

07/29/2022

Hello REDC Members,

Here is this week's policy update.

Telehealth

Telemental Health Parity Act Gains Cosponsor

- The REDC-led legislation added Rep. Susan Wild (D-PA) to the bill!

Advancing Telehealth Beyond COVID–19 Act ([H.R. 4040](#)) of 2021 Passes House

- Introduced by Rep. Cheney, the House overwhelmingly passed the bill 416-12 that would extend Medicare telehealth rules through the end of 2024.
 - A longer extension was not possible given Members could not come to agreement to pay for more.
- Specifically, the bill would allow Medicare and federally qualified health centers and rural health clinics to continue covering telehealth visits from patients' homes, as well as audio-only telehealth under Medicare.
- The bill would also extend a waiver permitting mental health patients to avoid having to go to in-person visits through 2024.
- The legislation doesn't address a provision expiring at the end of the year allowing high deductible health insurance plans to cover virtual care for enrollees before they hit their deductibles.
 - More than 30 million Americans have these sorts of plans.
 - Congress first allowed the plans to offer the pre-deductible coverage for telehealth in the March 2020 COVID relief law and then extended it through the end of 2022.
- The bill would have the votes to pass the Senate chamber and it is anticipated these provisions would be incorporated into an end of year spending bill.

Department of Justice Charges Dozens for \$1.2 Billion in Health Care Fraud

- The [DOJ announced criminal charges](#) against 36 defendants in 13 federal districts across the United States for more than \$1.2 billion in alleged fraudulent telemedicine, cardiovascular and cancer genetic testing, and durable medical equipment (DME) schemes.
- The investigation primarily targeted alleged schemes involving the payment of illegal kickbacks and bribes by laboratory owners and operators in exchange for the referral of patients by medical professionals working with fraudulent telemedicine and digital medical technology companies.
 - The charges were regarding fraudulent claims by telemedicine companies, and not the telehealth service itself.

Reconciliation

Senate Reignites Reconciliation with Introduction of the [Inflation Reduction Act](#)

- As a refresher, reconciliation is a congressional procedure that allows legislation to pass with a simple majority in the Senate vs. the required 60 votes for legislation that does not move through this process.
- Importantly, the bill would extend the expanded ACA subsidies for an additional 3 years as this policy is set to expire at the end of the year.
 - If the expanded subsidies expire, insurance premiums would increase for all 13 million Americans who receive subsidies for marketplace plans.
 - An additional 1 million would lose the subsidies and have to pay higher premiums.

Regulatory

HHS Release Proposed Rule to Safeguard Healthcare for LGBTQ Patients

- The rule would reinstate civil rights protections for gender identity and sexual orientation narrowed during the final months of the Trump administration. It would also reiterate the Biden administration's view that discriminating against someone for having an abortion violates civil rights protections on the basis of sex.
- It is not clear how the proposed rule would work in the 13 states that have limited or banned abortion
- The HHS rule would also "refine" the process for religious freedom protections, another effort to reverse Trump-era regulations giving providers blanket authority to refuse to perform procedures such as abortion because of their religious beliefs.
- The proposed rule would also add Medicare Part B, the program for physician-administered drugs and some services, to the Section 1557 requirements, order language assistance for patients who do not speak English as a first language and prohibit discrimination in clinical algorithms used by providers.
- The rule is all but assured to face legal challenges. HHS said in a statement that the new rule would "align regulatory requirements with Federal court opinions to prohibit discrimination on the basis of sex including sexual orientation and gender identity," seemingly nodding to the court battles already playing out across the country.

Treatment Center Visits

- Thank you, Montecatini Eating Disorder Treatment Center, for hosting Rep. Mike Levin's staffer this week!

- REDC Members, if you are interested in having your Member of Congress visit your treatment center, please reach out to Emily Rosenberg at emily.rosenberg@centerroadsolutions.com.

Have a great weekend!

Best,

Center Road Solutions Team