

**NABH Executive Committee Call**

**Monday, April 11, 2022**

**Minutes**

**Roll Call**

Present: Members: Jameson Norton, Immediate Past Board Chair; Mark Covall,

Frank A. Ghinassi, Pat Hammer, John Hollinsworth, Eric Kim,

Eric Paul, Francis Sauvageau

Staff: Shawn Coughlin, Kirsten Beronio, Maria Merlie, Julia Richardson,

Sarah Wattenberg, Emily Wilkins, Jessica Zigmond

Absent: John Hollinsworth, Matt Peterson, Harsh K. Trivedi

1. **Minutes Approval: March 14 Executive Committee Call**

A motion was made and seconded to approve the March 14 EC call minutes. Members approved the March 14 minutes unanimously.

1. **NABH Board Open Seat**

Shawn Coughlin recommended Jeffrey Woods, M.S., M.P.H., M.S.N., D.N.P., Operations Group President, Acadia Healthcare, to fill the open seat created by outgoing NABH Board Member Dwight A. Lacy, M.B.A., former Group President, Western Operations, Acadia Healthcare, through Dec. 31, 2023.

A motion was made and seconded to approve Jeffrey Woods, and all members approved without objection.

1. ***Wit v. UBH* Update**

Shawn mentioned the March decision from a three-judge panel of the 9th Circuit Court of Appeals that overturned a trial court’s *Wit v. United Behavioral Health* (UBH) decision. The panel asserted that UBH’s interpretation that health insurance plans do not require consistency with generally accepted standards of care (GASC) “was not unreasonable.”

NABH sent all members an NABH Issue [Brief](https://www.nabh.org/nabh-issue-brief-details-about-9th-u-s-circuit-court-of-appeals-ruling-to-overturn-wit-v-united-behavioral-health-decision/) on March 24 that highlighted the background of the trial court’s earlier decision, as well as the main points of the three-judge panel’s reversal of that decision in its seven-page ruling.

Shawn added that an attorney is willing to file an amicus brief on a pro-bono basis that supports the trial court’s original decision. Several organizations are considering filing amicus briefs, including NABH, Mental Health America, the American Psychiatric Association, the American Medical Association, the American Society of Addiction Medicine, the Kennedy Forum, and others.

NABH Director of Policy and Regulatory Affairs Kirsten Beronio, J.D. participates in weekly hospital association calls and has briefed those organizations—including the American Hospital Association and the Federation of American Hospitals—about the case.

NABH and other groups hope that U.S. Health and Human Services Department (HHS) Secretary Xavier Becerra and U.S. Labor Department (DOL) Secretary Martin Walsh, along with attorneys general from states that have required plans to use ASAM medical necessity criteria, will file their own amicus briefs.

In a note related to HHS: Shawn reported that will participate in a Kennedy Forum [webinar](https://www.youtube.com/watch?v=S6phZZLCw3E) about parity compliance with HHS Secretary Becerra and others on April 26. NABH is co-sponsoring the webinar.

1. **988 Behavioral Health Crisis Hotline (Launch: July 16, 2022)**

Kirsten Beronio reminded EC members about the behavioral health crisis hotline that goes live on July 16. The major concern is that this hotline number, at this point, is under-resourced, so there has been much advocacy about additional funding to help states and municipalities prepare.

SAMHSA a few years ago released an infrastructure—types of services and settings that are available—that focuses on three areas: 1) back-up center, 2) mobile crisis, and 3), which is less well-defined: crisis stabilization and sub-acute residential facilities.

This should build on existing provider systems. Kirsten said she has learned that NABH members have not heard and/or received outreach from states. NABH is urging members to connect with states and municipalities to work together on this.

Kirsten added there has been a lot of discussion around inpatient as an offset: some have asserted that because people are being diverted to centers in communities, there will be a cost-savings in inpatient care. However, NABH has countered this argument saying that this could actually result in an uptick in inpatient care as we learn that people require these services.

Kirsten added that EC members Frank Ghinassi and Harsh Trivedi have both been involved in the 988 launch preparations on behalf of Rutgers and Shepperd Pratt, respectively.

1. **Legislative Outlook and Activities**

Shawn reported that both the House and Senate have continued their processes to focus on improving access to treatment. It’s clear that the Senate will drive this process forward, Shawn said. There have been several meetings since the last EC call in March, and joint legislation is expected this summer.

Shawn added that the Senate Health, Education, Labor & Pensions (HELP) Committee is expected to focus on suicide screening and prevention and youth and maternal mental health needs and improving access to SUD treatment.

The Senate Finance Committee is expected to focus on building the mental health workforce and expanding community mental health settings, telehealth services, and parity enforcement.

Shawn reported that the Biden administration has reinforced a commitment to address the mental health and SUD crises in the president’s budget proposal, following President’s State of the Union address in March.

1. **Regulatory Engagement**

Shawn reminded EC members that CMS released the IPF PPS proposed rule for 2023, which does not include any major changes. In that rule, CMS said some adjustments could be made later to better reflect the cost of services, based on a technical report.

Shawn said NABH will convene a meeting to discuss substantive comments about the technical report, though there was nothing alarming in it.

Overall, NABH is pleased with this proposed rule and a lot of NABH’s priorities were highlighted. Please see the April 1 edition of [*CEO Update*](https://www.nabh.org/?s=2023+PPS&submit=) for more details.

1. **Annual Meeting Update**

**Registration**:

NABH Director of Communications Jessica Zigmond reported that the 2022 Annual Meeting planning is going very well. NABH’s Exhibitors/Sponsors and advertising in the guide are ahead of where NABH was this time last year. The registrations are coming in a bit slower than this time last year; however, with the turn of the calendar to April, registrations are coming in daily.

**Speakers**:

Jessica also reported that on Monday, June 13, the Annual Meeting’s first session will kick off with journalist, photographer, and author Sam Quinones. In November, Sam published *The Least of Us*: ***True Tales of America and Hope in the Time of Fentanyl and Meth.*** EC members have heard about or read Sam’s previous work, the NYT bestseller *Dreamland*, about the nation’s opioid crisis.

Next on Monday, attendees will hear from writer and television producer Ben Nemtin, who will talk about his battle and recovery from clinical depression. Ben is an inspirational keynote speaker who wrote the New York Times bestseller, *What Do You Want to Do Before You Die?* Ben began his speaking engagements with hospital providers when he spoke to the Minnesota Hospital Association.

Ben has since addressed the AHA and more than 40 state hospital associations, as well as several large companies, including Deloitte, John Hancock, Netflix, Disney, GM, Amazon, and more.

Jessica added that the NABH team looks forward to learning about this year’s midterm elections from Amy Walter, editor of the *Cook Political Report* *with Amy Walter* and political commentator on *The PBS Newshour,* when she addresses attendees during the NABH Annual Meeting Luncheon on Tuesday, June 14.

1. **Adjournment**

Shawn adjourned the call at 3:44 p.m. ET.