

11/13/2020

Good Evening REDC Members,

Below is your policy update for the week. However, we did want to flag for those who may have missed it, TRICARE policy manual changes that is a big in easing contractual agreements with the program. Last, we have an update on the Wit v. UBH case.

Wishing all of you a nice weekend!

1. **TRICARE Policy Manual Changes:**

a. **Removal of Freestanding Facility Language in TRICARE Policy Manual- Recommend non-TRICARE contracted RTCs Apply:**

i. Last spring, the Defense Health Agency removed the provisions around restrictions for freestanding facilities that are used by TRICARE East and West to restrict freestanding facilities to contract.

1. The following link shows the newly adjusted language, just stating that facilities must be TRICARE certified: <https://www.tricare.mil/CoveredServices/IsItCovered/EatingDisorderTreatment>

ii. **We encourage your centers (if you are not already TRICARE contracted and certified) to begin the process. If there are still barriers, then let us know what they are ASAP so we can work with policymakers to address any issues with the Biden-Harris Administration or in the FY22 NDAA.**

iii. **Otherwise, hopefully you'll be on your way to contracting with TRICARE! Particularly if there is no longer a barrier upon entry, then we'd want to adjust SERVE Act text to take this part out.**

iv. To Apply Via TRICARE

West: <https://www.tricare-west.com/content/hnfs/home/tw/prov/become-a-provider.html>

v. To Apply Via TRICARE

East: <https://www.humanamilitary.com/provider/access/become-a-tricare-provider/>

b. **TRICARE Moving PHP to "Outpatient":**

i. Another item we flagged recently was that TRICARE adjusted its policy manual to clarify that PHPs are outpatient services. Previously they considered them inpatient services under their policy manual.

ii. We're going to be connecting with DHA to see if this may mean anything new for pushing PHP telehealth under TRICARE, but did want to flag this minor change that occurred last month.

2. **Update on Special Master Appointment in *Wit v. UBH***

a. According to Meiram Bendat, Founder & President of Psych Appeal, the special master is tasked with training UBH in proper use of ordered standards and what it means to be a fiduciary.

i. Once the training is complete, UBH will have to reprocess the 67,000 claims that were denied.

b. Each side can submit up to 3 names to the judge as recommendations for who should serve as the special master.

i. Zuckerman and Psych Appeal have chosen their 3 and have submitted those names to UBH for feedback.

c. Recommendations are due to the court next week. The judge doesn't have to choose who they recommend, but they anticipate a judgement will happen quickly.

SERVE Act

I. Mission: Readiness 2020 National Report Release (*memo attached*)

a. Members of the military were featured on a panel to discuss the release of, "Breaking Point: Child Malnutrition Imperils America's National Security. The full report can be read [here](#).

i. The report highlights how the COVID-19 pandemic has worsen food insecurity and how childhood malnutrition longitudinally affects their ability to serve in the military.

b. Key takeaways:

i. 75% of young Americans are interested in the military, but 71% are disqualified from serving.

ii. Obesity is one of the major barriers to the U.S.'s ability to enlist and deploy fit service members.

iii. The connection between food insecurity and malnutrition perpetuate the issue of obesity.

iv. COVID-19 pandemic is estimated to cause 18 million children to experience food insecurity.

ACA Watch

I. Open Enrollment Off to Sluggish Start

- a. Just over 818,000 people signed up for the ACA plans through Healthcare.gov during the first week of open enrollment. About 173,000 or 1/5 were new enrollees.
- b. The numbers are slightly behind expectations set by Get America Covered, a nonprofit run by the Obama administration alumni.
- c. The CMS figures only account for the 36 states that use the federal marketplace for the ACA plans.
- d. As of June, Medicaid enrollment has increased nationwide by 4 million, to a total of nearly 68 million, with larger gains in states that have adopted expanding Medicaid.
- e. Additionally, nearly 500,000 people signed up through a special enrollment period on Healthcare.gov after losing workplace coverage—up from 46% during the same period last year.
- f. ACA navigators say the pandemic has complicated their efforts, forcing most enrollment assistance to take place online or over the phone.

II. SCOTUS Oral Arguments

- a. The *Texas v. California* oral arguments took place earlier this week with conservative Justices Roberts and Kavanaugh siding more with the law's supporters.
- b. The overall takeaway from legal experts was that the law is able to stand without the individual mandate, but there may continue to be some other weedy legal issues that we won't entirely know about until a decision is reached.

i. A decision is expected as early as February or later in the spring.

III. Judges Won't Revisit Insurers Subsidy Case

- a. Health insurers lost their bid to get a federal appeals court to revisit a lawsuit over now-defunct ACA subsidies.

i. The companies had hoped to claim billions of dollars more in damages following a limited victory in the case over the summer.

ii. A panel of Democrat-appointed appellate judges ruled in August that the Trump administration owed insurers anything they hadn't been able to collect in the first year the subsidies were cut off.

1. Health insurers subsequently pushed for more by seeking a rehearing—but that petition was denied.

IV. Insurers Owe Billions in 2019 Rebates

a. Health plans owe their 2019 customers nearly \$2.5 billion according to new CMS data. That's almost twice as much as the previous record.

i. On average, ACA customers are slated to get about \$332 each.

ii. Refresher, ACA subsidizes insurers but also seeks to cap their profits, requiring health plans to spend at least 80-85 cents on the dollar on health care. If they end up overcharging people on premiums, they have to rebate the excess money back to customers.

Resources

I. The Biden Campaign's Responses on Mental Health

- Read the responses [here](#).

CDC Presentation to the Mental Health Liaison Group (REDC is a member)

- The slides from the CDC's presentation on population health at the MHLG November 6 meeting are attached.

Mental Health America has issued a new report entitled "The State of Mental Health in America"

- The report provides up-to-date data and information about disparities faced by individuals with mental health problems with a spotlight on the impact of COVID-19 on mental health
- Read the report [here](#).

NAMI has released a new issue brief entitled "What the Affordable Care Act Has Meant for People with Mental Health Conditions – And What Could be Lost"

- The brief is intended to remind our community and policymakers why the ACA is so critical to people affected by mental health conditions.
- Read the issue brief [here](#).
- Read NAMI's release of the brief [here](#).

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