

Federal Issues

Regulatory

Tri-Agencies Release FAQs Regarding the Implementations of the 2021 ACA and CAA

The Departments of Labor, Health and Human Services, and the Treasury released an 11 page set of [Frequently Asked Questions](#) (FAQs) regarding the implementation of the 2021 Affordable Care Act (ACA) and the Consolidated Appropriations Act (CAA). The document covers the implementation of certain provisions of the ACA and certain provisions of Title I (the No Surprises Act) and Title II (Transparency) of the Consolidated Appropriations Act of 2021.

The guidance covers the Tri-Agencies' approach to enforcement of the following provisions:

- Machine Readable Files
- Price Comparison Tools
- Health Plan/Issuer ID Cards
- Good Faith Estimates
- Advance Explanation of Benefits (Advance EoBs)
- Gag Clauses
- Directories
- Balance Billing Disclosures
- Continuity of Care
- Treatment of Grandfathered Health Plans

In this Issue:

Federal Issues

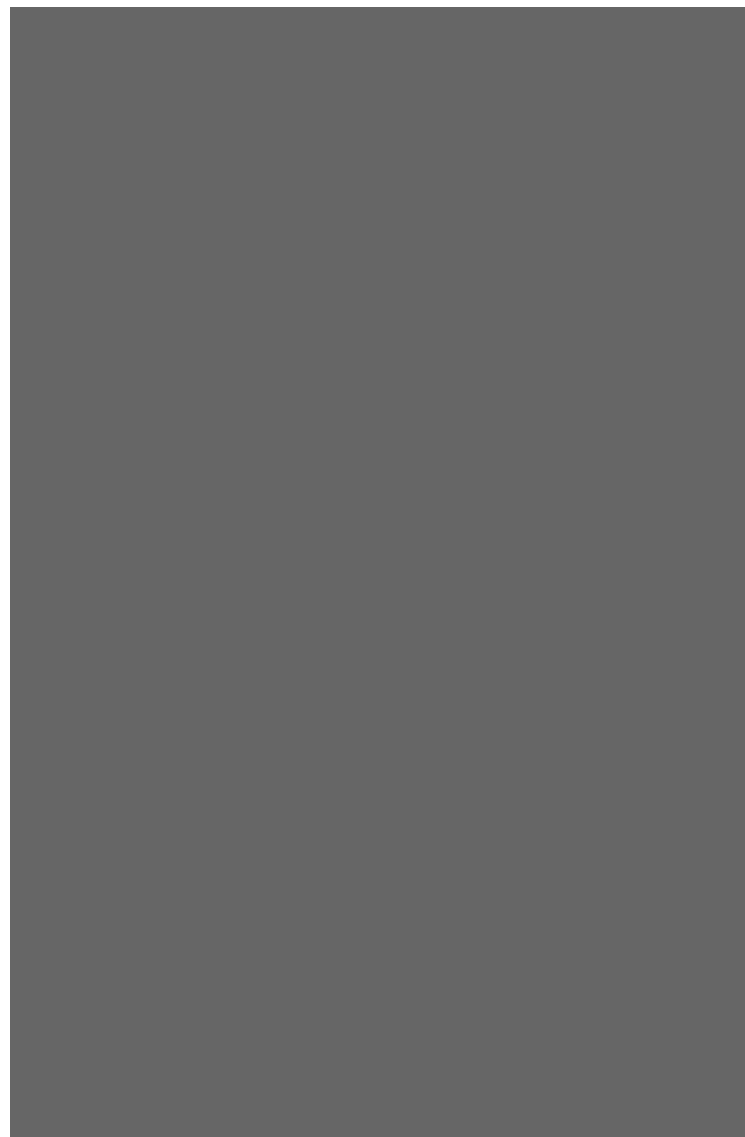
Regulatory

- Tri-Agencies Release FAQs Regarding the Implementations of the 2021 ACA and CAA
- Biden Administration Announces \$19 Million for Telehealth, Rural and Underserved Communities
- COVID-19 Updates

- Reporting on Pharmacy Benefits and Drug Costs

Why this matters:

- The Tri-Agencies will defer enforcement of the Final Rules that health plans and issuers must publish machine-readable file related to prescription drugs while it considers, through notice-and-comment rulemaking, whether the prescription drug machine-readable file requirement remains appropriate and will defer enforcement of the requirement to publish the remaining machine-readable files until July 1, 2022.
- The agencies intend to propose rulemaking with respect to price comparison tools, good faith estimate, ID cards, advance EoBs, balance billing, continuity of care, directories, and pharmacy benefits and, in most cases, are asking for good faith compliance pending rulemaking.
- Where states are the primary enforcers of the applicable provisions, HHS encourages states to take a similar enforcement approach. The agencies make clear that that they will not determine that a state is failing to substantially enforce this requirement if it takes this approach.



Biden Administration Announces \$19 Million in Funding for Telehealth, Rural and Underserved Communities

The Biden Administration [announced](#) HHS was making investments totaling over \$19 million into telehealth services in rural and underserved communities as well as telehealth innovation nationwide. The funding will be distributed to [36 recipients](#) through the Health Resources and Services Administration (HRSA).

HRSA is making investments in four key telehealth programs:

- **Telehealth Technology-Enabled Learning Program (TTELP):** \$4.28 million dollars will be awarded to build sustainable tele-mentoring programs and networks in rural and underserved communities to treat patients with complex conditions ranging from long COVID to substance use disorders.
- **Telehealth Resource Centers (TRCs):** 12 regional and 2 national TRCs are being awarded \$4.55 million to provide resources on telehealth policy and technology and offer assistance targeted to local community needs.
- **Evidence-Based Direct to Consumer Telehealth Network Program (EB TNP):** Approximately \$3.85 million is being granted to expand access to telehealth services for primary, acute, and behavioral health care, as well as assess the effectiveness of telehealth.

Telehealth Centers of Excellence (COE) program: Approximately \$6.5 million will help fund assessment of evidence-based telehealth strategies in rural and underserved communities with high poverty and chronic disease prevalence rates.

COVID-19 Updates

- The U.S. Department of Health and Human Services (HHS) [announced](#) the Biden Administration has developed a plan to begin offering booster shots of the Pfizer and Moderna COVID-19 vaccines beginning the week of September 20, 2021. Under the plan, individuals over 18 years old would be eligible to receive a booster shot eight months after receiving their second dose.
 - In their joint statement, HHS health officials stated “a booster shot will be needed to maximize vaccine-induced protection and prolong its durability” due to the dominance of the Delta variant and a review of [data](#) that show protection against SARS-CoV-2 infection begins to decrease over time following the initial doses of vaccination.
 - This proposed policy is subject to independent authorization from the Food and Drug Administration (FDA) and recommendation from the Centers for Disease Control and Prevention’s (CDC) Advisory Committee on Immunization Practices (ACIP).
 - Previously, the FDA [sanctioned](#) third doses of the Pfizer and Moderna vaccines for individuals with compromised immune systems. This announcement would apply to all Americans who have received two doses of the Pfizer or Moderna vaccines. Officials also stated they anticipate booster shots would be needed for individuals who received the Johnson & Johnson (J&J) vaccine.

- CMS will [develop](#) new emergency regulations that will require nursing homes to have all staff fully vaccinated as a condition of participating in the Medicare and Medicaid programs. The agency will issue the new rule in September. These new regulations would apply to nearly 15,000 nursing home facilities, which collectively employ approximately 1.6 million workers and serve approximately 1.3 million nursing home residents.
-

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.

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

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

The content of this email is confidential and intended for the recipient specified only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.