

## Federal Issues

### Legislative

#### House Committee Leaders Introduce Bipartisan Mental Health Package

On Friday, Chairman Frank Pallone (D-NJ) and Ranking Member Cathy McMorris Rodgers (R-WA) leaders of the House Energy and Commerce Committee (E&C) introduced comprehensive [legislation](#) aimed at addressing mental health and substance use disorder needs. Specifically, the legislation would reauthorize key programs at the Substance Abuse and Mental Health Services Administration (SAMHSA) and Health Resources and Services Administration (HRSA).

**Why it matters:** The pandemic has exacerbated both mental health and substance abuse crisis' among Americans, particularly young Americans. It marks one of the few areas of agreement among legislators on both sides of the aisle.

#### Key [highlights](#) of the package include:

- Establish a Behavioral Health Crisis Coordinating Office within SAMHSA to convene partners and provide technical assistance to enhance access to crisis care annually;

## In this Issue:

### Federal Issues

#### *Legislative*

- House Committee Leaders Introduce Bipartisan Mental Health Package
- Insurers, Providers Urge Lawmakers To Extend ACA Subsidies

#### *Regulatory*

- Record Enrollment in ACA Coverage and Medicaid Expansion
- COVID-19 Updates

### State Issues

#### New York

#### *Legislative*

- A New Health Insurance Tax Proposed
- Legislative Tracker

#### *Regulatory*

- 2023 Plan Invitation Released
- Medicaid Waiver Amendment

- Reauthorize the Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbances and the Youth and Family TREE treatment and recovery services programs;
- Reauthorize the Garrett Lee Smith Memorial Act Suicide Prevention program to provide resources to states, tribes, and campuses to help prevent youth suicide;
- Reauthorize the Maternal Mental Health Screening and Treatment grant program to enhance maternal mental health and substance use disorder treatment;
- Grants to support American Indian and Alaska Native communities with mental health and substance use disorder prevention, treatment, and recovery services;
- Reauthorize the Behavioral Health Workforce Education and Training Program, which prioritizes training grants for the mental and behavioral health care workforce;
- Require self-funded, non-federal governmental plans to comply with mental health parity laws;
- Improve the integration of evidence-based behavioral health care into primary care settings for the treatment of mental health and substance use disorders;
- Reauthorize the Pediatric Mental Health Care Access grant program to improve the integration of pediatric primary care providers with behavioral health providers via telehealth and ensure that every state is able to establish such a program; and
- Direct SAMHSA to assess flexibilities provided to Opioid Treatment Programs during the COVID-19 public health emergency and increase access to treatment services.

**Next Steps:** The E&C Health Subcommittee is scheduled to mark up the legislation this week. On the other side of the Capitol, the Senate Finance Committee is also readying bipartisan legislation for release later this month and further consideration over the summer.



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### **Insurers, Providers Urge Lawmakers to Extend ACA Subsidies**

A broad coalition of insurers, health systems, and physicians sent a [letter](#) to Congressional leaders last week urging lawmakers to extend the enhanced Affordable Care Act (ACA) subsidies passed as part of the American Rescue Plan Act (ARPA) before the expire at the end of this year.

**Why it matters:** With President Biden’s Build Back Better package on indefinite hold, an extension of the subsidies – once seemingly a foregone conclusion – is very much in question. Insurers are currently working with states on 2023 rate filings and are telling lawmakers they need certainty by the July 4<sup>th</sup> recess to be ready for open enrollment in the fall.

In addition to America’s Health Insurance Plans and the BlueCross BlueShield Association, the letter was signed by the American Hospital Association, Federation of American Hospitals, American Medical Association and American Academy of Family Physicians.

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### **Federal Issues**

Regulatory

#### **Record Enrollment in ACA Coverage and Medicaid Expansion**

The Office of the Secretary for Planning and Evaluation (ASPE) [released](#) a report with new estimates concluding that the total enrollment for Medicaid expansion, Marketplace coverage, and the Basic Health Program in participating states has reached an all-time high of more than 35 million people as of early 2022. The report also highlights new estimates that the uninsured rate in the fourth quarter of 2021 was at a nearly all-time low of 8.8% for the full population, compared to 10.3% in the fourth quarter of 2020. Specifically, there were coverage gains across all racial and ethnic groups, with the uninsured rate declining by 3.5 percentage points among Latino adults, 1.8 percentage points among Black adults, and 0.5 percentage points among White adults.

**Why this matters:** The report concludes that its findings suggest the efforts to extend affordable coverage through the American Rescue Plan, state Medicaid expansions, and Marketplace special-enrollment periods have had a positive impact, and the results will help inform policy decisions in 2022.

New [research](#) from Avalere Health found that Americans buying their own health coverage will face large increases in the consumer share of premium costs in 2023 if the temporary subsidies are not expanded beyond 2022.

AHIP and BCBSA co-signed a [letter](#) last week with other major groups representing the nation's health insurance providers, doctors, hospitals, and health systems urging Congress to make the ARPA expanded tax credits permanent.

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## COVID-19 Updates

- The FDA has released new resources for Paxlovid including a [checklist](#) on patient eligibility and an updated [fact sheet](#). Further FDA updates for Paxlovid can be found [here](#).
- Additionally, the Office of the Assistant Secretary for Planning and Evaluation recently [reported](#) on hospitalization cost savings associated with COVID-19 vaccinations among Medicare beneficiaries in early 2021. They estimated savings of about \$2.6 billion from reduced Medicare hospitalizations associated with COVID-19 vaccinations using Medicare FFS claims data and county-level vaccination rates.

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## State Issues

### New York

#### Legislative

#### A New Health Insurance Tax Proposed

Senator Tim Kennedy, Buffalo, held a press conference in support of his legislation, S8470, which would impose a 9.3% tax on any dividends, payments or loans transferred out-of-state, made by for-profit health insurers and both for-profit and non-profit HMOs that provide coverage in the individual, small group and large group markets, purportedly to provide funding for financially distressed hospitals.

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## Legislation Tracker

The following health care bills will be taken up in committee meetings this week.

Assembly Ways and Means Committee; May 9 at 10:00 a.m.

- A.187 (Gottfried)/S.431-A (Hoylman) – The bill calls for the synchronization prescriptions in the Medicaid program, allowing multiple prescriptions to be picked up at once at the retail pharmacy, and permits retail pharmacies to collect the full dispensing fee for partial medication fills. The Senate version of the bill is in the on the floor.
- A.1208 (Cahill)/S.5208 (Parker) – The bill creates a new office of “insurance consumer advocate” within the Department of Financial Services. In the Senate, the bill is in the Insurance Committee.

Senate Higher Education Committee; May 10 at 11:30 a.m.

- S.5663-A (Kennedy)/A.3202-C (McDonald) – The bill mandate health plans to provide coverage of ten visits with an occupational therapist without a referral. The bill has already passed the Assembly.

Senate Health Committee; May 11 immediately following session.

- S.6435-B (Breslin)/A.7129-A (Gottfried) – The measure seeks to amend plans’ utilization review and pre-authorization practices, and shortens timeframes for UR determinations. In the Assembly, the bill is in the Insurance Committee.
- S.6846 (Rivera)/A.9467 (Gottfried) — The bill would modify the definition of telehealth provider to include “any health care provider who possesses the requisite license, certification, registration, authorization or credentialing to provide a health care service in New York State and determines that it is clinically appropriate to deliver such health care service via telehealth.” In the Assembly, the bill is in the Health Committee.
- S. 6920 (Breslin) — The bill would amend existing law on utilization review to require that a non-timely UR response be deemed “approved.”
- A.7499-A (Salazar)/A.663-A (D. Rosenthal) — The bill seeks to create and “early warning” of drug price increases by requiring drug manufacturers to provide DFS at least sixty days’ notice of their intention to raise the cost of a drug more than ten percent.
- S.7594-A (Mannion)/A.10031 (Gottfried) — Codifies the Medicaid managed care quality incentive program in law, making is less susceptible to administrative cuts into QI program funding. The Assembly version is in the Health Committee.
- S.7625 (Rivera)/A.8441 (Gottfried) — Dubbed the “End Medical Debt” bill, the proposal seeks to safeguard consumers from hidden fees and excessive costs by requiring providers to implement a uniform financial assistance policy and utilize a simplified standard form as well as prohibiting providers from commencing any action against patients for nonpayment for 180 days after the first bill is issued. In the Assembly, the bill is in the Ways and Means Committee.

Assembly Insurance Committee; May 11 at 10:00 a.m.

- A.1309 (Magnarelli) – Requires health plans to directly reimburse ambulance service providers that operate outside of New York City regardless of whether they are in-network or out-of-network providers. There is no Senate companion bill.
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Regulatory

### **2023 Plan Invitation Released**

NY State of Health last week issued its invitation to insurers to participate for the 2023 plan year. The 2023 invitation and related documents are available on the NYSOH website. Rate proposals and applications are due Tuesday, May 10 and letters of intent are due on May 11.

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### **Medicaid Waiver Amendment**

The Department of Health last week held the first of two virtual public hearings related to the upcoming submission of a Medicaid 1115 waiver amendment to CMS for approval, in which the state will request \$13.52 billion to address health equity and disparities issues. A second virtual hearing is scheduled for Tuesday, May 10 at 1 p.m.

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**Interested in reviewing a copy of a bill(s)? Access the following web sites:**

Delaware State Legislation: <http://legis.delaware.gov/>.

New York Legislation: <https://nyassembly.gov/leg/>

Pennsylvania Legislation: [www.legis.state.pa.us](http://www.legis.state.pa.us).

West Virginia Legislation: <http://www.legis.state.wv.us/>

For copies of congressional bills, access the Thomas website – <http://thomas.loc.gov/>.

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