Federal Policy Update

National Council for Behavioral Health
Lack of access to timely, high-quality treatment is the greatest barrier to a healthier America. We are fighting to build a nation that recognizes:

Without mental health, there is no health. Without access to addiction treatment, recovery will be out of reach for many.

—Chuck Ingoglia, National Council President & CEO
Our Platform

1. Change the Model: CCBHCs in all 50 states
2. Respond to the Addiction Crisis
3. Strengthen the Field: Workforce Development
4. Build on the Parity Law
5. Expand Mental Health First Aid
Recent News From Washington

• Congress passes a continuing resolution (CR), keeping the federal government open through November 21. This included a short-term extension for CCBHCs.

• **FY2020 work continues.** Initial reports indicate minor increases health funding, including bumps for SAMHSA, NIH, Mental Health First Aid, and CCBHC expansion grants.

• **CMS moves to permit work requirements,** despite legal challenges. At the same time, feds expand behavioral health waiver opportunities.

• Key National Council priority bills reintroduced.
A note about mental health & SUD appropriations...

- White House has proposed various cuts to SAMHSA programs over last 4-5 years to pay for new increases
- Congress has largely rejected program eliminations (*e.g.* Mental Health First Aid, Primary-Behavioral Health Integration)
- Major recent increase to addiction spending
- July budget deal secures topline budget numbers through FY2021

Sequestration and its mandatory spending cut are gone!
Meanwhile, at the White House...

*Emphasis on “Flexibility”*

“Today, we commit to ushering in a **new era** for the federal and state Medicaid partnership where **states have more freedom** to design programs that meet the spectrum of diverse needs of their Medicaid population...”

– CMS Administrator Seema Verma
Medicaid Managed Care Proposal

• **Proposed rule** would rollback many of the managed care standards

• Relaxes requirements that support **network adequacy** and **provider pay**
  – Rolls back time and distance standards for states to choose
  – Gives states flexibility to determine actuarial soundness

• National Council comments to CMS
Waivers with behavioral health provisions

Approved and pending Section 1115 waivers with behavioral health provisions

- IMD Payment for Substance Use Disorder Treatment: 25 Approved, 4 Pending
- IMD Payment for Mental Health Treatment: 2 Approved, 1 Pending
- Community-Based Benefit Expansions: 16 Approved, 2 Pending
- Eligibility Expansions: 7 Approved, 1 Pending
- Delivery System Reform: 5 Approved, 1 Pending

Source: Kaiser Family Foundation, Current as of September 18, 2019
New Section 1115 Opportunities

• November 2018 State Medicaid Directors letter explains how states can use 1115 waivers to “support innovative service delivery systems” for adults with serious mental illness (SMI) and children with serious emotional disturbance (SED).

  – Letter includes a demonstration, allowing states to waive the IMD exclusion for short-term stays (around 30 days) for mental health treatment in IMD settings.

• CMS Guidance for Medicaid Innovation via 1115 waivers for reducing substance use disorder

  CMS highlighted Certified Community Behavioral Health Clinics (CCBHCs) as a model states could use to address these issues and other system improvements simultaneously.
Medicare Part D Proposed Rule

Affects patients with:

• Mental health conditions
• Epilepsy
• HIV/AIDS
• Cancer
• And more...

November 28: Proposed rule would have allowed utilization management techniques within six protected classes (ex: step therapy, prior authorization).

May 16: CMS walked back each of its harmful proposals; a great advocacy win for National Council members and clients they serve.
Congressional Work on Opioids

• Congress continues to be focused on the opioid and suicide crisis

• However, the fiscal climate means there is little desire to spend new money.

• Most investment is made via short-term grants, not expanding or improving insurance coverage.
Congressional Work on Opioids

• More than 70 unique bills were rolled into SUPPORT for Patients and Communities Act, **signed into law** October 2018

• **Concerns:**
  – Few provisions spend any new money
  – Not a comprehensive response to addiction crisis
  – Does not support the full continuum-of-care for SUDs
  – Very OUD focused

*What’s In It?*

**Telemedicine**

**SUD Treatment Workforce**

**Behavioral Health IT**

Recovery Housing Best Practices

MAT Prescribing Expansions

Parity for CHIP Plans

Temporary IMD Rule Repeal

Medicare OTP Access

Health Homes for SUDs

SUD Provider - Medicaid Capacity Demo

New and Reauthorized Grants

*Bills included as a direct result of National Council advocacy efforts.*
Change the Model: CCBHCs in Every State

• CCBHC fly-in, print ads, op-eds, continued lobbying and more...

• 3 unanimous votes in Congress to extend the CCBHC demonstration. **The program now expires November 21.**

• Additional extension, expansion possible this fall via **Excellence Act expansion bill**

Our Vision: CCBHCs 2.0

- CCBHCs in every state
- PPS for all CCBHCs
- No expiration date
Excellence in Mental Health and Addiction Treatment Expansion Act (S. 824/ H.R. 1767)

The bill, introduced March 14, 2019, would:

- Extend the original eight states for an additional two years. MN, MO, NJ, NV, NY, OK, OR, PA

- Expand for two years to include the other 11 states that applied but were not originally chosen for participation. Including: CA, CO, IA, IN, KY, MA, MI, NC, NM, RI, TX
Respond to the Addiction Crisis

• CCBHCs expanding access to addiction care
• National Council advocacy to protect SAMHSA funding
  – Block grants, STR/SOR grants, prevention
• Legislative priorities:
  – Mainstreaming Addiction Treatment Act (S. 2074/H.R. 2482)*
  – Improving Access to Remote Behavioral Health Technology Act (S.2244/H.R. 4131)
  – Requiring education of controlled substance providers on OUD
  – Remove prior authorizations and other utilization restrictions in Medicaid

*June 4, 2019: National Council Board of Directors voted unanimously to support this legislation
Strengthen the Field: Workforce Development

- CCBHCs supporting safety-net clinics in hiring new staff at all levels
- Championed loan forgiveness for SUD professionals, supported similar legislation for MH professionals
- Championed adding addiction treatment organizations as eligible sites for NHSC loan repayment
- Legislative priority: Mental Health Access Improvement Act (S. 286/H.R. 945)
  - Allows marriage and family therapists and mental health counselors to bill Medicare
Expand Mental Health First Aid

2 million trained in MHFA!

- Increased MHFA funding in draft Senate appropriations language
- National De-Escalation of Violence and Community Safety Training Act (H.R. 2457)
- Legislative victories in Illinois and California
- Continue work in other states
  - Training requirements for specific groups (teachers, law enforcement)
  - Funding
  - Inclusion in high school curricula (tMHFA)

Our team connected with 500+ state legislators and staff at NCSL’s 2019 Legislative Summit

@NationalCouncil

TheNationalCouncil.org
• 2020 General Election Activities
  – Presidential Candidate Forums
  – Mental Health for US
  – Get Out the Vote

• Continued activities to strengthen state-based advocacy

• Data partnership with USC Schaefffer Center

• Looking ahead: Introduction of **Crisis Stabilization and Community Re-entry Act of 2019**
  – Strengthen communities’ crisis response systems
  – Advance use of long-acting injectables prior to re-entry
  – Support suicide prevention in jails
  – Provide technical assistance to providers working with justice-involved populations
As former Senate Majority Leader Everett Dirksen (R-IL) said...

“When I feel the heat, I see the light.”
AUSTIN | TEXAS | APRIL 5 - 7

NATCON | 20

Kaleidoscope

Registration is now open!
Questions?

Rebecca David
rebeccad@thenationalcouncil.org