

12/04/2020

Good Morning REDC Members,

Below you'll find your weekly update for today, and we look forward to presenting on policy and strategy for next year on Tuesday!

### **SERVE Act:**

- The NDAA has been released and is the verge of being passed into law. Once this is passed, the Defense Health Agency is required to consider the Senate and House report provisions...so stay tuned!
- We've also had some new co-sponsors to the SERVE Act as follows:
  - Rep. Khanna (D-CA-17)
  - Bobby Rush (D-IL-1)
  - Crist (D-FL-13)
  - Napolitano (D-CA-32)
  - Neguse (D-CO-2)
  - Davis (D-IL-7)
  - Allred (D-TX-32)
  - Fletcher (D-TX-7)

### **American Telemedicine Association Survey**

The ATA is "looking to collect information from tele-mental health provider organizations to better understand what they're measuring and how it could be used to influence payers to further embrace permanent telehealth reimbursement." If REDC members are interested in participating in this survey, click the link here: <https://www.surveymonkey.com/r/PZTQBFR>

### **COVID-19 Relief**

- I. A group of 9 bipartisan Senators released a \$900 billion COVID-relief proposal earlier this week in a final attempt to once again jumpstart conversations on providing Americans with another relief package before the end of the year.
  - a. Among the healthcare line items is \$35 billion for the provider relief fund; \$16 billion for vaccine development/distribution and \$5 billion for opioid treatment

- II. Senate Majority Leader McConnell released his own \$332.7 billion proposal this week, which is said to have approval from the Administration.
  - a. The healthcare line items are vaccine development/distribution
  - b. This proposal is dedicated to economic provisions and has no dedicated health care line items
  
- III. The Democratic House is dividing and conquering on negotiations with Speaker Pelosi working directly with Treasury Secretary Mnuchin and Majority Leader Hoyer working with Majority Leader McConnell.
  - a. McConnell has stated if this is going to get across the finish line there needs to be an agreement on paper this weekend with a vote happening as early as Wednesday or Thursday next week.

## Telehealth

- I. **Updated State Insurance Commissioner Tracker**
  - a. Attached is the most up-to-date insurance commissioner tracker on state responses to our letters urging for telehealth coverage be maintained during the PHE.
  - b. Virginia responded to our letter and is reflected in the tracker.
  
- II. **CMS Releases 2021 Physician Fee Schedule**
  - a. Medicare will pay for 60 more telehealth services, though the changes won't do much for patients outside rural areas when the emergency declaration is lifted.
  - b. Medicare payment law generally restricts telehealth coverage to patients in rural areas, unless Congress makes a statutory change to lift geographic restrictions on Medicare telehealth services.
  - c. For more information, the CMS press release can be viewed [here](#).
  
- III. **REDC Endorses Latest Bipartisan Telehealth Bill**
  - a. Led by Reps. Smith (R-MO) and Cardenas (D-CA), the currently untitled legislation seeks to:
    - i. Clarify the section does not require the use of video technology for certain services
    - ii. Requires CMS to allow for the use of audio-only equipment to furnish services described by the codes for audio-only telephone evaluations and management services and mental and behavioral health services.

iii. Allows CMS the authority to issue regulations allowing for the reimbursement of additional services by audio-only at their discretion.

iv. Remove geographic restrictions to allow beneficiaries' homes to be telehealth originating sites for audio-only telephone evaluation and management services, including mental and behavioral health services.

b. The bill is expected to be formally introduced next week.

#### **IV. 48 Members of Congress Call for Legislation Making Permanent Several Telehealth Services**

- a. In a letter to congressional leaders led by Sen. Schatz (D-HI), the lawmakers called telehealth a “critical tool during the COVID-19 pandemic” and argued that making the temporary coverage expansions permanent would encourage even greater investment in the technology.
- b. The full letter can be read [here](#).

#### **V. FAIR Health Reporting on Mental Health Services Via Telehealth**

##### **Mental health visits as a percentage of telehealth appointments**

Percentages based on FAIR Health's analysis of private insurance claim lines.

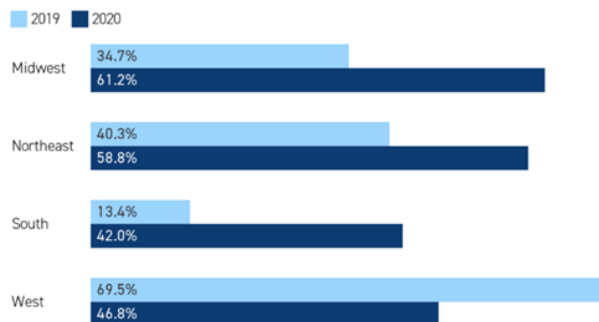


Chart: Taylor Miller Thomas and Mohana Ravindranath for POLITICO · Source: FAIR Health

The percentage of telehealth visits for mental health services rose in most regions this year, possibly due to increased stress, FAIR Health's president Robin Gelburd says. Variation could be due to differences in substance use disorder diagnoses.

### **Affordable Care Act**

#### **I. Release of 2022 Proposed Notice of Benefit and Payment Parameters (NBPP)**

- a. This is an annual proposed rule that is issued to adopt major changes for the next plan year in areas such as the marketplace exchanges and the risk adjustment program.
- b. Major proposed changes include:
  - i. Allowing other states to follow in Georgia's footsteps by letting states transition away from a centralized marketplace (like Healthcare.gov) to decentralized enrollment via insurers and web-brokers.
    - 1. CMS would allow states to do this without having to apply for a 1332 waiver as Georgia did
    - 2. Georgia's change is likely to be legally challenged
  - ii. Increase maximum annual out-of-pocket limit on cost-sharing for 2022 is \$9,100 for self-only coverage and \$18,200 for other than self-only coverage
    - 1. This is a 6.4% increase over 2021
  - iii. Reduce user fees for the 2022 plan year to 2.25% (down from the current 3%)
- c. Public comment is open for 30 days and closes on December 30 at 5 pm EST.

## **II. Third Year in a Row More Insurers Entering ACA Market**

- a. The Kaiser Family Foundation finds 30 insurers joining the marketplace across 20 states, and another 61 insurers are expanding their services within states that they already served.
  - i. More than 1/3 of counties will have more insurers serving the marketplaces, while only .4% will see a net decrease.
  - ii. More than ¾ of marketplace enrollees now will be able to choose from at least 3 insurers.
  - iii. Only 3% of enrollees only will have a single insurers serving their country.

## **III. ACA Enrollment, Subsidy Delays and Trans Patients Denied Care**

- a. Just over half a million people signed up for ACA plans last week as weekly enrollment figures dipped significantly over the Thanksgiving holiday.
- b. Just over 2.9 million Americans have enrolled in individual market plans as of the end of last week, with less than two weeks to go before enrollment ends on December 15.
- c. ACA insurers and patient advocates are worried that some customers could lose the advance tax credits used to subsidize a majority of ACA premiums due to an IRS backlog of about 1 million tax returns.
  - i. Because of pandemic-related delays, the IRS still hasn't completed processing all of this year's returns, even though the calculation of people's subsidies for ACA health plans depends on it.
  - ii. Sen. Warner (D-VA) urged IRS Commissioner and CMS Administrator not to cut off any existing customer from their premium subsidies because of this issue.
- d. According to a new analysis by Out2Enroll, 7% of insurers in the 2021 plan year excluded treatments like hormone therapy, mental health services, and surgical procedures.
  - i. This is a jump from 3% last year.

Katrina & Allison,

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

Managing Principal

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