

10/07/2022

Hi REDC Members,

We hope each of you had a nice week. You will find the weekly policy update below. Don't hesitate to reach out with any questions.

Warmly,  
Center Road Solutions Team

## TELEHEALTH

### REDC Leads Sens. Warner (D-VA) & Smith (D-MN) to Send Letter to HHS on ACA EHB Update

- As a refresher, one of the policy requests from REDC Advocacy Day was for Senators to sign a letter to HHS urging the agency to issue a congressional report on how essential health benefits (EHBs) can be updated to reflect expansion in telehealth.
- The final letter (attached) was sent to the agency this week led by Sens. Warner (D-VA) and Smith (D-MN) and co-signed by Sens. Klobuchar (D-MN), Baldwin (D-WI), Sanders (I-VT), Booker (D-NJ), Bennet (D-CO) and Murphy (D-CT).
- Specifically, their letter addresses eating disorders as the Senators state:
  - “We have heard from constituents who have concerns that coverage will start to vary based upon visit modality. For some specialized, complicated care—eating disorders, for example—it has always been challenging getting the most appropriate treatment covered, whether that’s because of parity or network issues,” **the Senators continued.** “We are concerned that modality will become one additional way barriers to treatment will be enacted, if arbitrary in-person requirements become one more way care is denied or delayed.”
- The full press release can be read [here](#).

### MedPAC Update on Mandated Report on the Expansion of Telehealth

- During its October Public Meeting, the Medicare Payment Advisory Commission (MedPAC) outlined a congressionally mandated study, due in June 2023, on the expansion of telehealth as a result of the Consolidated Appropriations Act of 2022.
- MedPAC staff provided an overview of potential policy options for the mandated report, which will analyze changes in telehealth volume and spending during the Public Health Emergency (PHE), assess the impact of telehealth on access and quality, use population-based outcome measures to assess the impact of telehealth expansion on access and quality, and consider alternative approaches to paying for telehealth services under the physician fee schedule (PFS).

## **New GAO Report on Medicare Telehealth Released**

- On Monday, the Government Accountability Office (GAO) released a [new report](#) entitled, "Medicare Telehealth: Action Needed to Strengthen Oversight and Help Providers Educate Patients on Privacy and Security Risks"
- GAO issued four findings:
  - CMS currently lacks the ability to comprehensively gauge the quality of telehealth during the pandemic;
  - patients are not sufficiently informed about the risk of their personal data being exposed when storing personal information on a phone or tablet while using telehealth;
  - some telehealth additive care; and
  - audio-only telehealth should be reimbursed at a lower rate than other forms of care.

## **AHIP Issues Report on Policies to Support Future Telehealth Innovation**

- The [report](#) lays out policies for telehealth after the PHE and recommends:
  - CMS should consider making permanent some of the expanded services eligible to be delivered via telehealth.
  - State legislatures should support flexibility in benefit design in terms of eligible providers and eligible services.
  - Regulators should work to define and incorporate nationally recognized interoperability and data sharing standards.
  - Federal and state policymakers should eliminate the requirement for established relationships or periodic in-person visits to account for different clinical needs.
- To see all the recommendations, refer to the link above.

## **Senators Wicker (R-MS) and Schatz (D-HI) Pass Resolution on Telehealth**

- The Senate unanimously passed a bipartisan resolution designating September 18-24 as "Telehealth Awareness Week."
- The resolution recognized the bipartisan support in Congress for telehealth and encouraged expanded access to telehealth services for all people, including members of rural and underserved communities.

## **PARITY**

### **Former NIMH Director Authors Op-Ed on Wit Case**

- Dr. Tom Insel, former director of the National Institute of Mental Health authored an op-ed in the current edition of the Psychiatric Times on the importance of the Wit case.
  - The op-ed titled, "Federal Court Gives Green Light to Deny Coverage" is well-timed as the courts are still considering rehearing the Wit case.

- You can read the op-ed [here](#).