

01/15/2021

Good Afternoon REDC Consortium Members,

Before we kick off our policy update, today marks the last call to sign up for REDC Consortium Advocacy Day. We have 27 folks signed up and our goal is 30--almost there! Information is below:

### **REDC Consortium Virtual Advocacy Day, February 10, 2021**

**Friendly reminder to register for the annual REDC Consortium Advocacy Day here: <https://rb.gy/kheqnh>**

- We will be hosting two, 1-hour training sessions to assist you in learning more about the SERVE Act and how to run your meetings. **You only need to sign up for one of the sessions and can do so here:**
  - **February 9th training from 3 pm – 4 pm**  
**EST: <https://us02web.zoom.us/meeting/register/tZEtc-urqTgoGNwz1BX5b2lqRD7Rg26Rnyfl>**
  - **February 10th training from 9 am – 10 am**  
**EST: <https://us02web.zoom.us/meeting/register/tZEud--qrzotGNz-L-ViCM7PFIFWVZby4GQb>**

### **SERVE Act**

- Both Sen. Shaheen (D-NH) and Rep. Moulton (D-MA) are working with us and Legislative Counsel on the updated legislation.
  - Despite a Democrat supermajority, they expect that Defense funding will actually stay level or potentially receive a 10% cut.
  - In turn, we are still working as planned to focus the extension of coverage to active duty dependents up to the age of 65 years old for RTC.
  - The introduction timeframe is still the first week of February; however, there is a lot going on that may make the official introduction fluid.

### **Incoming Biden Administration--COVID Relief Plan**

- The Biden Administration released their COVID relief plan yesterday. The fact sheet is attached with further details.
- Key elements include:
  - COBRA subsidies through September 2021
  - Expansion of ACA subsidies, so Americans would not pay more than 8.5% of their income on their individual market plans
  - \$4 billion to enable SAMHSA and HRSA to expand access to MH/SUD services
- Although the plan will not pass Congress in its entirety, it sets the tone for Congressional members on what issues to tackle and include in the package
- **REDC cosigns lettered led by Safe States Alliance (letter attached)**
  - The letter urges President-Elect Biden to move swiftly to repeal Executive Order (EO) 13950, *Combating Race and Sex Stereotyping*.

- REDC joined over 70 organizations in support of rescinding this discriminatory EO put forth by the Trump Administration.

## **Democrat Supermajority & What is Next**

- Democrats will have control of the House, Senate and Administration this year. Given the results of the GA Senate races, the Senate is now split 50/50 with VP Harris serving as the tie breaker.
- **What does it mean for committees?**
  - Schumer and McConnell will have to negotiate a committee organizing resolution and they do have the Lott/Daschle agreement from 2000 from which to start.
  - Committees are likely to have an even number of Democrats and Republicans, but Democrats will hold the gavel.
  - The key question and one Schumer/McConnell will have to finalize is how they report bills and nominations out of committee.
- **Attendance will be KEY**
  - The daily attendance check will be very important because Senate Democrats will need every member in DC pretty much every day if they are voting.
  - Vice President Harris will be spending a lot more time in the Capitol than she was likely planning, as she will be needed to break any tie breaking votes.
- **Immediate Impact on Cabinet Nominations**
  - We expect Senate Ds to kick in to high gear and work quickly to confirm Biden's Cabinet nominees.
  - This is a process Ds can control completely on their own – timing of confirmation hearings in committee, committee markups, and confirmation votes on the floor.
  - Remember nominees only need a simple majority of 51 votes to be confirmed.
  - The confirmation process/votes are likely to take up a lot of the floor time in late January and February to fill out the Biden Administration.
- **Does the Congressional Review Act come back in to play?**
  - Remember at the beginning of the Trump Administration, House Rs and Senate Rs pushed through numerous CRAs to overturn rules that were issued during the final days of the Obama Administration.
  - Under the rules CRAs only need a simple majority in both the House and Senate and debate is limited to 10 hours in the Senate. This is something Democrats can control unilaterally.
- **Reconciliation – what does this mean again?**
  - Reconciliation is a legislative procedure the Majority can use to pass bills in the Senate on a 51-vote threshold.
  - Democrats previously used it to pass Obamacare and Republicans used it to pass the Trump tax cuts just a few years ago.
  - Getting to reconciliation is not easy, while it does take a lot of time (think vote-a-rama), it ultimately requires only 51 votes to pass a Budget Resolution in the Senate.
  - Both the House and Senate will have to pass a separate Budget Resolution in each chamber and then agree and pass a Budget Conference Report. Only then do you get the reconciliation instructions giving you the opportunity pass legislation at 51 votes.

- **What does this mean for the filibuster in the Senate?**

- It's too early to tell, but this is the question Senate Democrats will be asked on a daily basis by not only the DC press corps, but also the outside groups pushing their own agendas.

## ACA Watch

- **Trump Administration Finalizes Changes to ACA Exchanges**

- The changes will allow states to ditch their ACA exchanges and outsource enrollment to private web brokers and agents for the purchase of 2022 plans.
- However, given the Democratic Supermajority, these final changes are expected to be immediately undone under the Congressional Review Act noted above.

- **Parity**

- **Kennedy Forum looking for Government Opt-out Stories**

- Non-federal government health plans (states, municipalities, counties, school districts, etc.) have the ability to opt-out of the Federal Parity Act.
- The organization is hoping to highlight this issue and are looking for stories from individuals in opted-out plans who have had difficulty accessing MH/SUD services.
- If you have know of anyone with a story and is willing to speak to a reporter, please contact me.

- **State Parity Working Group Call (slide deck attached)**

- New state-level parity bills have come out in CT, GA, KY, MO, and WA.
- 2 bills have been signed into law in OH and MA
  - **OH SB 284 (takes effect 3/21/21)**
    - Requires Superintendent of Insurance and Medicaid Director to:
      - Proactively enforce MHPAEA
      - Evaluate all behavioral health complaints for parity violations
      - Adopt rules necessary to enforce MHPAEA
  - **MA S. 2984**
    - Large bill that includes broad telehealth provisions
    - Requires insurance carriers, including MassHealth, to cover telehealth services any case where the same in-person service would be covered and the use of telehealth is appropriate
    - Reimbursement parity
    - Covers audio-only telehealth

Best,

Allison