

REDC Policy Update 5/15/2020

Good Afternoon REDC,

Hope you all had a great week! Here are your updates/requests for the week:

Action Item:

- **Member Survey** We are hearing mumblings that Congressional staff don't want to get into funding specific sectors because that tends to open a Pandora's box of asks. However, we are building the case that none of the previous funding streams went to the behavioral health sector and this will be the sector that is hardest hit when all this is said and done. Some of our MHLG partner organizations have similar surveys in circulation to their membership, to bolster this argument.

- We encourage you to take the brief survey here: [How COVID-19 Has Impacted REDC Member Sites?](#)

Do You Know Anyone? For the SERVE Act NDAA, we may need to have a Republican to co-sponsor an amendment with Moulton & Escobar (Ds) since our R co-lead is not on Committee. In turn, I'm wondering if in your networks you may know of **Business Leader, Eating Disorder Advocacy Network, or Community leader** who may be interested in working with us for some grassstops pressure? Our target Members/areas are as follows:

- Iowa- for Ernst
- Missouri (MO-4) (Columbia)- for Hartzler* **Note this one is the most likely***
- New York (NY-21) (Clinton)- for Stefanik
- Colorado (CO-5) (Colorado Springs)- for Lamborn
- Wyoming (all)- for Cheney
- Virginia (VA-01) (Fredericksburg) for Wittman
- Ohio (OH-10) (Dayton) for Turner
- Nebraska Rep. Bacon (Omaha)

COVID-19 4TH PACKAGE ISSUES

I. The HEROES Act

- a. Today, the House of Representatives is voting (right now) on the HEROES Act, which is at \$3T funding and policy mechanism as the 4th COVID-19 package.
- b. Our overall take, this bill is mainly a "messaging bill" and is dead on arrival to the Senate.
- c. There are some items in it related to mental health and substance use disorder, but still not even touching the tip of the iceberg for what the mental health community is advocating for.
- d. The take: Republicans hate it; and many moderate AND progressive Ds are grumbling about it- however they will still vote it through today
- e. Notable things:
 - i. No Telehealth flexibilities/requirements for ERISA/ACA plan
 - ii. Nothing related to making state licensure waivers for commercial plans
 - iii. Limited mental health/substance use disorder provider funding
- f. Things it does include:

i. Substance Abuse and Mental Health Services Administration – \$3 billion to increase mental health support during this challenging time, to support substance abuse treatment, and to offer increased outreach, including:

1. \$1.5 billion for the Substance Abuse Prevention and Treatment Block Grant;
2. \$1 billion for the Community Mental Health Services Block Grant;
3. \$100 million for services to homeless individuals;
4. \$100 million for Project AWARE to identify students and connect them with mental health services;
5. \$10 million for the National Child Traumatic Stress Network;
6. \$265 million for emergency response grants to address immediate behavioral health needs as a result of COVID-19;
 - a. Establishes a technical assistance center at the Substance Abuse and Mental Health Services Administration (SAMHSA) that will support public or nonprofit entities and public health professionals seeking to establish or expand access to mental health and substance use services associated with the COVID-19 public health emergency.
7. \$25 million for the Suicide Lifeline and Disaster Distress Helpline; and
8. Not less \$150 million for tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes across a variety of programs.

ii. 988/National Suicide Designation Act- changing suicide lifeline number to 988 and creating a state mechanism to fund the state/local lifelines

iii. **Research on the mental health impact of COVID-**
 19. Directs the NIH's National Institute of Mental Health to support research on the mental health consequences of COVID-19, including the impact on health care providers.

iv. There is funding for Medicaid providers through FMAP and block grants, but nothing on the private side.

v. COBRA subsidies at 100%, caveating this makes it politically unviable as that ties it to abortion services

II. **Final Support Letter H.R. 6644 (attached)**

- a. The REDC signed a letter in support of H.R. 6644, *Health Care At Home Act* led by Reps. Schrier (D-WA) and Roe (R-TN).
- b. The legislation temporarily requires group health plans and insurers to cover telehealth service delivery for benefits that are otherwise covered in-person, when those services can be safely and effectively provided through telehealth.
- c. Senator Tina Smith (D-MN) is working on introduction of a Senate companion bill.

III. **Support Letter in Circulation for H.R. 6139**

- a. The Health Care Protection Act (H.R. 6139) led by Reps. Davis (R-IL), Horn (D-OK), Wagner (R-MO), Torres Small (D-NM), Gonzalez (R-OH), Schrader (D-OR) was introduced this week and the REDC is leading a support letter for this legislation.

- b. The bill would provide COBRA subsidies equal to the employer contribution if the employee were still employed for a period of six months. The legislation would also create a 30-day ACA open enrollment period for anyone not enrolled in health insurance.
- c. Attached is a letter that was led by several of the bill leads to House leadership urging for COBRA subsidies in upcoming relief packages.

COVID-19 Coverage Changes, Updates & Guidance

I. Telehealth Expansions State Tracker (*attached*)

- a. In an effort to keep REDC membership apprised of state coverage changes for telehealth services during COVID-19, we have created a state tracker.
- b. The tracker includes general resources broken down by state and changes to coverage for Medicare and Medicaid.
- c. The tracker will continuously be updated, so be on the lookout for updated versions in the weekly policy update.

II. Brookings Webinar on the Future of Telehealth (*full memo attached*)

- a. Speakers from the AMA, Doctors on Demand and the John Locke Foundation discussed ways in which the COVID-19 pandemic has accelerated telehealth's expansion, state parity laws in connection to telehealth and the future of telehealth in American post COVID-19.

ACA Watch

I. 2021 Final Payment Notice Released By CMS

- a. This payment notice is issued on an annual basis to adopt major changes for the next plan year in areas such as the marketplaces, risk adjustment program and market reforms.
- b. To view proposed and final rate filing deadlines for insurers 2021 plans, you can view the CMS bulletin [here](#).

II. Senate Democratic Caucus Files Amicus Brief in the ACA Supreme Court Case

- a. Senate Democrats argue that the ACA's individual mandate is constitutional, as the Supreme Court recognized in 2012.
- b. Repealing the ACA would be catastrophic, destroying critical pre-existing conditions protections for 100 million, and could increase the uninsured rate by 65%.
- c. The full amicus brief can be read [here](#).

III. UnitedHealthcare Returning to Maryland's ACA Market

- a. In 2016, United started scaling back its participation in the ACA markets, eventually withdrawing from 34 states and only serving customers in MA, NV, and NY. Though the company concluded it couldn't make money taking care of ACA patients, it continues to reap big profits from the employer market and privatized Medicare and Medicaid.
- b. Gov. Hogan (R-MD) announced earlier this week that United filed to come back to the state's exchange. United will join CareFirst BlueCross BlueShield and Kaiser Permanente in offering ACA plans in 2021.

TRICARE & SERVE Act Items:

- TRICARE Telehealth:
 - DHA issued an interim rule this week, permitting audio-only telehealth services (amongst other things). <https://www.govinfo.gov/content/pkg/FR-2020-05-12/pdf/2020-10042.pdf>
 - As a reminder, this was one of the three issues we pushed back on TRICARE with around COVID (telehealth IOP, audio-only coverage, and PHP).
 - Unfortunately Telehealth PHP has still not been adjusted, so we are continue to work on this element.
- SERVE Act:
 - New Co-sponsor: Rep. Luria (D-VA) who sits on the Armed Services Committee
 - NDAA: currently no updates outside of the Senate expecting a June markup

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