



Implications of the 2020 Election for Health Care and Mental Health Policy

by

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The only organization working exclusively for the clinical mental health counseling profession.

What's Ahead

- November Election Results
 - Getting Ready for a New President...
 - Continuing Response to COVID-19 Pandemic
 - Ongoing Economic Stimulus Packages?
 - New Public Policy to Address Systemic Racism (Stricter Enforcement of Current Laws)
 - Health Care Reform 2.0 Debate?
 - Slowing Down Rate of Escalation of Health Care Spending (making health insurance more affordable)
 - Addressing the Uninsured (and Under-insured) Problem
 - Closing Gaps in Quality and Delivery of Health Care
 - Addressing Disparities in Health Care
 - Behavioral Health
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Mental Health Access Improvement Act

- Lead House Co-sponsors re-elected
- Other House sponsors elected
- Senate Lead Sponsors not up for re-election
- House Committee re-organization
- Senate up in the air
- Biden health care policy team?



COVID-19 Economic Stimulus Negotiations

- Biden focused on the pandemic
- Stimulus negotiations to proceed amid uncertainty; Biden team poised to begin engaging on Hill
- Biden's transition team mapping out a strategy for the lame-duck session, with the aim of getting money for their priorities in spending legislation before the end of the year
- Congress faces a government shutdown deadline

The Election

- Counting (and Recounting the Votes)
- State Battleground Legal Cases?
- Supreme Court?
- Electoral College Electors
- Transition
- Georgia Senate Races



Before Looking Ahead...

- We still have a lame duck session
- 2020-21 Federal budget must be approved (budget year began in October under a CR)
- Looks like another short-term CR, current one scheduled to expire in early December

Appointments

- Early test of impact of new Administration on mental health and health care policy will come with appointments
- Waiting game for HHS Secretary (Murthy or Grisham or...?) and its key agencies including:
 - SAMHSA
 - HRSA
 - CMS (Cohen or Gee, or...)
 - CDC
 - ASPE
 - FDA
 - Surgeon General



Other Appointments

- VA (Buttigieg or ?)
- Treasury
- HUD
- DOT
- Labor
- Various independent agencies
- Critical period between January 3 and 21, 2021





Where does President-Elect Biden stand on health care and mental health policy issues?



Biden's Proposals to Address Covid-19 Pandemic


- Put "scientists and public health leaders front and center" in communication with the American people
- Give Federal government primary responsibility for response
- Expand federal COVID relief to eliminate out-of-pocket costs for treatment
- Increase Medicaid FMAP by at least 10%
- Further expand unemployment insurance and sick/family leave
- Cover COBRA with 100% premium subsidies during emergency
- Reopen ACA enrollment for uninsured
- Reverse decision to defund/withdraw from WHO



Biden Expected to Unwind Dozens of Trump's Health Care Policy Reversals

- Regulatory actions and executive orders will be chief pathway
- Biden likely to bring back Obama alumni to help steer the ship
- Whoever is on the Biden health care team -- they will be ACA champions.
- Biden administration will likely try to ease the pathway to Medicaid for lower-income Americans

Affordable Care Act (a.k.a., Obamacare) Likely First Out of the Gate

- The Affordable Care Act (ACA) contains important provisions for mental health:
 - Includes MH and SA benefits as essential health benefits
 - Cannot be charged more or denied coverage for pre-existing conditions which include mental illness.
 - Applies federal parity protections to these benefits in the individual and small group markets – must be comparable to medical/surgical care
 - Preventive screenings include depressive screenings at no cost
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Supreme Court and the ACA


- The future of the ACA remains uncertain, as the Trump administration has joined Texas and several other states in pushing to invalidate the law in *Texas v. U.S.*
- Because the ACA's [provisions](#) require insurers to cover mental health care and substance abuse treatment, a ruling against the law would reduce access to these services for many Americans.
- Particularly if the ACA is struck down, these actions would undermine efforts to achieve parity for mental health coverage.
- Biden has criticized efforts to have the ACA invalidated during the coronavirus pandemic and the potential impacts of dismantling the law.

Biden's Proposals: The ACA Federal Marketplace

- Expand eligibility for financial assistance to include people with income over 400% FPL, people with employer coverage, and adults in non-expansion states who would otherwise be eligible for Medicaid
- Make premium tax credits more generous
- Restore funding for consumer outreach and assistance
- Create new public option



Biden's Proposal on Public Option

- ***Establish new federal public health insurance option, like Medicare***
 - *Available to all people eligible for marketplace coverage, people with employer coverage, and people who would otherwise be eligible for Medicaid in non-expansion states*
 - *Cover ACA essential health benefits*
 - *Public plan negotiates prices with hospitals and other providers*
 - *Retain employer coverage, private marketplace coverage, Medicaid, and Medicare*
 - ***Does not support Medicare-for-all***
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Biden's Proposals on Medicaid

- Retain ACA Medicaid expansion and other ACA Medicaid provisions
- Allow states that have expanded to move Medicaid expansion enrollees into the public option
- Increase federal Medicaid funding for home-and community-based services
- Provide federal support for state Medicaid programs during economic crisis

Biden's Proposals on Medicare

- Lower age of Medicare eligibility to 60, with an option for people ages 60-64 to keep their coverage; financed separately from the current Medicare program
- Reduce drug prices under Medicare, people with private insurance, and under the proposed public option, by giving the Secretary authority to negotiate drug prices with pharmaceutical companies (*see next slide*)
- Add vision, hearing, and dental benefits in financially sustainable manner to Medicare

Biden's Proposals on Lowering Health Care Costs


- Enforce antitrust laws to prevent anti-competitive consolidations and other practices that increase hospital and other health care prices
- Support approaches to lowering drug costs, including government negotiations, limits on price increases, limits on launch prices (See Rx slide)
- Support development of alternative payment models for Medicare and public option
- Support prohibitions on surprise medical bills (no details provided)

Biden's Proposals on Rx Prices

- Authorize federal gov't to negotiate drug prices for Medicare & other purchasers (public/private)
- Cap out-of-pocket drug costs in Medicare Part D
- Allow importation of prescription drugs, subject to safeguards



Biden's Proposals on HIV Policy


- Update and implement National HIV/AIDS Strategy
 - Supports ACA expansion including for HIV treatment
 - Reverse Trump administration policies that permit discrimination of LGBTQ patients seeking health care
 - Restore U.S. standing as global leader defending LGBTQ+ rights
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Biden's Proposals on Immigration & Health Coverage


- Create a roadmap to legal status & citizenship for unauthorized immigrants who register, are up-to-date on taxes, and have passed a background check
- Reinstate DACA (Dreamers)
- Direct federal resources from building a wall to other border enforcement efforts
- Reverse Trump policies that separate parents & children at the border
- Expand ACA coverage to include DACA recipients



Biden's Proposals on Long-Term Care

- Increase federal funding for Medicaid home-and community-based services to eliminate wait lists, test new models of care, & expand community health workers
 - Provide \$5,000 in tax credits for informal caregivers
 - Expand tax benefits for older Americans who purchase private long-term care insurance
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Biden and Racial Equality

- **As the fourth pillar of the “Build Back Better Agenda”, he said he will direct many investments (e.g., Housing, Education, Infrastructure) to advance racial equity as part of nation’s economic recovery.**
 - Spur Public-Private Investment through a New Small Business Opportunity Plan
 - Ensure His Housing Plan Makes Bold Investments in Homeownership and Access to Affordable Housing for Black, Brown, and Native Families
 - Achieve Equity in Management, Training, and Higher Education Opportunities Connected to the Jobs of the Future
 - Boost Retirement Security and Financial Wealth for Black, Brown, and Native Families
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Biden and Racial Equality

- Ensure Workers of Color Are Compensated Fairly and Treated With Dignity
- Strengthen the Federal Reserve's Focus on Racial Economic Gaps
- Promote Diversity and Accountability in Leadership Across Key Positions in All Federal Agencies
- Address Longstanding Inequities in Agriculture
- Called on Congress to pass a new Voting Rights Act



Findings - AMHCA's "Beyond the Perfect Storm" Report

- Due to the confluence of the COVID-19 pandemic, economic recession and systematic racism, AMHCA projected that 103 million adults in the U.S.— over 4 in 10 (41%)—will experience a negative mental health or behavioral health condition, and/or will develop a co-occurring substance use disorder in 2020.
- 31 percent of adults are reporting symptoms of anxiety disorder or a depressive disorder -- compared to similar period in 2019, only 8.2 percent of adults aged 18 and over had symptoms of anxiety disorder and 6.6 percent had symptoms of a depressive disorder.
- 27 percent have a trauma- and stressor-related disorder symptoms related to COVID-19.
- 14 percent reporting having started or increased SU to cope with stress or emotions related to COVID-19
- College students and workers between the ages of 18-29 are experiencing the most prevalent indications.


Biden's Proposals on Mental Health Care Policy

Mental Health

- Biden has committed to protecting and building on the ACA to ensure coverage expansion and protections for mental health services.
- He has pledged to “redouble efforts” to enforce existing mental health parity laws and expand funding for mental health.
- To ensure access to mental health providers, Biden has called for investing in training and hiring more mental health clinicians, counselors, and peer support counselors while also increasing training for health care professionals, educators.

Biden's Proposals on Mental Health Care Policy

Substance Use

- Biden released a 5-point plan to address the opioid crisis that would increase access to services, curb unnecessary opioid prescriptions, and hold pharmaceutical companies accountable for their role in the crisis.
 - Vice President Biden has voiced support for exploring incarceration alternatives for those with mental health disorders.
 - Potential solutions include increased use of drug courts, harm reduction interventions, and treatment diversion programs.
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Closer Look at 4 Key Mental Health Issues

- **Suicide Prevention:** Biden gave special attention to veterans in their suicide prevention plans and plan to expand access to mental health services through the VA health system.
- **Mental Health Workforce:** Biden supports increasing the mental health workforce, including expansion of national service organizations such as the NHSC.
- **Mental Health Parity:** Biden did not provide specific plans to enforce the mental health parity requirements.
- **Opioid Addiction:** Biden presented plans to expand access to treatment services such as medication-assisted treatment programs. Biden emphasizes holding Rx companies and drug manufacturers accountable and intends to stop the overprescribing of opioids.

Biden's Proposals to Address Rising Suicide Rate

- Campaign website details several initiatives that he would implement within the Veterans Affairs health system.
- Biden's plan states that he would also establish a national center of excellence for reducing veteran suicide to develop and implement suicide prevention strategies outside of the VA health system.
- Biden [states](#) that he will strengthen LGBTQ suicide prevention programs for teens, but does not provide specific details.

Biden's Proposals to Address MH Workforce Shortages

- Biden's campaign website does not specifically address mental health workforce shortages. However, in the context of his [education plan](#), he states he will double the number of psychologists, counselors, and other mental health professionals in schools.
- In a [survey](#) by Mental Health for US, Biden states that he will increase funding for the NHSC.
- He also adds that he will build on legislation such as the [21st Century Cures Act](#) and the [Opioid Workforce Act of 2019](#), which address the shortage of BH providers.

Proposals to Address Mental Health Parity

- Campaign website says that, as president, he would “redouble” efforts to enforce existing mental health parity laws and expand funding for mental health.
- He points to his previous role in implementing the MHPAEA but does not specify which actions his administration would take to further enforcement.

Biden's Proposals to Address Opioid Epidemic

- Website outlines five-point plan to address the opioid crisis. First, it states how they will monitor and hold pharmaceutical companies accountable for their role in the crisis.
- Second, Biden states that he will increase access to SUD services through a \$125 billion investment over a 10-year period. These investments will include making medication-assisted treatment universally accessible by 2025 by building on the [21st Century Cures Act](#).
- His third point indicates several ways he intends to stop the unnecessary prescription of opioids.

Other Mental Health-Related Policy Issues

- Biden has [stated](#) he would end current practices of long-term detention, separating families, and workplace immigration raids.
- Biden supports stronger gun control, [including](#) universal background checks and an assault weapons ban.

Mental Health Crunch at State Level (seen this movie before)

- State, county and local government financial shortfalls are reaching dangerous levels as these entities continue to respond to the COVID-19 pandemic.
- A study by the Center for Budget and Policy Priorities estimates state budget shortfalls of 10% for the current 2020 FY & about 25% in FY 2021. By the end of FY 2022, the CBPP study forecasts a state revenue hole of almost \$500 billion.
- States' own projections have already led to steep reductions in FY 2021 budgets. Because state Medicaid programs represent about one-fifth of those budgets, Medicaid programs also are seeing their share of cuts.
- In the absence of decisive federal action to plug the state budget gap, Medicaid provider reimbursements will probably be among the first to suffer.
- Mental Health Services will be widely curtailed!

Next Steps

- Assume that Biden comes out of the gate fast on health care and mental health policy
- We will focus on intelligence gathering through contacts
- Roll up our sleeves get to work!





Thank You and Questions

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