

05/20/2022

Hello REDC Members,

Here is this week's policy update.

REDC Virtual Advocacy Day

- **Date:** Wednesday, June 22 from 9am to 4pm EDT
- **Where:** Virtual, through Zoom
- **Register here:** [REDC Consortium Advocacy Day Registration](#)
 - **Registration closes Monday, May 30.**
- This advocacy day, you will meet with Congressional staff to discuss:
 - Maintaining telehealth flexibilities that have been expanded during the COVID-19 pandemic.
 - Ensuring telehealth as a service modality for MH/SUD is at parity with telehealth offerings for medical/surgical services.

Public Health Emergency Will Be Extended Through October

- The Administration did not issue a 60-day notice this week to give states time to transition from the PHE when it expires in July.
 - This means the PHE will be extended at minimum one more time and would take us through mid-October.

Parity

Social Media Push to Ninth Circuit Court to Rehear *Wit v. United Behavioral Health*

- The attached social media toolkit developed by the Kennedy Forum contains sample tweets, sample language for newsletters and graphics for social media.
- The org has also launched a [landing page](#) that contains background on the case and links to key filings.
- Amicus briefs were filed by numerous organizations this week, as well as state attorneys general of IL, RI, CT and CA.

Passage of the Mental Health Matters Act (H.R. 7780) out of the House Education and Labor Committee

- The House Education and Labor Committee passed the Mental Health Matters Act out of committee earlier this week.
- The comprehensive bill includes important parity protections including:
 - Authorizes the Secretary of Labor, as well as a plan participant, beneficiary, or fiduciary to bring a civil action regarding MH/SUD benefits under ERISA plans.

- This would allow a civil action suit to recover all losses for participants and benefits;
- Reform impermissible plans or coverage terms;
- Ensure re-adjudication of claims and payment of benefits
 - The provisions above maintain and strengthen the ability of future Wit cases to take place.
- Provides \$275M of mandatory funding over ten years to the Department of Labor or parity enforcement.
- Deems forced arbitration clauses, class action waivers, and representation waivers unenforceable for ERISA claims and common law claims relating to a plan or benefits under a plan.

Restoring Hope for Mental health and Well-Being Act Passes Out of House Energy and Commerce Committee

- The large mental health bill contains an amendment that would provide grants to states to enforce and ensure compliance with the parity law.
- This amendment aligns with the Senator Murphy (D-CT) and Senator Cassidy (R-LA) mental health bill that was introduced recently and is slated to be incorporated into the Senate HELP Committee public health package that is underway.

Telehealth

Biden Administration Pursues Interstate Licensing for Behavioral Practitioners

- The White House is exploring multiple pathways to address barriers to interstate licensing for mental health practitioners, which includes plans the Administration could enact on its own and others that would be in conjunction with Congress.
- Although interstate licensing has caught the attention of federal legislators with the rapid expansion of telehealth, Congress is limited in what it can do to remove licensing barriers for practitioners because state licensing boards have primary jurisdiction over the issue.

State Policy Trends To Improve Access to Telebehavioral Health

- The following article highlights some of the state actions related to this topic and can be found [here](#).

Center for Connected Health Policy Issues State Telehealth Laws & Reimbursement Policy Brief

- The [handy summary chart](#) provides a quick reference of each state's telehealth policy on Medicaid reimbursement, private payer reimbursement laws, and professional requirements around interstate compacts and consent.
- Here is a [2-page infographic](#) detailing telehealth laws and reimbursement policies at a glance. The executive summary of this information is [here](#).

Affordable Care Act

- The generous subsidies provided by the American Rescue Plan are set to expire at the end of year, which would trigger spikes in insurance premiums.
- The price hikes would hit an estimated 13 million people across the country, potentially adding hundreds of dollars to families' monthly expenses.

Letters of Support

- The REDC joined a House and Senate letter led by the American Academy of Pediatrics in support of funding in Fiscal Year 2023 for the Pediatric Subspecialty Loan Repayment Program.
- Both letters are attached for reference.

Have a great weekend,

Center Road Solutions Team