

Federal Issues

Legislative

House Panel Passes Mental Health Package

On Wednesday, the House Energy and Commerce Health Subcommittee held a [markup](#) session to consider bipartisan [legislation](#) to address mental health and substance use disorders (SUD).

Why it matters: Congress aims to pass a bipartisan mental health package by the end of the year, and the markup is a step forward in advancing key proposals that are expected to be part of the larger legislative package.

The details:

- The mental health and SUD legislative package reauthorizes a number of initiatives that would expire on Sept. 30, including programs to address suicides through a new hotline as well as mental health for maternal care and in Native populations.
- The bill also [requires](#) insurers that are self-funded and do not offer federal government plans to comply with laws requiring the same coverage for mental health care as for medical care.

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- Another [key provision](#) in the legislation will help advance adoption of the Collaborative Care Model, which facilitates coordination of behavioral and mental health care into primary care settings and is one of the key recommendations in our new mental health policy platform.

What's Next: Comprehensive legislation will continue to take shape as multiple committees on both sides of the Capitol develop policy solutions under their jurisdiction with the goal of rolling out a broad bipartisan package this summer.



Federal Issues

Regulatory

Surprise Billing Paperwork Reduction Act Listing

The Department of Labor (DOL) released a [PRA](#) notice requesting comments on the No Surprises Act Federal Independent Dispute Resolution (IDR) process. The PRA [documents](#) focus on IDR entity certification, the IDR process for air ambulance services, the IDR process for services relating to non-participating providers or non-participating facilities, and an extension request due to extenuating circumstances.

Comments are due to the agency on or before May 25, 2022.

Risk Adjustment and Telehealth FAQs

CMS released updated information on Risk Adjustment Telehealth and Telephone Services During COVID-19 via a series of [FAQs](#).

The FAQs address which telehealth and telephone services are valid for data submissions for the HHS-operated risk adjustment program and which telehealth service codes are valid for inclusion for the 2022 benefit year HHS-operated risk adjustment program.

IRS Releases 2023 Inflation Adjusted Amounts for HSA Deductions, HDHP Deductibles, and EBHRAs

The Internal Revenue Service released [Rev. Proc. 2022-24](#), establishing the following limits for or 2023:

- Annual limits on deductions for contributions to health savings accounts (HSAs): \$3,850/\$7,750 for self-only/family coverage
 - Annual limits on deductibles for high deductible health plans (HDHPs) linked to HSAs: not less than \$1,500/\$3,000 for self-only/family coverage
 - Annual limits on annual out-of-pocket (OOP) expenses for HDHPs: \$7,500/\$15,000 for self-only/family coverage
 - Maximum amount that may be made newly available for the plan year for an excepted benefit health reimbursement arrangement (EBHRA): \$1,950
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State Issues

New York

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Health Care Bills Active as Legislative Session Nears Adjournment on June 2

With the 2022 legislative session set to end on June 2, there are over 500 bills still to be acted on.

Key bills include:

- **Health Plan Dividend Tax** — Joined by members of the 1199/SEUI health care workers union, sponsors of the so-called “Reinvest in NY Healthcare Act” held a news conference last week, seeking to build support for their bill (S.8470/A.9519). The measure would impose a 9.3% tax on health plan dividends, payments or loans transferred out-of-state, and require those funds be directed to financially distressed hospitals. While it currently remains in the Insurance Committee in both the Assembly and the Senate, Senator Kennedy has indicated the bill is a key priority for him before the end of session.
- **Co-Pay Accumulator** — Advocates are pushing both houses to take up a bill that would change how insured patients’ expenses are calculated when there is a coupon or other price reduction on their prescription medication (S.5299/A.1741-A). Dubbed the “co-pay accumulator” bill, it would require insurance companies or pharmacy benefit managers to apply price reduction instruments for out-of-pocket expenses when calculating cost-sharing requirements, allowing consumers to apply drug discounts toward their annual deductibles. The bill is on the floor in both the Assembly and Senate.
- **“End Medical Debt”** — Both the Senate and Assembly approved this proposal (S.7625/A.8441) that seeks to safeguard consumers from hidden fees and excessive costs by

requiring providers to implement a uniform financial assistance policy and use a simplified standard form. It also bans providers from starting any action — such as filing liens or garnishing wages — against patients for nonpayment for 180 days after the first bill is issued.

- **Drug Pricing “Early Warning”** — The Senate Health Committee moved the bill (S.7499-A/A.663-A) that seeks to create an “early warning” of drug price increases by requiring drug manufacturers to provide the Department of Financial Services at least sixty days’ notice of their intention to raise the cost of a drug more than ten percent. The bill now goes to the full Senate for a vote. In the Assembly, it is in the Health Committee.
- **New York Health Act** — As expected, the New York Health Act (A.6058/S.5474) -- the proposal to create a government-run single payer system -- was reported out by the Assembly Codes Committee. From there it goes to the Ways & Means Committee and then to the Rules Committee before it could go to the floor for a vote. In the Senate, the bill remains in the Health Committee. A [commentary](#) from the Realities of Single Payer coalition pointed to New York’s progress in reaching the goal of universal coverage and said, “it defies logic to deconstruct the entire health care financing system in favor of a government-run single payer health care plan that would leave New Yorkers with less choice, the largest state tax increase (over \$250 billion) in the history of the country and put total control in the hands of Albany bureaucrats.”

Interested in reviewing a copy of a bill(s)? Access the following web sites:

Delaware State Legislation: <http://legis.delaware.gov/>.

New York Legislation: <https://nyassembly.gov/leg/>

Pennsylvania Legislation: www.legis.state.pa.us.

West Virginia Legislation: <http://www.legis.state.wv.us/>

For copies of congressional bills, access the Thomas website – <http://thomas.loc.gov/>.

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