

7/17/2020

Happy Friday REDC Members,

Below you'll find your REDC update for the week!

- I. **SERVE Act:**
  - a. First, thank you to all Centers for participating in the Grasstops emails to your Members of Congress about co-sponsoring the House NDAA SERVE Act Amednment! We had so many Centers participating, and the final list of co-sponsors for the amendment is as follows:
    - i. Moulton, Mast, Escobar, Fitzpatrick, Mike Levin, Van Drew, Rouda, Adams, Deutch, Hastings, Kathleen Rice, Craig, Cardenas, Tonko, Chu, Castor, Gottheimer, Raskin, Crow, Trahan.
  - b. The Rules Committee released its opening for Amendments on 7/7- due on Monday (7/13), and currently is going through all the Amendments for debate **right now (7/17)** on whether they can go through to the House Floor. To go through this year to be considered on the House floor, the bill needs to be (1) bipartisan, (2) receive sign-off from the House Armed Services Committee, and (3) be budget-neutral – having an offset.
  - c. We heard back on Tuesday (7/14) that the amendment that was submitted, even though the score was reduced to \$5M over 10 years, didn't have an offset that the Committee would allow.
  - d. In turn, we spent the last few days trying to find an offset and continue to limit the cost so this can go through. We limited the bill to only active-duty servicemember families for removing the age limit, which decreased it down to \$1M (mandatory spending) which came back this morning.
    - i. House Armed Services Committee did sign-off on it, but CBO just now came back saying they are not sure whether or not it would be mandatory spending and if the offset is enough- saying it's at the discretion of the Department of Defense in how they interpret the legislation.
    - ii. This final amendment submitted is attached.
  - e. **In turn, it is unclear at this point whether or not the Rules Committee will vote in favor of the amendment today given this potential offset issue. If they do, then the bill will be allowed to go to the Floor for a vote on Monday & Tuesday (7/21). We'll let you know as soon as we hear.**

## II. **COVID-19 Relief Package Updates**

- a. Senate Republicans are finalizing the details of the next relief package and we are expecting the bill to be released Tuesday evening or Wednesday.
  - i. Specific details of what the bill contains is still under wraps, although expect an extension of the paycheck protection program, another round of stimulus checks, and additional state/local aid.
  - ii. It is still unclear what telehealth provisions, behavioral health provisions or health insurance subsidies for consumers may be included.
- b. **CMS Administrator Verma Issues Blog Post on Telehealth Permanence**
  - i. In a [Health Affairs blog post](#), the Medicare chief stated CMS is reviewing the clinical safety of telehealth, whether Medicare's virtual care payment rates should be the same as in-person, and potential fraud and abuse.
  - ii. 9 million Medicare patients used telehealth in the period between mid-March and mid-June, and more than 3 million of those had audio-only visits.
  - iii. About 22% of rural Medicare patients used telehealth, compared to 30% of those in urban areas.
  - iv. Next steps: The internal review process to determine what expansions should remain permanent will continue. CMS does have some authority to expand virtual care; however, it will have to be a mix of CMS and Congressional action.
- c. **Congressional Movement on Telehealth**
  - i. This week Reps. Thompson (D-CA), Welch (D-VT), Johnson (R-OH), Schweikert (R-AZ) and Matsui (D-CA) introduced, "The Protecting Access to Post-COVID-19 Telehealth Act" which would give HHS secretary Azar the authority to waive telehealth payment restrictions during any emergency period.
  - ii. Additionally, the bill would remove geographic restrictions for telehealth reimbursement.
  - iii. The bill has the support of the Alliance for Connected Care and the American Telemedicine Association.
- d. **Tracking Telehealth Actions Federally and at the State-level**

i. Manatt Health has released a comprehensive 50-state tracker for policy, regulatory and legal changes related to telehealth during the COVID-19 pandemic

ii. The executive summary and links to the full tracker can be found [here](#).

### **III. General Updates/Resources**

#### **a. HHS Finalized Rule on 42 CFR Part 2**

i. The finalized rule lets patients agree to share their records more broadly with larger groups of providers, rather than with specific individuals. It also authorizes disclosures between substance use treatment providers during natural or major disasters.

ii. More changes will be coming as the CARES Act stated patients can allow for their substance use disorder records to be shared and have the option to revoke that consent.

iii. SAMHSA must issue a proposed rule to comply with the CARES Act provisions, which states that the Part 2 provisions can't take effect before March 27, 2021.

1. The press release notifying the public of this change can be read [here](#).

#### **b. Kaiser Family Foundation Releases MH/SUD State Fact Sheets**

i. The resource can be found [here](#).

### **IV. ACA Watch**

#### **a. Supreme Court will not hear ACA challenge before Election Day**

i. The SCOTUS schedule released this week shows the justices will not hear the ACA case in October—when their next term begins.

ii. That month will be spent hearing 10 cases left over from the previous term that ended last week and was abbreviated because of the pandemic.

iii. The justices can still readjust the schedule as they please, but it is unlikely they would take up a politically charged case so close to the election.

b. **Families USA Releases Health Coverage Report**

i. The leftist organization released a [report](#) showing historic losses in health coverage during the pandemic.

ii. The report was picked up by the New York Times and profiled the key takeaways including:

1. Health coverage losses resulting from the pandemic are 39% higher than any annual increase in the number of uninsured adults ever recorded—including the height of the 2008 recession.
2. 46% of all health insurance losses resulting from the pandemic have occurred in 5 states:
  - a. California (689,000), Texas (659,000), Florida (607,000), New York (298,000) and North Carolina (238,000)
3. 5 states have experienced increases in the number of uninsured adults that exceed 40%:
  - a. Massachusetts, Hawaii, Rhode Island, Michigan and New Hampshire
4. 8 states now have 20% or more of their non-elderly adult populations without any health insurance
  - a. Texas, Florida, Oklahoma, Georgia, Mississippi, Nevada, North Carolina, South Carolina

**Katrina Velasquez, Esq., M.A.**

Managing Principal

**Center Road Solutions, L.L.C.**