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# **MOVING PEOPLE TO MOVE POLICY**

A Quarterly Look at Health Policy from BCW

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## A Quarterly Look at Health Policy from BCW

As we enter the second quarter of 2022, we are beginning to see signs of legislative movement in several health policy areas following the final death of President Biden's Build Back Better Act. With policymakers moving on and looking to make progress on a more limited number of initiatives, BCW's health policy experts regularly meet to share insights and discuss changing policy and what it means for the organizations we support. In this quarterly update we will be returning to a topic, mental health, which we initially addressed in our last update. Providing insight in this newsletter are:

### bcw group



## SECTION 01

# Moving Beyond the COVID Pandemic?

As we write this edition of *Moving People to Move Policy*, the number of new daily COVID cases per day is approximately 49,423 (as of April 26<sup>th</sup>), which is a drastic reduction from the 753,000 new daily cases the country was experiencing in mid-January when we released our last newsletter. Unfortunately, this does represent a 53% increase over the last 14 days. There is some concern the epidemic is being under-reported as the Ba.2 Omicron variant surges and more Americans switch to at home testing, but importantly, there are only approximately 15,639 COVID patients in the nation's hospitals – a 4% increase over the last two weeks. Fortunately, this remains one of the lowest numbers since the federal government began tracking hospital admissions in July 2020. That means only 2-3% of the nation's hospital beds are being used to treat COVID patients, giving healthcare workers a much needed respite and spurring hope that we are moving from a pandemic to an endemic—and hopefully beyond even that.

In our last two newsletters, we identified budget reconciliation/the Build Back Better Act (BBB) and COVID as the prime drivers of health policy in Washington. With the BBB dead, COVID seeming to recede and agreement on the next round of COVID funding almost complete, we are starting to see movement on two issues we highlighted previously: Insulin pricing and mental health.

In our Fall 2021 newsletter, we noted getting broad drug pricing legislation would be difficult, but we expected eventual agreement around lowering the cost of insulin. On March 31<sup>st</sup>, the House of Representatives passed a billing limiting the cost of insulin to \$35 per month for Americans with health insurance. The Senate effort to address insulin pricing is being led by the bipartisan duo of Susan Collins (R-ME) and Jeanne Shaheen (D-NH) who have promised a more comprehensive bill that lowers the price of insulin instead of simply capping the cost consumers pay (as the House bill does).

In our Winter 2022 newsletter, we relayed that, at the end of December, Senate Finance Committee Chairman Senator Ron Wyden (D-OR) and Ranking Member Senator Mike Crapo (R-ID) had issued a request for information on addressing the mental healthcare crisis facing the country. The senators' effort is gathering steam and is the focus of this newsletter.

SECTION 02

# Media Review Addressing Mental Health Care

In our Winter 2022 newsletter, we shared research that show 12% of all non-COVID, front-page health stories in the nation's top 25 newspapers during 2021 were focused on mental health. As a topic in leading papers, mental health was only surpassed by stories reporting on Texas' abortion law.

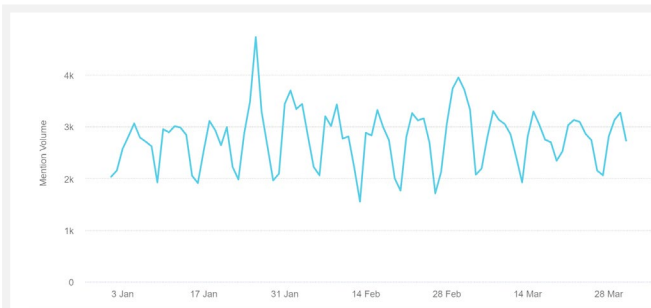
Now in the second quarter of 2022, mental health again remains a topic of intense public discussion. Using the same the top 25 newspapers, a Factiva search shows these 25 outlets published 1,538 stories mentioning mental health from January 1, 2022 – April 25, 2022. The outlets which published the most stories are:

<b>The Washington Post</b>	<b>249</b>
<b>The New York Times</b>	<b>225</b>
<b>San Francisco Chronicle</b>	<b>102</b>
<b>The Boston Globe</b>	<b>80</b>
<b>Chicago Tribune</b>	<b>75</b>

As recently as April 24th, The New York Times released a series of stories under the header of "The Inner Pandemic" reporting on the teenagers and their mental health.

The range of mental health topics covered by media represent a wide waterfront and reflect many of the topics legislative proposals seek to address. These include the five areas the Senate Finance's legislation proposes to address: Strengthening the workforce; increasing integration, coordination and access to care; ensuring parity between behavioral and physical health care; furthering the use of telehealth; and improving access to behavioral health care for children and young people. Other topics mentioned in media include substance use disorder (which the Senate HELP committee is concurrently addressing), social isolation caused by COVID, the impact of social media on youth, and homelessness.

In addition to strong media coverage, Brandwatch reports there were more than 250,000 Twitter uses of the hashtag #mentalhealth in the United States between January 1, 2022, and March 31, 2022. Although January was Mental Wellness Month (not to be confused with May's Mental Health Awareness Month, which has greater participation) the graph below shows the number of daily uses of #mentalhealth has been trending slightly higher since January 26<sup>th</sup> indicating a higher level of social engagement around mental health issues.



Between the significant social media conversation on mental health and the continued media coverage of mental health issues, elected officials have the cover they need to act. As the Senate Finance Committee continues developing bipartisan solutions papers and socializes them with stakeholders, state legislatures are also moving forward to address mental health challenges where they can.



# Government Regulations

## Mental Health Legislative Outlook

Mental health legislation has continued to gain traction in Congress since the start of the year as an increasing amount of data has shown the negative impacts of the pandemic on Americans' mental health. With the Senate Finance Committee, Senate HELP Committee and the House Energy and Commerce Committee currently working on legislative fixes, there is a possibility of reconciliation between the two houses of Congress to pass legislation surrounding mental health.

## Biden Administration

As part of President Biden's State of the Union report, the Administration announced a national mental health strategy to strengthen system capacity, connect more Americans to care and create a continuum of support in order to address mental health holistically and equitably. Several key areas will be prioritized, including investing in the mental health workforce, establishing a crisis-care response system to support the launch of the 988 crisis line this summer, focusing on youth mental health services, expanding the use of telehealth care options, and expanding and strengthening parity between physical and mental health access and coverage.

## House Energy and Commerce Committee

The House Energy and Commerce Subcommittee on Health is also prioritizing legislation surrounding the mental health and well-being of Americans. In an April 5th hearing, Energy and Commerce Committee Chair Frank Pallone (D-NJ) emphasized the need for mental health care and the barriers that currently exist. The committee discussed 19 bills that would provide resources for mental health and substance use prevention, care and coverage, treatment, and recovery support services.

# Government Regulations

## Senate Finance and HELP Committees

Senate Finance Committee Chair Ron Wyden (D-OR) released a bipartisan report on the state of mental health in America. The report followed a request for information in fall 2021 that received 300 submissions from mental health advocates and experts. The report outlined challenges in five areas: Status of the workforce; children, adolescents and young adults; access to care, integration and coordination; mental health and SUD parity; and telehealth. Greater challenges in each category were found in individuals with social risk factors and those living in rural and urban underserved areas.

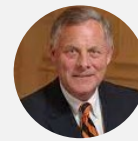
Bipartisanship is being shown through the creation of five working groups in the Senate Finance Committee that will work with committee staff to identify legislative steps to improve the mental health care system. The committee's goal is to produce a bipartisan bill this summer that brings together knowledge from each working group. The committee has held related hearings on ensuring behavioral health parity and protecting youth mental health, with more planned in the coming months.

### Co-Chairs of the Five Working Groups in the Senate Finance Committee:

#### Ensuring Parity Between Behavioral and Physical Health

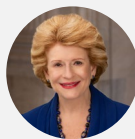


SENATOR  
**Michael Bennet**  
(D-CO)



SENATOR  
**Richard Burr**  
(R-NC)

#### Strengthening the Workforce



SENATOR  
**Debbie Stabenow**  
(D-MI)



SENATOR  
**Steve Daines**  
(R-MT)

#### Furthering the Use of Telehealth



SENATOR  
**Ben Cardin**  
(D-MD)



SENATOR  
**John Thune**  
(R-SD)

#### Increasing Integration, Coordination and Access To Care



SENATOR  
**Catherine Cortez Masto**  
(D-NV)

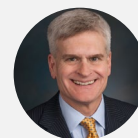


SENATOR  
**John Cornyn**  
(R-TX)

#### Improving Access to Behavioral Health Care for Children and Young People



SENATOR  
**Tom Carper**  
(D-DE)



SENATOR  
**Bill Cassidy**  
(R-LA)

The Senate HELP Committee has also held hearings on mental health recently, and Committee Chair Patty Murray (D-WA) and Ranking Member Richard Burr (R-NC) announced at a hearing in March their goal to release a bipartisan mental health package by early summer 2022 to improve access to mental and behavioral health services, lessen healthcare workforce burnout, and address the rise in substance use disorders during the pandemic.

## SECTION 04

# State Insights

Having largely moved beyond COVID-19 and pandemic-related restrictions, state legislatures and governors are now confronting the mental health crisis that has swept across the United States. According to the National Institute of Mental Health, **nearly one in five American adults live with a mental illness - a total of 52.9 million people in the United States as of 2020.**

Although a concern among policymakers for several years, addressing mental health is now at the forefront of conversations around health policy in state houses across the country. Given the wide-ranging impact of the mental health crisis on adults as well as K-12 students, state policymakers are considering and enacting into law a variety of solutions to help address their constituents' needs.

In early March, **California Governor Gavin Newsom unveiled his proposal to overhaul California's mental health system** - primarily in response to the homelessness epidemic in San Francisco.

- If passed by the legislature, Newsom's C.A.R.E. (Community Assistance, Recovery and Empowerment) Court legislation will establish a new civil court supervision system across the state's 58 counties in which individuals are connected with "intensive treatment" and housing - seeking to help through intervention before a possible arrest (and subsequent incarceration).
- The governor estimates this will help 7,000 - 12,000 severely mentally ill Californians who are living on the streets and unable to care for themselves. According to a framework document, C.A.R.E Court will provide those who are severely mentally ill with a stable, supportive, community-based environment in which clinically appropriate treatment is provided to help individuals ultimately exit homelessness.

In the Northeast, **Massachusetts Governor Charlie Baker introduced a comprehensive health care omnibus legislative package** in mid-March. "The pandemic has only underscored the need to treat behavioral health care services the same way we treat other health care services," Governor Baker said during the press conference on the legislation.

- Provisions of the legislation will restructure the state's health care system in the aftermath of COVID-19 - such as cementing the use of telehealth services and reining in skyrocketing health care costs.
- The proposal also requires providers and insurers to increase spending on primary care and behavioral health care by 30% over the next three years. Insurers are also encouraged to reimburse for certain behavioral health services at the same rates as they do for physical health care.

**On the final session day of the Georgia General Assembly, Sine Die, Governor Brian Kemp signed House Bill 1013 into law**, which seeks to bolster the state's mental health system through pressuring insurers to improve coverage for mental health conditions. The measure also authorizes loan forgiveness for people studying to become mental health professionals. Georgia has traditionally ranked near the bottom among states with adequate access to mental health care and has recently experienced increases in rural suicides and substance abuse.

# State Insights

Recent data gathered by [Mental Health America](#) found that more than 2.5 million youth in the United States have severe depression, with multiracial youth at the greatest risk. Yet over 60 percent do not receive any mental health treatment.

Recognizing the impact of COVID-19 on the mental health and wellbeing of K-12 students, several states have responded with policy solutions. According to the National Academy for State Health Policy (NASHP), [92 state laws were enacted](#) between March 2020 and December 2021 to support children's mental health, particularly through schools.

- In April 2021, **Arkansas Governor Asa Hutchinson signed [House Bill 1689](#) into law**, facilitating a legislative study to assess the effectiveness of the state's existing mental and behavioral health resources, including mental health screenings and suicide prevention measures for K-12 students.
- Last fall, **Illinois Governor J.B. Pritzker signed legislation into law which allows [students to take up to five excused absences for mental or behavioral health](#)** without the need for a doctor's note each year, beginning this year. "Many students are going through a lot mentally and emotionally, and they need support," Representative Barbara Hernandez, a co-sponsor of the bill, said at the time.
- **Within the [2021 - 2023 State Budget](#), the North Carolina General Assembly and Governor Roy Cooper** allocated some of the \$3.6 billion the state received from the American Rescue Plan to establish a grant program for schools to address students' mental and behavioral health. This includes hiring psychologists (addressing a significant shortage across the state) and supporting after-school programs dedicated to addressing learning loss and behavioral health.
- Recently, **Washington Governor Jay Inslee signed [HB 1800](#) and [HB 1890](#) into law**. The former will increase access to behavioral health services for minors through a collaborative network of community stakeholders including parents, caregivers and behavioral health providers dedicated to connecting local youth to those services. The latter establishes a behavioral work group for children and youth to identify barriers and opportunities for improving access for this population to behavioral health services.
- Since the 1980s, school districts across Michigan have operated school-based health centers. **On the heels of the pandemic, school administrators and health officials are advocating for [expanding school-based health centers](#) to address students' mental health needs**. Governor Gretchen Whitmer has called for investing an additional \$11 million to support the expansion in Michigan this year, which has garnered support among legislators studying the tragic Oxford school shooting that took place in November 2021. Advocates, however, are pushing for an additional \$25 million investment for expanding the school-based health centers.

It's clear there is a significant focus on mental health issues from state and federal policymakers as well as national and local media. This yields significant opportunities for stakeholders including physicians and medical societies, patient advocates, provider organizations, foundations and pharmaceutical companies to influence the debate on how to best build a system that better serves people who need mental health support. Many of these entities are already engaged and getting more active as they see this being the optimal time to advance their positioning.

We anticipate the drumbeat of stories will continue, as will a growing number of opinion pieces, social posts, ads and other pieces of content as stakeholders flood the echo chamber to support their government relations efforts.



## SECTION 05

# Other Topics We're Watching

Each issue of *Moving People to Move Policy* includes a brief description of other topics our team is watching. When appropriate, we will include updates on the issues we included in the prior quarter.

**LONG TERM CARE:** We continue to anticipate LTC will be an area of intense scrutiny as we emerge from the pandemic. During his State of the Union [address](#) in March, President Biden called out the quality of care in nursing homes. The General Accountability Office is doing an investigation on private equity investment in nursing homes that will be released this fall. Kaiser Health News has a [good story](#) on it. This dovetails with legislation introduced in August 2021 by Senator Wyden, Sen. Bob Casey (D-PA) and four other Democratic Senators to address nursing home staffing and care quality. For more, please see [this](#) piece from BCW.

**MEDICARE SEQUESTRATION:** Congress addressed Medicare cuts temporarily, but providers are still seeking a permanent fix.

**VACCINE MANDATES:** We noted previously that we are closely watching to see if anti-COVID vaccine sentiment expands to a larger anti-vax movement that targets the long-standing mandates requiring children to receive vaccinations in order to attend public school. With [15 states](#), including several of the deep red states, already having finished their legislative sessions, we have not yet seen this issue arise.

**SOCIAL DETERMINANTS OF HEALTH/HEALTH EQUITY:** A topic of great interest among the health care echo chamber, awareness of the need to address SDOH is growing among elected officials, but it remains hard to see how anything gets done this legislative session. What's more, if Republicans win control of one or more chambers during the fall elections, it's hard to see a path to addressing SDOH.



## Conclusion

Thank you for reading Moving People to Move Policy's 2022 Second Quarter Snapshot. Our next issue will be released early in the summer. If you'd like to learn more about our healthcare public affairs expertise, please contact:



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