



Policy Brief

April 1, 2022



Coming to a City Near You: HHS Behavioral Health Tour

Health and Human Services (HHS) Secretary Xavier Becerra and other HHS leaders have kicked off a [national tour](#) to hear directly from Americans about the behavioral health challenges they're facing. The tour's goal is to work with local leaders to strengthen community behavioral health and crisis care systems. HHS has also announced new initiatives and funding to support access to Substance Use Disorder (SUD) treatment and prevention, and to strengthen behavioral health for children and young adults. Keep reading to learn more about the tour and the new initiatives spearheaded by HHS on behavioral health.

Touring for Understanding

The currently planned five-month behavioral health tour comes on the heels of President Biden's announcement of a national strategy to address the behavioral health crisis as part of the [Unity Agenda](#). The tour's [goal](#) is to gather insight into the behavioral health challenges that have been exacerbated by the COVID-19 pandemic, including SUD, youth mental health and suicide. Additionally, Becerra will use the tour as a platform to deliver the Biden-Harris Administration's priorities to tackle these issues. Through meetings with partners, local leaders and elected officials across the country, the Secretary will highlight the work HHS is doing and gather ideas about ways to partner with states and communities to promote access to behavioral health services.

New Initiatives Coming Out of HHS

- Increased funding to expand the availability of Certified Community Behavioral Health Clinics (CCBHCs). HHS created [two](#) new grant programs: one to assist clinics to establish and implement [new CCBHC programs](#) and another to [enhance existing programs](#).
- New grant [opportunities](#) that will expand access to medication-assisted treatment for SUD and prevent the misuse of prescription drugs.
- \$35 million in funding to strengthen and increase [community mental health services](#) and suicide prevention programs for America's children and young adults.



What's Coming Up for Congress?

April is a busy month for Congress, with members tackling multiple complex priorities relevant to health care. Congress is considering measures targeted at improving hospitals' cybersecurity, increasing access to telehealth, and preparing for future pandemics. The White House is also pressing Congress to appropriate additional COVID-19 relief funds, [stressing the need](#) to support COVID-19 testing and treatment for the uninsured. Health care trade organizations, like the American Hospital Association (AHA), also [request relief](#) from looming Medicare sequestration cuts — a 1% payment cut taking place today and another 2% in July 1st. It's still unclear whether Congress will act on those requests.

Additional COVID-19 Relief

Additional COVID-19 relief was [removed](#) from the omnibus spending package, removing the financial relief for testing and treatment of uninsured individuals and drying up funding streams for the development of new therapies. The White House has requested \$22.5 billion in additional funding of Congress, while House Speaker Nancy Pelosi (D-CA) [urged](#) her congressional colleagues to take further action on additional relief funding.

Medicare Sequestration

Key health care stakeholder groups have [written letters](#) to congressional leadership requesting that they extend the moratorium on the 2% Medicare sequester. By AHA projections, these cuts could cost hospitals a cumulative \$3 billion by the end of the year. Congress already extended the moratorium on these cuts through March 31st, with a gradual return to the full 2% sequester in July.

Preventing and Preparing for Future Pandemics

Congress is also considering bills aimed at better preparing the nation for another public health crisis. These include the [PREVENT Pandemics Act](#), which tries to strengthen the medical supply chain, and the [Healthcare Cybersecurity Act of 2022](#), which tackles top technological threats to health systems. We also expect more hearings on behavioral health, such as one happening on [April 5th](#), with the goal of advancing a legislation by the end of the year.



Supreme Court Nominee: Meet Judge Ketanji Brown Jackson

Last week, the Senate Judiciary Committee held hearings for President Biden's nomination for the Supreme Court, Judge Ketanji Brown Jackson. Judge Jackson's legal career has been fruitful, touching many high-profile [business and labor cases](#). She will likely be nominated to the Supreme Court when the Senate votes on April 4th. Below is more information about Judge Jackson's background and how it could impact her judgement of future health care cases.

Judge Jackson has an [extensive career](#), serving as a private defender, a District Court Judge and currently a Court of Appeals Judge.

Judge Jackson [received](#) both her undergraduate degree in Government and law degree from Harvard University. She clerked for three federal judges, including Justice Breyer on the Supreme Court, and worked as a federal public defender representing Guantanamo Bay detainees. She also served as the Vice Chair of the U.S. Sentencing Commission, an agency in the judicial branch that aims to reduce disparities and promote transparency and proportionality in sentencing.

While Judge Jackson did not work directly on large health care [cases](#), she has ruled on cases impacting large businesses, including health care systems.

Alongside her criminal justice work, Judge Jackson also has significant experience in business and employment-related matters. Her labor rulings “[defy easy categorization](#),” siding [fairly-equally](#) between corporations and labor unions. Legal analysts [expect](#) Jackson to be impartial, willing to side with defendant employers where well-reasoned.

Nomination proceedings are wrapping up; Jackson’s nomination is likely to be confirmed.

While her confirmation vote is expected to split largely along partisan lines, Republican Senator Susan Collins (R-ME) has announced [her intention](#) to vote for Judge Jackson. This likely means there will be no tiebreaking vote needed from Vice President Harris, which would have been a historic first for a SCOTUS nominee. Judge Jackson’s confirmation vote is expected to be held on April 4th.

White House Releases FY 2023 Presidential Budget

On Monday, President Biden released his budget request to Congress for FY 2023. While Congress is not required to follow this budget, it provides key insights into the Biden Administration’s priorities. President Biden’s budget includes the following key provisions:

- Increasing access to behavioral health care, including Medicare coverage of psychiatric services
- Funding workforce development programs, including building the nursing and behavioral health specialist workforce
- Investing in federal capabilities to prepare for and respond to future pandemics
- Investing in health research and development against diseases such as cancer, diabetes and dementia.

For more information, find the AHA breakdown of the White House budget [here](#).

Direct Quotes:

Sec. Becerra Speaks at Health Care Summit

Secretary Xavier Becerra took the stage yesterday to share his perspective on how we can improve access to health care in America. At the inaugural *Future of Health Care Summit*, Politico staffers sat down with Becerra to ask him directly about what he sees as priorities for health care's immediate future. Here are some highlights:

Continued Support for the ACA

"We need help to make sure we can **continue subsidies** for middle class families on ACA plans."

Reimagining *Build Back Better*

"I still believe **we are going to get a form of the BBB through**, simply because we have no choice [...] this is not the time to back out of this."

Preparing for Future Pandemics

"The COVID-19 pandemic has cost the government roughly \$4.5 trillion. The amount of funding we're requesting to fight future pandemics is much smaller. **If we can prevent something in the future, that's a great investment.**"

OSHA ETS Limited Comment Opportunity Re-Opened

The Occupational Safety and Health Administration (OSHA) announced a limited re-opening of the comment period regarding OSHA's interim final rule establishing an Emergency Temporary Standard (ETS) on occupational exposure to COVID-19. The ETS was originally published on June 21, 2021. OSHA decided to re-open the comment period to allow stakeholders to address changes the agency is considering that depart from the June 2021 ETS. **The comment period will end on April 22, 2022, and a [virtual public hearing](#) will be held on April 27, 2022.**

Senate Committee on Finance Released New Mental Health Report

The Senate Committee on Finance released a bipartisan report on mental health, titled "[Mental Health Care in the United States: The Case for Federal Action](#)." The report is the next step in the committee's process to address gaps in U.S. mental health care. It highlights why increased focus on mental health is needed and how the federal government can optimize the allocation of resources to best address current challenges. Key highlights include:

- More than half of people who need mental health care do not receive it, with even higher rates of unmet need for racial and ethnic minority populations.
- The COVID-19 pandemic exacerbated challenges in accessing care and has resulted in many health care providers suffering from burnout.
- Mental health and SUD challenges worsened among youth during the years leading up to COVID-19 and have reached crisis levels in the wake of the pandemic.



Legislative and Regulatory Dates to Know: A Look Ahead

Date	Event
April 1st	Return of 1% Medicare payment sequestration
April 16th	Expiration of the COVID-19 Public Health Emergency
April and May	Release of Inpatient (IPPS), Long Term Care Hospital (LTCH), Skilled Nursing Facilities (SNFs), Inpatient Rehabilitation Facility (IRF), Inpatient Psychiatric Facility (IPF) and Hospice proposed rules
July 1st	Return of full 2% Medicare payment sequestration
Early July	Physician, Outpatient (OPPS), Medicare Shared Saving Program (MSSP) Home Health rules
August	Release of final IPPS and post-acute care rules.
September 30th	Major Medicare programs expire, including: - Low-Volume Hospital Program - FDA user fees for prescription drugs and medical products - Behavioral health and other programs under the 21st Century Cures Act
November 8th	Midterm Congressional election
Early to Mid-November	Release of OPPS and PFS final rules
November 29th	Lame Duck session of Congress
January 1, 2023	Medicare Access CHIP Reauthorization Act (MACRA) bonus expires; Enhanced Health Insurance Exchange subsidies expire



A Look at the Federal Register

Proposed Rule: Fiscal Year 2023 Hospice Payment Rate Update

CMS has [issued](#) the proposed hospice rule which provides routine updates to hospice-based payments and the aggregated cap amount for Fiscal Year (FY) 2023. Comments for the proposed rule are due by May 31st.



AHPA Resources

To read AHPA's summaries over current legislation and requests for information, click below:

[Cures 2.0 Act](#) | [Medicaid and CHIP RFI](#) | [Dr. Lorna Breen Provider Protection Act](#)

Missed a recent AHPA Webinar?

Visit AHPA's [YouTube channel](#), where members can stream webinars on demand at their convenience.

WHAT WE'RE READING...

[CMS Office of the Actuary Releases 2021-2030 Projections of National Health Expenditures](#) – CMS

[Health Workforce Shortages Begin to Weigh on Patient Safety](#) – Axios

[Areas With More Social Deprivation See Higher CVD Mortality Rates](#) – Xtelligent Healthcare

[Amazon Care Now Available Nationwide as Demand Continues to Grow](#) – Amazon

[Senate Scrambles to Reach Funding Deal for COVID-19 Vaccines, Testing and Treatment](#) – NBC News

[Manchin Outlines BBB Deal Requirements](#) – Axios