

National Association for Behavioral Healthcare

Access. Care. Recovery.



Executive Committee Call
May 10, 2021
3 p.m. ET

Minutes

Roll Call

Present:

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

Staff: Shawn Coughlin, Kirsten Beronio, Maria Merlie, Julia Richardson, John Snook, Sarah Wattenberg, Emily Wilkins, Jessica Zigmond

Absent:

Tom Kenny

I. Minutes Approval: April 12 Executive Committee Call

Jameson asked for a motion; Frank motioned to approve the April EC call minutes and John Hollinsworth seconded the motion. Members voted unanimously to approve the minutes.

II. NABH Annual Meeting Registration

Shawn Coughlin said the 2021 Annual Meeting registration is now open. The 2021 *Exhibitor & Sponsor Opportunities* will be available soon. Shawn reminded the Executive Committee (EC) that we had eight exhibitors (of 30) who pre-paid and two sponsors who pre-paid, so we have about \$95K in pre-payment for the Annual Meeting. Shawn urged members to visit the association's website and register.

III. Covid-19 Workplace Safety Rules

Shawn said the team is waiting for OSHA's final safety rules for employers at least through November of this year. The NABH team does not have insights into what that this rule will include. Shawn added that Washington, D.C. said that most capacity restrictions will be lifted on May 21, with others (such as restaurants and bars) will lift in June.

IV. NABH Champions PAC

Shawn urged EC members to contribute to the PAC. The NABH team has started the process to receive authorization from EC members to contact their teams to contribute. EC members should direct questions to [Julia Richardson](#) at NABH. There were no questions about the PAC.

V. Price Transparency – Warning Letters

CMS has started auditing hospital price transparency submissions. Shawn said the agency sent the first round of warning letters, and the NABH team has not heard of any NABH members receiving one. Shawn added that CMS will give any non-compliant hospitals with 90 days to implement corrective measures.

VI. Legislative Update (John Snook)

Shawn said Andrea Palm, who has been nominated to serve as deputy secretary at HHS, has a Senate hearing today for her nomination. Chiquita Brooks LaSure's nomination as CMS administrator is on hold.

John Snook reported the following:

The Senate HELP Committee will host a hearing on parity, following a recent GAO report on this (included in *CEO Update*). The biggest finding in the report is that GAO said it does not have enough data to prove parity violations. John added that NABH's new managed care portal (still pending) will help in this area.

A new parity implementation bill is circulating that would help states implement parity-monitoring efforts that were included in the December reconciliation bill.

NABH is working on finalizing several letters related to the infrastructure bill related to behavioral healthcare. As Members of Congress pay attention to the new 988 number, members realize the infrastructure is not fully in place to make that happen (for instance, construction related to new crisis receiving centers).

The Hill is very interested in children's mental health related to the infrastructure bill.

The House passed the *Workplace Violence Act* and the team has heard it's not likely to move in the Senate. But we see this as an issue to show how OSHA has not properly addressed safety related to people with mental health needs and those who care for them.

Frank Ghinassi said Rutgers is noticing a real change in the pattern of children (aged 10 through 17) showing up in crisis at screening centers and needing to be hospitalized, which has created access problems. These numbers are not typical in the last five years in New Jersey or Pennsylvania, he added. Frank asked that the team make sure there is an assessment if Covid has changed the calculus around inpatient treatment and kids. John said that we are aware of this issue and have incorporated it in the association's letters.

VII. Regulatory Update (Kirsten Beronio and Sarah Wattenberg)

Kirsten reported that we are hearing that HHS is planning another distribution from the Covid Provider Relief fund.

Shawn added that there is an effort to extend using those funds beyond the current expiration deadline of June 30.

Kirsten Beronio said CMS issued its IPPS proposed rule. NABH will comment, and all comments are due June 7.

Kirsten reported there was a Notice of Proposed Rulemaking (NPRM) in late January related to the HIPAA privacy rules. The NPRM includes a section titled "Encouraging Disclosures of PHI [Personal Health Information] when Needed to Help Individuals Experiencing Substance Use Disorder (Including Opioid Use Disorder), Serious Mental Illness, and in Emergency Circumstances." The section discusses the following proposed changes to federal privacy regulations:

- Revising the standard for determining when a disclosure or use of PHI is in the best interests of the individual to be based on a "good faith belief" instead of "exercise professional judgment"; and

- Changing the standard for use or disclosure of PHI to prevent or lessen a “serious or imminent threat” to the health or safety of a person or the public to instead be allowable based on a “serious and reasonably foreseeable threat” to a person or the public.

If you have any comments on this, please send those to Kirsten by Tuesday, May 4.

Sarah Wattenberg provided an update on the buprenorphine rule: HHS announced this week that practitioners prescribing buprenorphine, a controlled substance, for opioid use disorder to fewer than 30 patients are exempt from certain regulatory requirements.

Under the new guidance, physicians, physician assistants, nurse practitioners, clinical nurse specialists, certified registered nurse anesthetists, and certified nurse midwives are exempt from having to make certain training related certifications and certifying their capacity to provide counseling and other ancillary services. The guideline does not remove the DATA 2000 Waiver, otherwise known as the ‘X-Waiver.’

Providers are still required to file a Notice of Intent with the Substance Abuse and Mental Health Services Administration. The exemption applies to practitioners who are state-licensed and DEA-registered. It also generally limits prescribing to patients who are located in states where the practitioner is licensed.

Tuesday’s guidance encourages practitioners to provide access to psychosocial services to improve treatment retention and outcomes. In addition, medical education institutions are strongly encouraged to implement comprehensive training in substance use disorder diagnosis and management.

VIII. Communications Update (Jessica Zigmond)

Jessica Zigmond discussed the residential treatment white paper that Shawn mentioned earlier in the call.

NABH informed members about the paper with an NABH Alert on Tuesday, April 13. We followed with a news release and social media messages throughout the day.

The paper is posted on NABH’s new Youth Services landing page, which members can access from the homepage (www.nabh.org) and clicking on the Youth Services image. From there, members can download the paper and also see our shareable social media messages that we hope your teams use.

IX. Spring Committee Meetings

Shawn provided a brief update that NABH has started the spring committee meetings, all of which are being hosted virtually. We have had good turnout and good feedback from these meetings.

NABH added that the team will host the Quality Committee meeting this week, the new Education and Research foundation next week, and the Managed Care Committee meeting on May 27.

X. Adjournment

Shawn asked if there were any questions, comments, or concerns from members. No members had comments and the meeting adjourned at 3:41 p.m.