

# National Association for Behavioral Healthcare

Access. Care. Recovery.



## Executive Committee Call Feb. 8, 2021 Minutes

### Roll Call

Present: Members: Jameson Norton, Board Chair; Mark Covall, Frank Ghinassi, Pat Hammer, John Hollinsworth, Eric Kim, Matt Peterson, Dominic Sirianni

Staff: Shawn Coughlin, Kirsten Beronio, Julia Richardson, Sarah Wattenberg, Emily Wilkins, Jessica Zigmund

Absent: Members: Tom Kenny

Staff: Maria Merlie, John Snook

### I. **Minutes Approval: Executive Committee Call on Dec. 14, 2020**

Shawn started the first NABH Executive Committee call of 2021 at 3 p.m. He then asked for a motion to approve the minutes from the Executive Committee call on Dec. 14, 2020.

New NABH Board Chair Jameson Norton asked if there were any corrections and also for a motion to approve the minutes. A motion was made and seconded to approve the minutes. Members voted unanimously to approve the December 2020 minutes.

### II. **Year-End Financials**

Shawn said NABH ended the year financially as expected and closed the books for 2020. The association saw investment gains of about \$109,000. NABH's year-end operating income for 2020 was \$611,048.

Shawn said the audit will start this week and last a few weeks; a report is expected from the auditors in March.

### III. **Director of Government Relations and Strategic Initiatives Introduction**

Shawn introduced John Snook, NABH's new director of government relations and strategic initiatives. John took Shawn's place in the CEO Unified Vision coalition today, which is taking place at the same time as the Executive Committee call.

### IV. **NABH 2021 Advocacy Agenda**

Shawn said the association's 2021 advocacy agenda includes:

- a. Covid-19: waivers, flexibilities, vaccines
- b. Removing Barriers to Care
  - i. Medicaid IMD & Medicare 190-Day Limit
  - ii. Managed Care Denials
- c. Expanding the Behavioral Healthcare Workforce
- d. Combating the SUD and Suicide Crises
- e. Regulatory Relief: Conditions of Participation

NABH will update the website with the 2021 advocacy priorities.

## **V. Legislative & Regulatory Updates**

Shawn said it is likely that Vivek Murthy, M.D., the nation's 19<sup>th</sup> surgeon general, will move through the confirmation process to become the nation's 21<sup>st</sup> surgeon general.

Currently Regina LaBelle is serving as the acting director at the Office of National Drug Control Policy (ONDCP). The Biden administration has not yet announced administrators for CMS and FDA. Chiquita Brooks-LaSure, managing director at Manatt, is the frontrunner for CMS administrator. The other possibility is Mandy Cohen.

Shawn said the team expects the Covid public health emergency will extend through the end of the year.

NABH will continue to advocate for IMD Exclusion repeal, removal of 190-day lifetime limit, and denials of care. NABH will also focus on developing the behavioral healthcare workforce. And NABH will continue to advocate for access to care as substance use disorders (SUDs) and opioid use disorder persist.

Shawn reported that Senate leaders modeled the upper chamber's 50-50 Senate-sharing agreement as it worked under former U.S. Senators Tom Daschle and Trent Lott 20 years ago.

On Friday the House passed its budget reconciliation instructions; the Senate had already passed its bill. There is now a two-week sprint for the authorizing committees to develop the policies in the reconciliation bill. The House hopes to have its bill the week of Feb. 22.

There is concern that funding could be discretionary, rather than mandatory. Shawn said NABH has been engaged with Hill appropriations staff to inquire about the strategy and will take a leadership role to tie these funds to mandatory, structural changes. John Snook is communicating that message to the CEOs in the Unified Vision coalition.

The "pay-go" provisions have been delayed, and unless these issues are addressed, there is potential for an across-the-board, 4% reduction in Medicare.

Shawn said the behavioral healthcare implications from the pandemic and resulting lockdowns will result in several pieces of legislation, including:

*Increasing Behavioral Health Treatment Act.* This would repeal the IMD Exclusion.

*TREATS Act. Telehealth Response for E-prescribing Addiction Therapy Services Medicaid Re-entry Act of 2021*

Rep. Paul Tonko (D-N.Y.) is expected to re-introduce his bill on the 190-day limit; this is one of the structural barriers like the IMD and removing both of these restrictions will achieve parity.

Crisis Care: Implementation of the new 988 call center. NABH team members have had discussions with several Members of Congress about this issue.

The Biden administration placed a 60-day freeze on regulations, so the focus is on the reconciliation process mentioned earlier.

Kirsten Beronio reported on an issue related to managed care parity that was included in the 2020 year-end omnibus bill. This provision in the *Consolidated Appropriations Act* is a

new requirement for group health plans that include mental health plans to perform a comparative analysis of how they manage SUD benefits and make that comparative information available to both federal and state level authorities that they are compliant. This requirement becomes effective on Feb. 10. Plans do not have to submit this information to the federal government, but they need to do the compliance work and the federal government will conduct about 20 audits per year.

Kirsten said she expects the HHS, Labor, and Treasury Departments to issue guidance about this in the near term. Included in this guidance is how enrollees should file complaints.

Finally, Shawn reported that the Regina LaBelle said this week that the Biden administration's opioid focus will be on treatment and recovery treatment programs.

**VI. Executive Session**

The main Executive Committee call ended at 3:35 p.m. At that time, the NABH team members stopped participating in the call and the Executive Committee began an executive session to discuss 2020 employee bonuses.