

09/02/2021

Hi REDC Board,

Before we kick off our policy update, we are excited to share that the **SERVE Act amendment passed early this morning within the House Armed Services Committee!** The bill has now successfully passed both committee chambers and moves to House and Senate floor votes. A HUGE hurdle was cleared today and we thank everyone for their advocacy efforts!

## **I. NDAA & SERVE Act Status:**

- We did it!! We successfully passed the SERVE Act amendment into the House Armed Services Committee's NDAA! This is a huge victory and sets SERVE up well for future action this fall.
- The Senate is still in August recess right now but we are now shifting gears to prep our SERVE amendment for their floor consideration of the NDAA.
- Next Steps:
  - **Senate Floor Amendment:** Senator Shaheen & Tillis will submit the House amendment language during the Senate Floor vote which is expected end of September or early October
  - **House Floor Passage:** House will need to pass the full NDAA on the Floor
  - **Conference Negotiations:** Then both the House & Senate NDAA will need to be negotiated (called conferenced) for differences, and have one more vote in both Chambers
    - If the Senate Amendment passes on the Floor, then we're good to go and it will be passed into law when the NDAA passes
    - If the Senate Amendment does not pass on the Floor, then the Senate leads and House leads will send a letter to the Conferees to include the House SERVE Act language in the final package

## **II. Telehealth**

- The Senate Finance Committee is developing a mental health package to be introduced at the end of the year (tentative).
- The Committee is in the process of asking other Finance members for their legislative priorities related to telehealth, ACA, health care workforce, etc.
  - The deadline was originally set for August 31st but has been extended to the end of September.
  - The Committee will then proceed with an outside stakeholder comment period and we will be submitting REDC's telehealth priorities.

- We are meeting with several Committee members to pitch our bill text related to the essential health benefit telehealth coverage for individuals on ACA plans.
- **TIME Article by Kaiser Health News: *Telehealth Took Off During the Pandemic. Now, Battles Over State Lines and Licensing Threaten Patients' Options***
  - The article captures the patient access issues created by the rash of states with expiring licensure waivers. The TREAT Act is mentioned as a potential federal solution to ensure continuity of care during a public health emergency.
  - The article can be found [here](#).

### III. Insurance & ACA

- **United Healthcare Settles with US Department of Labor**
  - United Health Insurance, United Behavioral Health and Oxford Health Insurance will collectively pay more than \$15.6 million--\$13.6 million to affected beneficiaries and \$2.1 million in penalties
  - Violations are regarding reimbursement and utilization review
    - The companies cut their baseline reimbursement rates for out-of-network, non-physician mental health providers by as much as 35%.
    - They also use a concurrent review program to limit benefits for outpatient mental health benefits in a way that's broader and more aggressive than program in place for similar medical and surgical benefits.
- **Federal Court Approves Class Action Settlement in Lawsuit by Kantor & Kantor**
  - The lawsuit was brought on by Kantor & Kantor on behalf of a class of California residents (1) who were enrolled under an ERISA health plan issued or administered by Anthem, (2) who had been diagnosed with an eating disorder and (3) who had a request for eating disorder treatment processed through Anthem's UR program.
  - Settlement amounts vary depending on whether the resident continued treatment (\$5,500) or discontinued treatment (\$2,100) after Anthem's denial.
- **Population of Uninsured Americans Declined Last Year**
  - Decline was about 1.6 million as Medicaid and other public health programs helped offset declines in employer-sponsored insurance from the pandemic.
  - Nearly 32 million Americans, or about 9.7% of the population, lacked health coverage in 2020.
    - Medicaid proved to be a lifeline for many Americans in light of rising unemployment, with 38.2% of Americans enrolled in the program or other safety net programs in the second half of 2020.
- **House Democrats Press for Permanent ACA Subsidy**

- Three dozen lawmakers [wrote to congressional leaders](#) this week pushing for an ACA tax credit that boosted enrollment to be made permanent.
- The expanded credits were first implemented in the American Rescue Plan and are expected to be roped into the budget reconciliation package.
- **New York Times Article: *Loopholes Leave Gaps in Mandated Coverage for Mental Health***
  - The article highlights some of the largest municipalities that are exempt from the Mental Health Parity and Addiction Equity Act of 2008. Municipalities mentioned are opting out of government entities and not giving employees and their families rights to Mental Health and Substance Use Disorder coverage.
  - The full article can be read [here](#).

We hope you have a nice holiday weekend.

Best,  
Center Road Solutions Team