

5/8/2020

Good Afternoon REDC Members,

Please find below our policy update and related requests!

Action Item:

- **Member Survey** We are hearing mumbblings 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 grasstops pressure? Our target Members/areas are as follows:
 - 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)

TRICARE Telehealth:

- As mentioned last week, the House Armed Services Committee sent a letter to DHA requesting removal of restrictions for virtual PHP. **This week, Sens. Shaheen (D-NH) and McSally (R-AZ) sent a similar letter (attached).**
- We are told that the DOD is preparing a response, so stay tuned!

- Additionally this issue was picked up by the Military Times. To view this news article, please see here: <https://www.militarytimes.com/pay-benefits/2020/05/05/military-families-need-more-telehealth-options-during-coronavirus-pandemic-senators-say/>
- Lastly, we also finalized and sent to Committee a letter on this issue, with 45 mental health organizations requesting Congress take action if DOD does not to amend. (See attached)

SERVE Act & NDAA

- Official CBO Score: We have finally received an official SERVE Act CBO score. (Attached). It is a total of \$31M mandatory spending and \$80M discretionary OVER 10 years. This is a bit cheaper than the “preliminary score” we received last year, however, the mandatory spending stays about the same. This will help to advance our work in finding and offset for inclusion within the NDAA.
- NDAA Timeframe: There is still no news on exactly when the NDAA markup will be, however, we are hearing it will be “sooner”.
- New Co-Sponsor: Yesterday we heard back that Rep. Connolly (D-VA) has signed-on to the SERVE Act

COVID-19 4TH PACKAGE ISSUES

- I. **Appropriations Subcommittee for Labor, Health & Human Services and Related Agencies Holds COVID-19 Response Hearing (*full memo attached*)**
 - a. Both Subcommittee Chairwoman DeLauro (D-CT) and Ranking Member Cole (R-OK) agreed that they would have liked to have Dr. Anthony Fauci testify, as he was scheduled to do so before he was barred by the Administration.
 - b. The fight to contain the spread and reemergence of COVID-19 will be a long and challenging struggle.
 - c. Experts are worried about the impact COVID-19 is having on behavioral health, in terms of both access to care and the fact that the pandemic may cause or contribute to mental health challenges.
- II. **SAMHSA PPE Confirmation Letter (*attached*)**
 - a. SAMHSA has issued letters of confirmation for treatment providers to request and purchase personal protection equipment (PPE) for their use as providers continue to treat patients in a face-to-face setting.

COVID-19 Coverage Changes, Updates & Guidance

I. Administration Releases Healthcare.gov COVID-19 Site

- a. To learn more about marketplace coverage options during COVID-19, the Administration has updated their website with additional information [here](#).

II. Employee Benefit Security Administration Releases COVID-19 Relief and Guidance for Employee Benefit Plans

- a. [News Release](#)
- b. [Extension of Certain Timeframes for Employee Benefit Plans, Participants, and Beneficiaries Affected by the COVID-19 Outbreak](#)
- c. [EBSA Disaster Relief Notice 2020-01](#)
- d. [COVID-19 FAQs for Participants and Beneficiaries](#)

III. National Association of Insurance Commissioners Health Insurance and Managed Care (B) Committee Call

- a. The Eating Disorders Coalition for Research, Policy & Action was invited to speak on the call on behalf of the Mental Health Liaison Group to address regulatory flexibility requests due to COVID-19.
- b. [Meeting Agenda](#) (includes all committee member participants)
- c. [COVID-19 Stakeholder Regulatory Flexibility Request Comment Letters to State Regulators Chart](#)
- d. [AHIP & BCBC Association Letter on 2021 Rate Filing Deadlines](#)

i. Call Highlights/Input from Stakeholders:

1. *Hi, my name is Allison Ivie and I am speaking on behalf of the Eating Disorders Coalition for Research, Policy and Action and we are a member organization of the Mental Health Liaison Group and led the letter that is featured on your comments chart. Although we are working on several access to care issues for individuals and families with eating disorders, the most pressing is the inability for our community to continue treatment via telehealth across state lines. We have stories from Kentucky, Michigan, New York and Texas of individuals unable to maintain their treatment at the partial hospitalization program or intensive outpatient program levels because they have had to leave in-person treatment due to COVID and move back to their home state. In other cases, we have individuals that don't have an eating disorders specialist in their state. It isn't uncommon for individuals to cross state lines to access providers. Given stay at home orders and the immunocompromised position of our community, being able to access a provider that specializes in eating disorders care via telehealth is vital.*

State licensure requirements have made it impossible for patients to continue to access these out-of-state providers via telehealth.

2. **MHLG Comments**

- a. Lift restriction on telebehavioral health at all levels of care via audio-only or video conferencing; ensure payment parity; and allow for telehealth service coverage across state lines.

3. **American Medical Association**

- a. Requests temporary suspension of prior authorization and step therapy during COVID-19 as these requests are adding an additional burden to providers and have seen a delay in processing.
- b. Allow providers to be considered in-network if the insurance carrier's telehealth platform does not have the same providers.

4. **Center for Budget and Policy Priorities**

- a. Encourages insurance commissioners to refer back to the [National Governors Association bipartisan letter](#) on relief asks.
- b. FMAP increase
- c. State and Territory aid

5. **BCBS Association**

- a. Push back rate review deadlines for 2021 plans

Parity Compliance

I. The Employee Benefit Security Administration Releases 2020 Report To Congress on Parity

- a. In fiscal years 2018 and 2019, EBSA received 217 inquiries in connection with MHPAEA.
 - i. These interactions help inform the Departments' understanding of where additional guidance is needed for both consumers and the regulated community.
- b. The full report, including open parity investigations related to eating disorders can be found [here](#).

ACA Watch

I. Centers for Medicare & Medicaid Services Back Off Auto Enrollment Changes

- a. In January, CMS proposed halting financial assistance to fully subsidize health insurance marketplace enrollees who didn't actively shop for a plan. The agency issued a rule yesterday that it would no longer go forward with the idea after public comments indicated "overwhelming opposition."

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