expected to be finalized and included in the Continuing Resolution Package. Appropriations for Labor, Health and Human Services, and Education - programs that support people with disabilities - are not yet finalized. These and all other federal programs will continue operating for some time under a FY 2009 Continuing Resolution (CR).

Congress Daily

Senate leader: Saturday votes on continuing resolution expected

By Humberto Sanchez

CongressDaily September 25, 2008

The Senate is expected to hold a procedural vote Saturday on a more than \$600 billion continuing resolution package that would fund the federal government through March 6, cover three fiscal 2009 appropriations bills and provide \$22.9 billion for disaster relief. "Right now, it appears that we would have a Saturday cloture vote on that," said Senate Majority Leader Harry Reid, D-Nev.

Earlier in the day, Reid said he would file cloture on the bill. The House passed the package, 370-58, on Wednesday, and if the Senate approves the measure unchanged, it would go to President Bush.

Reid predicted an equally strong vote in the Senate, but a spokesman later said timing depended on cooperation from Republicans.

Debate on the measure will not interfere with a presidential debate scheduled for Friday night between Sens. John McCain, R-Ariz., and Barack Obama, D-Ill., according to Reid. McCain has sought to postpone the presidential candidates' debate until after a deal is struck on separate legislation being drafted by Congress and the White House to bolster financial markets.

"We are going to make sure that there are no excuses for [not] going to the debate," Reid said. House Minority Leader John Boehner, R-Ohio, Thursday said Reid has been considering retaining the current ban on producing oil shale in the West, a ban that was not included in the House version of the CR.

That measure also did not include the annual offshore drilling ban. "I don't think the votes are in the House to continue these bans, either of them," Boehner said. "That's why they weren't in the [House] CR and Sen. Reid shouldn't cause problems for the CR." Sen. Jim DeMint, R-S.C., said he also heard about Reid's thinking on the ban. "They're not going to move a CR with an energy ban," he said.

Meanwhile, Senate Appropriations Committee Chairman Robert Byrd, D-W.V., praised the House-passed CR and called on his colleagues to vote for the bill. "This overall package lives up to the Democrats' commitment to supporting our troops, taking care of our veterans, securing our homeland, providing help for families on Main Street, and directing relief to the victims of natural disasters all across this great nation of ours," Byrd said in a statement.

As far as other spending measures, House Speaker Nancy Pelosi, D-Calif., said Thursday she intends to bring an economic stimulus package to the House floor Friday. "That is in the works right now, but I can't tell you all the details of it except that it will have a strong emphasis on creating jobs and infrastructure," said Pelosi. She said the measure might be "a little more" than the original \$50 billion cost that she indicated last week. Pelosi said she planned to discuss the package with Bush Thursday afternoon when she and other House and Senate leaders, as well as both major presidential candidates, meet at the White House to discuss financial bailout legislation.

3. Congress passes, and President signs, bill to amend the Americans with Disabilities Act

On Thursday, September 25, 2008, the President signed into law: S. 3406, the "ADA Amendments Act of 2008," which clarifies and broadens the definition of disability and expands the population eligible for protections under the Americans with Disabilities Act of 1990.

Congress gave final approval to S. 3406 on September 17, a major civil rights bill which amends the Americans with Disabilities Act (ADA) by expanding protections for people with disabilities and overturning several recent Supreme Court decisions.

The voice vote in the House followed Senate passage by unanimous consent last week clearing the way for President's signature. The bill expands the definition of disability and explicitly rejects the strict standards used by the Supreme Court to determine who is disabled. Initial disagreements over the bill were worked out in two years of intense behind-the-scenes negotiations that included members of both parties, people with disabilities, and employers. In deciding whether a person is disabled, the bill says, courts should not consider the effects of "mitigating measures" like prescription drugs, hearing aids and artificial limbs. Moreover, it says, "an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active." Senator Tom Harkin, Democrat of Iowa, the chief sponsor of the bill, said the new law corrects the "Catch-22" situation created by the Supreme Court when the "more successful a person is at coping with a disability, the more likely it is the court will find that they are no longer disabled and therefore no longer covered under the ADA." (Source: New York Times, Sept. 18).

4. CALIFORNIA: State Budget Delay Impacts Services

Independent nursing homes eagerly await money from state
By Cynthia Hubert - chubert@sacbee.com
Published 12:00 am PDT Thursday, September 25, 2008

The check is in the mail, officials are telling Deborah Portela.

All \$1,227,000 of it.

The money will arrive none too soon for Portela, as well as hundreds of other operators of independent nursing homes and group homes that are deeply in debt thanks to the state's budget mess. Without Medi-Cal payments for the past three months, they have been borrowing money from friends and family members, taking out high-interest bank loans and putting off paying vendors in an effort to continue caring for some of the state's most fragile citizens.

Many facilities such as Portela's Casa Coloma Health Care Center in Rancho Cordova get 90 percent or more of their funding from the state's health plan for the poor and have no corporate buffer to protect them.

As 85 days ticked by without passage of a state budget, they became more and more desperate.

Many administrators lost staffers to more secure jobs, said Betsy Hite of the California Association of Health Facilities. Earlier this month, a Concord nursing home wrote letters advising people that they might have to find other homes for their elderly and disabled loved ones.

"If it continued to the point that it was going to bankrupt me and I had nothing to feed my patients and no money to pay salaries, I would have had no choice," said Velda Pierce, administrator of San Miguel Villa in Concord. More than 80 percent of her residents are covered by Medi-Cal.

"This was hell," Pierce said of the budget crunch. "I discontinued trash pickup, medical supplies, consultants, new linens, anything that I didn't absolutely have to have. The only thing I was paying, really, was salaries, food and water. It was to the point that I was asking employees if they would continue to work for me, for back pay, if I didn't have money for their salaries."

Portela's father wired money from his pension account so that she could make her last payroll, she said.

"We are a family business. We have been here 20 years, and things were never this bad," she said.

The Legislature's record delay in passing a budget - signed Tuesday by the governor - touched people and agencies across California. But because most of their patients are covered by Medi-Cal, and because of strict regulatory mandates, few suffered as much as independent operators of nursing homes and homes for people with developmental disabilities, said Hite.

"They were on the brink of disaster," she said. "The Legislature puts them in this position year after year. Our people are used to it. But 85 days without getting paid? Come on. People were panicking."

About 70 percent of nursing home residents in the state are covered by Medi-Cal, Hite said.

Some facilities, such as Emerald Gardens in south Sacramento, have a corporate cushion. But even they took a hit, said Executive Director Richard Thorpe.

"We are comforted by the fact we are part of a larger corporation, but we were very nervous and very anxious, and our accounts receivable climbed out of sight," Thorpe said. "Eighty-five days is exorbitant."

Overdue Medi-Cal checks are scheduled to begin going out this week, but some operators will have a hard time getting back on their feet financially, Hite said.

Thanks to careful planning, Janet Rios is perhaps in a better position than most.

Rios runs two small homes in Stockton for disabled and medically fragile people, all of whom are covered by Medi-Cal. Anticipating the annual budget quagmire, she received a \$240,000 credit line, which has carried her through the crisis. But she's stuck with \$20,000 in interest payments.

As the budget crisis continued, Rios said, she asked herself how long she would be able to hold on.

"I take my profession very seriously. I feel it's a calling. I am required to follow regulations, whether I have the money or not. I have to have a certain staff ratio, and I have a whole big book of regulations to follow. I can't skimp on food or medications. When no money is coming in, what are you going to do?"

Rios said she has lost plenty of sleep in the past three months.

"But I tried to put on a happy face. My staff has families to feed. They have to change diapers, lift people, feed people. They get vomited on, spit on. They spend \$4 a gallon of gas to come to this great job. I can't show them how distraught I am. I can't tell them they might not get paid."

State Controller John Chiang has said nursing homes, hospitals, clinics and other health providers will be the first to get their delayed payments. Portela will begin looking for hers this weekend.

"I'll be checking the mail, because I definitely don't want it sitting around," she said.

But comfort will be short-lived for administrators such as Portela and Rios.

"I'm relieved, of course, but I'm also sort of depressed," Rios said. "I'll get my check, and then I'll start worrying about next year. Will I get out of this hole just to go into another one again?"

"I can't even bear to think of it."

Tamie Hopp

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