



NPAIHB POLICY BRIEF

Legislation Update in 110th Congress

PREPARED BY: NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

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Update on Indian Health Legislation in the 110th Congress

Indian Health Care Improvement Act, 2007 (S. 1200, H.R. 1328)

Both Senator Byron Dorgan (ND) and Congressman Frank Pallone (NJ) have introduced bills to reauthorize the Indian Health Care Improvement Act in the 110th Congress. There are important provisions that modernize the Indian health care systems contained in the bills as well as important Medicare, Medicaid, and SCHIP provisions that extend services to Indian people. An important provision clarifies Medicaid documentation requirements required under the DRA and other provisions encourage Medicare and Medicaid enrollment by providing protections from cost sharing and estate recovery for Indian people.

The Senate bill (S. 1200) was passed by the full Senate on February 5, 2008, by an overwhelming vote of 83-10. The Senate bill has been referred to the House for action. The House bill (H.R. 1328) was favorably reported out of the Resources Committee and referred to the Energy & Commerce Committee April 27, 2007. The Health Subcommittee of Energy & Commerce conducted a hearing on the bill on June 7th and favorably forwarded the bill to the full Committee on November 7, 2007; where it has been stalled ever since. The Energy and Commerce Committee has had the bill for almost a full year now. The IHCA's National Steering Committee and the National Indian Health Board have requested that the Chair of the Energy & Commerce Committee and the bill sponsors move the bill as soon as possible in order to get it passed in this legislative session.

On April 4, 2008, the Resources Committee filed its report on H.R. 1328 (H. Rpt 110-564) and an extension was provided to both, the Energy & Commerce and Ways & Means Committees, giving them until June 6, 2008 to complete their consideration of the bill.

Reauthorization of Special Diabetes Programs For Type I Diabetes and Indians (SDPI), 2007 (S. 1494, H.R. 2762)

Congress established the Special Diabetes Program for Indians (SDPI) in the Balanced Budget Act of 1997 to provide for the prevention and treatment services to address the growing problem of diabetes in Indian Country. The SDPI provides a comprehensive source of funding to address diabetes issues in Tribal communities by providing grants to 318 programs in 35 different states that successfully provide diabetes prevention and treatment services for AI/ANs and that have resulted in short-term, intermediate, and long-term positive outcomes. Congress, in approving an extension of the State Child Health Insurance Program (SCHIP)

through May 31, 2009, also included a one-year extension for the SDPI program at its current funding level of \$150 million through September 30, 2009.

Senator Domenici and Representatives Kildee and DeGette have introduced bills in the 110th Congress that would seek to extend the SDPI through FY 2013 at a funding level of \$200 billion per year.

S. 1494: introduced May 24, 2007 by Senator Domenici (NM) amends the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act for an additional 5 years. The bill would amend the Public Health Service Act to authorize appropriations for FY2009-FY2013 for: (1) type I diabetes research; and (2) diabetes prevention and treatment through Indian health facilities. On May 24th, 2007 the bill was referred to the Senate's Health, Education, Labor, and Pensions with no action taken to date.

Northwest Cosponsors: Sen. Cantwell, Maria (WA).

H.R. 2762: introduced June 18, 2007 by Rep. Kildee and DeGette, is a companion bill to S. 1494 and similarly would amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act. On June 18th, 2007 the bill was referred to Energy and Commerce Committee with no action to date.

Northwest Cosponsors: Rep Blumenauer, Earl (OR-3), Rep DeFazio, Peter (OR-4), Rep Dicks, Norman (WA-6), Rep Hooley, Darlene (OR-5), Rep Inslee, Jay (WA-1), Rep Larsen, Rick (WA-2), Rep McDermott, Jim (WA-7), Rep Walden, Greg (OR-2), Rep Wu, David (OR-1).

Indian Tribes Methamphetamine Reduction Grants Act of 2007 (S. 85, S. 267, H.R. 545)

S. 85: introduced January 1st, 2007 and sponsored by John McCain (AZ) amends the Omnibus Crime Control and Safe Streets Act of 1968 to include territories and Indian tribes as eligible grant recipients (or reaffirm such eligibility) under the programs to: (1) address the manufacture, sale, and use of methamphetamine; (2) aid children in homes in which methamphetamine or other drugs are unlawfully manufactured, distributed, dispensed, or used; and (3) address methamphetamine use by pregnant and parenting women offenders. On January 4th, 2007 the Senate bill was referred to the Judiciary Committee.

Northwest Cosponsors: Sen. Cantwell, Maria (WA).

S. 267: introduced January 11th, 2007 by Sen. Bingaman, Jeff (NM) and is a companion bill to S.85 and H.R. 545. On January 11th, 2007 the bill was referred to the Senate committee, read twice and referred to the Committee on the Judiciary.

Northwest Cosponsors: Sen. Cantwell, Maria (WA), Sen. Murray, Patty (WA), Sen. Smith, Gordon (OR), Sen. Wyden, Ron (OR).

H.R. 545: introduced January 17th, 2007 by Tom Udall (NM) and is a companion bill to S. 85 and S. 267. On March 26th 2007 the bill was read a second time and placed on the Senate Legislative Calendar under General Order's calendar No. 85.

Northwest Cosponsors: Rep. Blumenauer, Earl (OR-3), Rep. Hooley, Darlene (OR-5), Rep. McMorris Rodgers, Cathy (WA-5), Rep. Larsen, Rick (WA-2)

Indian Youth Telemental Health Demonstration Project Act of 2007 (S. 322)

S. 322: introduced January 17th, 2007 by Sen. Dorgan, Byron (ND) and authorizes the Secretary of Health and Human Services to carry out a demonstration project to award up to 5 grants, for a period of 4 years each, for the provision of telemental health services to Indian youth who have expressed suicidal ideas, have attempted suicide, or have mental health conditions that increase or could increase the risk of suicide. The bill was favorably reported out of the SCIA on April 10th, 2007 and placed on the Senate Legislative Calendar.

Northwest Cosponsors: Sen. Smith, Gordon (OR).

Children's Dental Health Improvement Act of 2007 (S. 739, H.R. 1781)

S. 739: introduced March 1st, 2007 by Sen. Bingaman, Jeff (NM) and amends title V (Maternal and Child Health Services) of the Social Security Act to direct the Secretary of Health and Human Services to award grants to states to improve dental services to children enrolled in Medicaid or the State Children's Health Insurance Program (SCHIP) and the Indian Health Service (IHS). The bill also authorizes retention bonuses for eligible dental officers working for IHS and tribally operated programs. The bill would revise the eligibility requirements for the school-based dental sealant program to include Indian tribes and directs the Secretary to award grants to states and Indian tribes to improve their basic capacity to improve the oral health of children and their families. The bill has been referred to the Energy and Commerce and Ways and Means Committees as of March 1st, 2007.

Northwest Cosponsors: Sen. Cantwell, Maria (WA).

H.R. 1781: introduced March 29th, 2007 by Rep Dingell, Jon (MI-15) and is a companion bill to S. 739 above. On April 10th, 2007 the bill was referred to the House Subcommittee on Health.

Northwest Cosponsors: Rep. Blumenauer, Earl (OR-3), Rep. Simpson, Michael (ID-2), Rep. Wu, David (OR-1).

Helping Fill the Medicare Rx Gap Act of 2007 (S. 1103, H.R. 2058)

S. 1103: introduced on April 12th, 2007 by Sen. Bingaman, Jeff (NM) to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service (IHS), a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical

manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program. The bill was referred to the Senate Finance Committee on April 12, 2007.

Northwest Cosponsors: Sen. Cantwell, Maria (WA), Sen. Smith, Gordon (OR).

H.R. 2058: introduced April 4th, 2007 by Rep Holt, Rush (NJ-12) and is a companion bill to S. 1103 above. On May 2nd, 2007 the bill was referred to the Subcommittee on Health.

Northwest Cosponsors: NONE

Tribal Health Promotion and Tribal Colleges and Universities Advancement Act of 2007 (S. 1779)

S. 1779: introduced July 12th, 2007 by Sen. Tester, Jon (MT) to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes. On July 7th, 2007 the bill was referred to the Senate committee, read twice and then referred to the Committee on Indian Affairs.

Northwest Cosponsors: NONE

Medicare, Medicaid, and SCHIP Indian Health Care Improvement Act of 2007 (S. 2532)

S. 2532: introduced on January 8th, 2008 by Sen. Baucus, Max (MT) an original bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve health care provided to Indians under the Medicare, Medicaid, and State Children's Health Insurance Programs, and for other purposes. On January 8th, 2008 the bill was placed on the Senate Legislative Calendar under General Orders. Calendar No. 555.

Northwest Cosponsors: NONE

American Indian Veteran Health Care Improvement Act 2007 (S. 2145)

S. 2145: introduced on October 4th, 2007 by Sen. Smith, Gordon (OR) to amend the Indian Health Care Improvement Act to ensure that Indian veterans are not liable for certain health care payments and to provide for veteran-related expenses incurred by eligible Indian veterans for medical services administered at an Indian Health Service facility as well as establish guidelines regarding the method of payments to the VA Secretary. On October 4th, 2007 the bill was referred to the Senate committee and read twice, then referred to the Committee on Indian Affairs.

Northwest Cosponsors: NONE

Diabetes Prevention Access and Care Act of 2007 (H.R. 2210)

H.R. 2210: introduced May 8th, 2007 by Rep DeGette, Diana (CO-1) amends the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities. The bill was referred to the House Committee on Energy and Commerce on May 8th, 2007.

Northwest Cosponsors: Rep. Blumenauer, Earl (OR-3), Rep. Wu, David (OR-1).

Children's Health Insurance Promotion Act of 2007 (H.R. 593)

H.R. 593: introduced January 19th, 2007 by Rep Reichert, David (WA-8) amends title XXI (State Children's Health Insurance) (SCHIP) of the Social Security Act (SSA) to direct the Secretary of Health and Human Services to award grants to conduct innovative outreach and enrollment efforts designed to increase the enrollment and participation of children under SCHIP and to promote understanding of the importance of health insurance coverage for prenatal care and children. It will also amend title XIX (Medicaid) to grant a state the option to provide for simplified determinations of a child's financial eligibility for medical assistance under Medicaid or child health assistance under SCHIP. The bill includes a 10% set-aside for the IHS providers to conduct outreach and enrollment under Title V of the IHCA. The bill was referred to the Health Committee of the Energy and Commerce Committee on February 2, 2007.

Northwest Cosponsors: NONE

Medicare Part D Improvement Act of 2007 (H.R. 2056)

H.R. 2056: introduced April 26th, 2007 by Rep Courtney, Joe (CT-2) to amend part D of title XVIII of the Social Security Act to improve the Medicare part D prescription drug program, designed for counting certain expenditures towards out-of-pocket limits. These costs would be treated as incurred and shall not be considered to be reimbursed if such costs are borne or paid by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization. On May 2nd, 2007 the bill was referred to the House subcommittee on Health.

Northwest Cosponsors: NONE

Native American Full Access to Dental Care Act, 2007 (H.R. 3960)

H.R. 3960: introduced October 24th, 2007 by Rep Kind, Ron (WI-3) to amend the Internal Revenue Code of 1986 to exclude from gross income loan repayments made under the Indian Health Service Loan Repayment Program in return for service as a dentist. On October 24th, 2007 the bill was referred to the House committee of Ways and Means.

Northwest Cosponsors: NONE

Consultation and Coordination with Indian Tribal Governments Act 2008 (H.R. 5608)

H.R. 5608: introduced March 13th, 2008 to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes. On April 9th, 2008 the House committee held hearings.

Northwest Cosponsors: NONE

NPaiHB Policy Brief is a publication of the Northwest Portland Area Indian Health Board, 527 S.W. Hall, Suite 300, Portland, OR 97140. For more information visit www.npaihb.org or contact Jim Roberts, Policy Analyst, at (503) 228-4185 or by email jroberts@npaihb.org.