



DATE: February 28, 2023
TO: Secretary Xavier Becerra
THROUGH: Angela Ramirez, Deputy Chief of Staff
FROM: Melanie Anne Egorin, Assistant Secretary for Legislation
SUBJECT: House Democratic Caucus 2023 Issues Conference

Details

What: House Democratic Caucus 2023 Issues Conference

Date: March 2, 2023

Time: 10am-12:30pm

Location: Hyatt Regency Baltimore – Inner Harbor: 300 Light St., Baltimore, MD 21202

External Event: Yes

Primary HHS POC(s): Melanie Anne Egorin, Assistant Secretary for Legislation, ASL

Press: Yes

Topic:

House Democratic Caucus 2023 Issues Conference

Objective:

YOU will champion the very important legislation the Democrats passed.

Secretary's Role:

YOU will illustrate how HHS plans to delivery results through quick and strong implementation.

Secretary's Message:

YOU will convey how HHS is committed to “investing in American’s health” by focusing on the Department’s implementation efforts of the Administration’s recent wins.

Acknowledgements:

- Leader Hakeem Jefferies (D-NY-07)
- Chair Pete Aguilar (D-CA-33)

List of Participants:

IOS:

- Cynthia Palafox, Director of Scheduling & Advance

Other HHS Divisions:

- Melanie Anne Egorin, Assistant Secretary for Legislation, ASL
- Brian Reich, Chief Speechwriter, ASPA

WH/USG Participants:

- Shalanda Young, Director of the Office of Management and Budget
- Mitch Landrieu, Senior Advisor to the President and Infrastructure Coordinator
- Rep. Troy Carter (D-LA-02)
- Rep. Robin Kelly (D-IL-02)
- Rep. Grace Meng (D-NY-06)

Agenda/Run of Show:

10:00am – Armchair Conversation with the Honorable Kamal D. Harris, Vice President of the United States

10:00-10:30am – YOU Arrive at House Democratic Caucus 2023 Issues Conference

10:30am – Prep for remarks

11:00am-11:45am:

Introduction:

- Rep. Troy Carter (D-LA-02), *Regional Leadership Council Member*

Speakers:

- YOU
- Shalanda Young, Director of the Office of Management and Budget
- Mitch Landrieu, Senior Advisor to the President and Infrastructure Coordinator

Moderators:

- Rep. Robin Kelly (D-IL-02), *Regional Leadership Council Member*
- Rep. Grace Meng (D-NY-06), *Regional Leadership Council Member*

12:30: YOU depart House Democratic Caucus 2023 Issues Conference for CMS event at HHS

Background:

Inflation Reduction Act

The lower cost prescription drug law passed last Congress – the most consequential piece of health legislation since the Affordable Care Act (“Obamacare”) – is already delivering benefits for the American people.

- \$35 cap on each Medicare-covered insulin.
- Free preventative vaccines under Medicare Part D – including shingles, Tdap, and whooping cough vaccines
- Manufacturers must pay rebates if their price increases exceed inflation.
- Authority to rein in soaring prescription drug costs for Seniors (Medicare prescription drug costs).

Example: Last year, drug companies raised the price of more than 1,200 drugs – above the rate of inflation. The average price increase for those drugs was over 30 percent. The price for one blood pressure drug that millions of Medicare beneficiaries rely on increased by over 500 percent. Thanks to the President's lower cost prescription drug law, those drug companies will have to pay a rebate back to the government if they jack up their prices faster than inflation.

CMS Medicare Advantage

Since December CMS has announced three actions that together seek to strengthen the Medicare Advantage program:

- December 2022 Medicare Advantage and Part D Proposed Rule
 - Proposed MA improvements include streamlining prior authorization requirements, protecting beneficiaries from misleading marketing, creating a health equity index reward, and improving access to behavioral health.
- January 2023 Medicare Advantage Risk Adjustment Data Validation (RADV) Audits Final Rule
 - The finalized policies come after extensive public comments and stakeholder engagement and CMS will start recovering improper payments made to Medicare Advantage plans through audits for the first time since 2007.
- February 2023 Medicare Advantage and Part D Advance Notice
 - Proposed technical updates include a growth rate bump, restructuring condition categories using the International Classification of Diseases (ICD)-10 classification system instead of ICD-9, the use of newer data, and revisions focused on conditions that are subject to more coding variation.

The Advance Notice is industry's focus on the hill, as it lays out the annual updates and payment changes for 2024. Insurance companies are pushing inaccurate claims about Medicare Advantage "cuts" in the notice.

The Biden-Harris Administration's Focus Mental and Behavioral Health

President Biden's Bipartisan Unity Agenda and subsequent Fiscal Year 2023 budget prioritize mental health, proposing reforms to health coverage and major investments in the mental health workforce. President Biden released a comprehensive mental health strategy as part of the unity agenda: namely 1) Build the capacity of the workforce; 2) Connect individuals to the care they needs; and 3) Build the full continuum. The budget addresses all three of the President's pillars with the goal of fully and finally integrating behavioral health into health care and social services and other settings. The budget proposes new and historic discretionary investments totaling \$51.7 billion over ten years. This amount is in addition to mandatory insurance programs. As a

reminder, even before President Biden's call to action, YOU made behavioral health one of the five strategic priorities for HHS, and immediately when confirmed established the Behavioral Health Coordinating Council across YOUR department. Since that time, you have advanced comprehensive behavioral health wins both administratively, and legislatively.

HHS Investments in Mental Health

- Rolled out the national 988 Suicide Lifeline, increasing investment in the lifeline by 20-fold, and achieving a 98% answer rate for text and chat, and a 92% answer rate for calls (which continues to increase). When you were confirmed, the lifeline had a text answer rate that varied between 20 and 40 percent on a given day, and call answer rate at 82 percent.
- HHS has invested approximately \$1.5 billion to support youth behavioral health services in the last year alone.
- YOU may also point to the establishment of the Behavioral Health Coordinating Council (BHCC) as a quintessential example of the seriousness with which the Department is taking this issue. The BHCC is chaired by the Assistant Secretary for Health (ADM Rachel Levine) and Assistant Secretary for Substance Abuse and Mental Health Services (Dr. Miriam Delphin-Rittmon) and includes all HHS-level principals.
- Proposed rules requiring reporting of behavioral health quality measures across all Medicaid populations, nationally, for the first time.
- Sub-regulatory guidance clarifying state responsibilities to provide comprehensive Medicaid behavioral health services to children.
- New guidance expanding access to Medicaid Health Services in Schools, which was released in tandem with new money through HRSA's School-Based Services Program
- New rules in Medicare and CCIIO increasing reimbursement and establishing minimum wait time standards for behavioral health services.
- A new Center for Excellence focused on youth mental health and social media.
- New guidance in Medicaid allowing for reimbursement for interprofessional consultations (e.g. when a primary care doctor seeks consult from a psychologist).
- HHS has awarded \$250 million across 100 grants to increase access to Certified Community Behavioral Health Centers (CCBHCs), which provide 24/7, comprehensive primary and behavioral health care – including crisis care – to the most vulnerable Americans.
- The Center for Medicare & Medicaid Services (CMS) established a new state option for Medicaid coverage of qualifying community-based mobile crisis intervention services.
- HHS invested \$1 billion in the National Health Service Corps, Nurse Corps, and Substance Use Disorder Treatment and Recovery Loan Repayment Program, which has enabled these provider pipeline programs to amass the largest field strength in history.

- HHS awarded \$103 million to 45 health care organizations to address burnout and strengthen resiliency among health care workers.

Congressional Behavioral Health End-of-Year Update:

In December 2023, Congress passed the FY23 Omnibus that included key behavioral health priorities for Department. Here are key policies included in the FY2023 Omnibus:

- Re-authorizes the National Suicide Prevention Lifeline (988)
- Re-authorizes Community Mental Health Services Block Grant, including 5% crisis set-aside and up to 5% set-aside for early intervention
- Updates grant formulas for State Opioid Response (SOR) Grants and Tribal Opioid Response (TOR) grants
- Re-authorizes SABG, removes the word “abuse”
- Establishes Maternal Mental Health Taskforce
- Authorizes \$5 million for Recovery Housing Activities
- Repeals the X-Waiver and implements new training for providers (the MAT and MATE Act)
- Expands providers included in the Screening and Treatment for Maternal Mental Health and Substance Use Disorders
- Authorizes and funds the Maternal Mental Health Hotline at \$7 million in FY23
- Funding and authorization for key behavioral health workforce training and education—including \$197 million across BHWET programs
- Establishes requirement for technical assistance for School-Based Health Centers
- Improves Medicare payment for mental health mobile crisis units (50% increase) in 2024
- Provides Medicare coverage of intensive outpatient mental health services in 2024

ORR and Child Labor Violations

To date, HHS and DOL have provided staff level briefings for Education and Workforce Ds, HELP Ds, E+C Ds, D Appropriators, HSGAC Ds, House Judiciary Ds, and Michigan delegation Ds on this issue. ASL remains engaged with the CHC to set up a Member level briefing as soon as possible. HHS and DOL are also working to schedule briefings for Senate Judiciary staff, further HELP briefings, and a bipartisan Member level Senate appropriator briefing.

On Monday, February 27, the Department of Labor and Department of Health and Human Services announced the following actions:

- **A DOL-led Interagency Taskforce to Combat Child Labor Exploitation:** The task force will further collaboration and improve information sharing among agencies, as well as advance the health, education, and well-being of children in the U.S. For instance, timely information regarding active child labor investigations, as appropriate, enables HHS to apply additional scrutiny in the sponsor vetting process when warranted because of geographic or

other concerns. Through this task force, the agencies will also jointly conduct education and training initiatives in relevant communities.

- **A National Strategic Enforcement Initiative on Child Labor:** As part of this new initiative, DOL's Wage and Hour Division will use data-driven, worker-focused strategies to initiate investigations where child-labor violations are most likely to occur. And, the Wage and Hour Division and the Labor Department's Office of the Solicitor will use all available enforcement tools, including penalties, injunctions, stopping the movement of goods made with child labor, and criminal referrals where warranted.
- **Hold All Employers Accountable:** DOL will hold all employers accountable to ensure child labor is removed from supply chains. This will include applying further scrutiny to companies doing business with employers using illegal child labor to increase corporate accountability for system abuses of child labor laws. Too frequently employers who contract for services are not vigilant about who is working in their facilities, creating child labor violations up and down the supply chain. With the increased reliance of staffing agencies and subcontracting, host companies are often claiming that they are unaware or unable to control child labor issues happening at their worksites.
- **Mandated Follow Up Calls for Unaccompanied Children Who Report Safety Concerns:** HHS will require a follow-up call to any child who calls the Office of Refugee Resettlement National Call Center (ORRNCC) with a safety concern. ORRNCC currently refers every safety related call to the appropriate law enforcement agency or child protective services. This additional call will serve as a critical follow up with the child. And, ORRNCC will immediately incorporate language into its training materials to ensure former unaccompanied children who reach out to the helpline clearly understand which authorities their safety concerns will be reported to.
- **Expand Post Release Services for Unaccompanied Children:** HHS will continue to work with Congress to provide sufficient resources for ORR to provide post release services to all children and sponsors by 2025. Under the Biden administration, ORR has increased its capacity to provide post release services to more children. In FY 2023, ORR is on track to serve nearly 60% of children released with such services, up from 24% of children when President Biden took office, and ORR attempts to reach all children and sponsors with safety and wellbeing calls. Additional post release services include assistance in registering children for school, ensuring they understand the immigration legal process and can attend their court hearings, and help finding medical, mental health, and family counseling services for which they may be eligible.
- **Increased Funding for DOL's Enforcement Agencies:** DOL is calling on Congress to meet the funding request in the President's forthcoming budget for the Wage and Hour Division and the Office of the Solicitor to investigate child labor cases. Between 2010 and 2019, the Wage and Hour Division lost 12 percent of its staff because it was nearly flat funded during

this period. And, the Office of the Solicitor has essentially been flat funded for over a decade, resulting in the loss of over 100 attorneys as costs have increased. With modest funding increases over the last few years, American Rescue Plan funding for COVID-related investigations, and a strong focus on hiring during the Biden Administration, the agency has begun to increase its staffing levels. But it still has not received anything near the funding level the President requested in the FY2023 Budget to allow the agency to meaningfully rebuild its staff and enforcement capacity. The President's request for the Wage and Hour Division was about \$50 million higher than the amount the agency received in the FY2023 appropriations bill and his request for the Solicitor's Office was also nearly \$50 million higher.

- **Call on Congress to Increase Civil Monetary Penalties for Companies that Use Child Labor:** The maximum civil money penalty under current law for a child labor violation is \$15,138 per child. That's not high enough to be a deterrent for major profitable companies. DOL is calling on Congress to increase civil monetary penalties, strengthening protections from retaliation for people who report child labor law violations and investigating corporations flouting child labor laws.
- **Audit ORR Sponsor Vetting Process:** HHS will conduct an audit over the next four weeks of the vetting process for potential sponsors who have previously sponsored an unaccompanied child. HHS is immediately reviewing current policies regarding its vetting requirements for potential sponsors who have previously sponsored unaccompanied children to ensure all necessary safeguards are in place without unnecessarily keeping children in government-funded, congregate care settings. HHS will provide additional training for case managers and staff on how to assess these cases. This audit builds on steps that HHS has already taken to increase vetting of sponsors, including updating the case management system to more easily identify cases where children could be released to an individual who has previously sponsored children.
- **New Training Material for Unaccompanied Children to Know Their Rights:** ORR is creating new materials and new staff training to provide more information to unaccompanied children in care and potential sponsors about child labor laws in the U.S. to ensure children and sponsors know their rights and understand the legal restrictions on working under the age of 18.

Attachments:

1. Talking Points
2. IRA Provisions
3. CMS' December MA program announcements
4. Biographies
5. Issues Conference Agenda
6. Issue Conference Leave Behind Materials
7. ASPA NYT Fact Check



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

DATE: February 27, 2023

TO: Secretary Xavier Becerra

THROUGH: Angela Ramirez, Deputy Chief of Staff

FROM: Melanie Anne Egorin, Assistant Secretary for Legislation

SUBJECT: Call with Chair Wyden (D-OR) regarding youth mental health and Medicare Advantage (MA)

Details

What: Call with Chair Wyden (D-OR) regarding youth mental health and Medicare Advantage (MA)

Date/Time: Thursday, March 2, 2023, at 2:15 p.m.

Dial-In: (b)(6)

Participant Code: (b)(6)

External Event: Yes

Primary HHS POC: Melanie Anne Egorin, Assistant Secretary for Legislation

Press: No

Topic:

Call with Chairman Wyden (Chair of Senate Finance Committee, D-OR) regarding your recent youth mental health visit to Portland. Chairman Wyden requested this call prior to your visit to Portland, but he was unable to connect because of overseas travel. ASL recommends you also raise Medicare Advantage.

Objective:

Chairman Wyden will explain his vision to create national versions of two youth mental health programs in Oregon. YOU will discuss recent MA actions and the importance of his/members support for the good work the Department is doing to address potential abuses, improve oversight, and update the payment model.

Secretary's Message:

YOU will let Senator Wyden know that ASL staff connected with his staff on Monday and will keep working with his team on youth mental health.

YOU will thank Senator Wyden for his letter in support of the MA and Part D Proposed Rule and reiterate HHS' work on Medicare Advantage.

YOU will let Chairman Wyden know that the Department is here to answer any additional questions about the proposed changes.

YOU will thank Chairman Wyden for holding a markup on Rebecca Haffajee's nomination as ASPE.

List of Participants:

USG Participants (individual calls):

- Sen. Ron Wyden (D-OR), *Chair of Senate Finance Committee*

Other HHS Divisions:

8. Melanie Egorin, Assistant Secretary for Legislation, ASL
9. Alex Graf, Deputy Assistant Secretary for Legislation (Mandatory), ASL
10. Noah Emanuel, Special Assistant, ASL

Background:

Visit to Portland, Oregon

On Monday, February 27th, 2023, YOU visited Portland, Oregon for two events focused on IRA and Youth Mental Health. YOU visited and participated in a roundtable discussion at the Urban League Multicultural Senior Center to highlight how President Biden's Inflation Reduction Act is reducing health care costs.

At the second event, YOU toured the Faubion School and hosted a roundtable discussion with Governor Kotek, Multnomah County Chair Pederson, youth advocates, and community leaders, which focused on the Biden-Harris Administration's commitment to addressing the mental health crisis by strengthening youth mental health services.

CMS Medicare Advantage Announcements

Since December CMS has announced three actions that together seek to strengthen the Medicare Advantage program:

- December 2022 Medicare Advantage and Part D Proposed Rule
 - Proposed MA improvements include streamlining prior authorization requirements, protecting beneficiaries from misleading marketing, creating a health equity index reward, and improving access to behavioral health.
- January 2023 Medicare Advantage Risk Adjustment Data Validation (RADV) Audits Final Rule
 - The finalized policies come after extensive public comments and stakeholder engagement and protect the fiscal sustainability of the program.
- February 2023 Medicare Advantage and Part D Advance Notice

- Proposed technical updates include a growth rate bump, restructuring condition categories using the International Classification of Diseases (ICD)-10 classification system instead of ICD-9, the use of newer data, and revisions focused on conditions that are subject to more coding variation.

The Advance Notice is industry's focus on the hill, as it lays out the annual updates and payment changes for 2024. Insurance companies are pushing inaccurate claims about Medicare Advantage "cuts" in the notice.

Senator Wyden's Recent MA Actions

In November, Senator Wyden released the results of his investigation into deceptive marketing practices in Medicare Advantage. The report highlighted tactics used by insurance companies, brokers, and third-party marketers to push seniors to sign up for their plans, including deceptive mail advertisements, misleading claims about increasing Social Security benefits, aggressive in-person marketing tactics, and enrolling beneficiaries, particularly those dually eligible for Medicare and Medicaid, in a new plan without their consent. The report also corroborated CMS data reporting that the number of beneficiary complaints related to the marketing of Medicare Advantage plans doubled between 2020 and 2021.

The week after the report's release, Senator Wyden led a letter signed by every Finance Committee Democrat except Sen. Cortez Masto to YOU and Administrator Brooks-LaSure urging CMS to take steps to protect Medicare beneficiaries including:

- Reinstate requirements loosened during the Trump administration
- Monitor MA disenrollment patterns and use enforcement authority to hold bad actors accountable
- Provide clear guidelines and trainings to ensure agents and brokers understand and adhere to best practices
- Implement robust rules around MA marketing materials and close regulatory loopholes that allow cold calling
- Support unbiased sources of information for beneficiaries, including State Health Insurance Assistance Programs (SHIPs) and the Senior Medicare Patrol (SMP)

Your formal response is in the final stages of the clearance process.

Earlier this month, Senator Wyden wrote Administrator Brooks-LaSure offering support for the 2024 Medicare Advantage Proposed Rule released in December that largely accomplishes these goals. Senator Wyden wrote to, "strongly support the proposed rule as it seeks to restore important protections against deceptive and fraudulent marketing tactics, expands access to non-physician behavioral health providers, and promotes health equity for historically underserved communities."

Senator Wyden has not publicly engaged on the Advance Notice or RADV, but HHS has been in close contact with his staff to push back on industry claims and support caucus staff.

Wyden's Mental Health Priorities

Senator Wyden's staff said he would like to discuss two mental health priorities with you:

1. Lines for Life Youth Line
2. Ballmer Institute Child Behavioral Health Undergraduate Degree Program

We are told there is no specific legislative ask at this time, but he wants to work with you to take both programs nationwide.

Youthline

Last May, YOU visited Lines for Life Youth Line, a youth 988 lifeline center at the request of Senator Wyden but the Senator was not able to attend. Youth Line leaders also participated in your event in Portland on Monday. ASL staff talked to Wyden's staff on Monday about his vision to expand the program nationwide. He has not introduced legislation but is exploring options and it is a top priority for him this year. You can let him know that your staff is already in touch and will continue to work with them as they explore options.

Ballmer Institute

Following up on your Monday visit, Senator Wyden wants to highlight the Ballmer Institute's work. The initiative was announced on March 1, 2022, and made possible by the gift of more than \$425 million from Connie and Steve Ballmer, co-founders of Ballmer Group Philanthropy. The Institute will serve youth K-12 while prioritizing the needs of children, adolescents, and families who have been persistently and/or historically underserved.

Specifically, Senator Wyden is excited about a new undergraduate program, to be launched in the fall of 2023 with a \$100 million scholarship endowment. The program is being set up on the campus of Concordia and will prepare child behavioral health specialists to enter the workforce immediately upon graduation having accumulated over 700 hours of applied training in evidence-based behavioral health promotion, prevention, and intervention practices. Sen. Wyden sees this as an answer to the health care workforce shortage, and students of the program can also service the 988 and Lines for Life programs.

ASPE Nomination

On Thursday, March 2 at 10am, the Senate Finance Committee will hold a markup on Rebecca Haffajee's nomination to be Assistant Secretary for Planning and Evaluation. Rebecca had her hearing last June but due to a tie vote in committee, she required a discharge petition, and we were not able to get her done last year. She was renominated in January, and we are hopeful she will get out of Committee due to the one-seat majority this Congress.

Mifepristone Court Case (if Senator raises the issue)

On Thursday, February 16, 2023, Senator Wyden stated on the Senate floor that FDA and President Joe Biden must ignore any court directive to reverse FDA's more than 22-year-long approval of the abortion pill mifepristone – at least until there's a final Supreme Court ruling on the underlying matter.

Attachments:

1. Talking Points
2. Biographies for Non-HHS/USG Meeting Participants
3. Sen. Wyden MA Marketing Letter to CMS
4. Sen. Wyden MA 2024 NPRM Comment Letter



DATE: March 14, 2023

TO: Secretary Xavier Becerra

THROUGH: Sean McCluskie, Chief of Staff

FROM: Melanie Anne Egorin, Assistant Secretary for Legislation
Erin Lunsford, Special Assistant, ASL

SUBJECT: Mental Health Event with Rep. Jonathan Jackson (D-IL-01)

Details

What: Mental Health Event with Rep. Jonathan Jackson (D-IL-01)
Date: Friday, March 17, 2023
Time: 11:00 AM – 12:00 PM CDT
Location: Kennedy-King College, The Great Hall in the U Building, 740 West 63rd Street
Chicago, IL 60621
External Event: Yes
Attire: Business (tie optional). Note - The Congresswoman will be in business attire.
Covid Protocols: *Forthcoming from ASL*

Primary HHS POC(s): Erin Lunsford, Special Assistant, ASL

Press: Yes

Topic:

Mental and behavioral health care and gun violence impact

Objective:

Discuss important mental and behavioral health issues and recent HHS investments, as well as the impact of gun violence in the community.

Secretary's Role:

YOU will be visiting the site for a roundtable with other community leaders to discuss mental and behavioral health.

Secretary's Message:

YOU will reiterate the Administration and HHS' commitment to addressing the mental health crisis by strengthening mental health services and expanding access to behavioral health care.

Acknowledgements:

- Thank Kennedy-King College for hosting YOU at their school.
- Thank Congressman Jonathan Jackson (D-IL-01)

List of Participants:

IOS:

- YOU
- Lizeth Zardeneta, Advance Representative

Other HHS Divisions:

- Gabriela Sibori, Press Secretary, ASPA
- Michael Cabonargi, Director, Region 5, IEA (*roundtable*)
- Zoe Verdiguell, Acting Executive Officer and Public Affairs Specialist, Region 5, IEA

WH/USG Participants:

- Congressman Jonathan Jackson (D-IL-01)

Other External:

- *Forthcoming from ASL*

Agenda/Run of Show: DRAFT, to be confirmed by ASL

11:00 AM: YOU arrive at the Kennedy-King College and are greeted by XX

11:02 AM: YOU transition to roundtable with additional stakeholders

11:05 AM: Roundtable begins.
- XX will introduce YOU and participants (2-3 minutes)
- Congressman Jackson will give opening remarks (2-3 minutes)
- YOU give opening remarks (2-3 minutes)
- XX moderates conversation (30 minutes)

11:45 AM: Press availability begins.

12:00 PM: Press availability ends, YOU depart.

Background:

Kennedy-King College

Kennedy–King College (KCC) part of City Colleges of Chicago, is a public two-year community college in Chicago, Illinois, United States. Kennedy–King is a part of the City Colleges of Chicago, a system of two-year education that has existed in Chicago since 1911. Kennedy–King was founded as Woodrow Wilson Junior College in 1935 in honor of U.S. president Woodrow Wilson. The school was renamed to honor Robert F. Kennedy and Martin Luther King Jr. in July 1969, a year after they were both assassinated.

The Biden-Harris Administration’s Focus Mental and Behavioral Health

President Biden’s Bipartisan Unity Agenda and subsequent Fiscal Year 2023 budget prioritize mental health, proposing reforms to health coverage and major investments in the mental health workforce. President Biden released a comprehensive mental health strategy as part of the unity agenda:

- 1) Build the capacity of the workforce;
- 2) Connect individuals to the care they need; and
- 3) Build the full continuum.

The budget addresses all three of the President’s pillars with the goal of fully and finally integrating behavioral health into health care and social services and other settings. The budget proposes new and historic discretionary investments totaling \$51.7 billion over ten years. This amount is in addition to mandatory insurance programs. As a reminder, even before President Biden’s call to action, YOU made behavioral health one of the five strategic priorities for HHS, and immediately when confirmed established the Behavioral Health Coordinating Council across YOUR department. Since that time, you have advanced comprehensive behavioral health wins - both administratively, and legislatively.

HHS Roadmap for Behavioral Health Integration

HHS also released the HHS Roadmap for Behavioral Health Integration (Roadmap), which provides an overview of the approach HHS is taking to drive toward integrated care centered on the three pillars of President Biden’s Strategy and highlights programs and policy actions that will get us there. HHS is committed to advancing this country toward providing all Americans a full spectrum of integrated, equitable, evidence-based, culturally appropriate, and person-centered behavioral health care. The Roadmap is based on feedback YOU received from patients and providers during more than two dozen stops on YOUR National Tour to Strengthen Mental Health. Below are key points from the roadmap:

- HHS will advance the Strengthen System Capacity pillar in the President’s national strategy by developing a diverse workforce prepared to practice in integrated settings and investing in infrastructure for integrated care.
- HHS will advance the Connect Americans to Care pillar by leveraging health financing arrangements, including efforts to fully realize the potential of parity.
- HHS will advance the Support Americans by Creating Healthy Environments pillar through investments in behavioral health promotion, upstream prevention, and recovery.

HHS Investments in Mental Health

- Rolled out the national 988 Suicide Lifeline, increasing investment in the lifeline by 20-fold, and achieving a 98% answer rate for text and chat, and a 92% answer rate for calls (which continues to increase). When you were confirmed, the lifeline had a text answer rate that varied between 20 and 40 percent on a given day, and call answer rate at 82 percent.
- HHS has invested approximately \$1.5 billion to support youth behavioral health services in the last year alone.
- YOU may also point to the establishment of the Behavioral Health Coordinating Council (BHCC) as a quintessential example of the seriousness with which the Department is taking this issue. The BHCC is chaired by the Assistant Secretary for Health (ADM Rachel Levine) and Assistant Secretary for Substance Abuse and Mental Health Services (Dr. Miriam Delphin-Rittmon) and includes all HHS-level principals.
- Proposed rules requiring reporting of behavioral health quality measures across all Medicaid populations, nationally, for the first time.
- Subregulatory guidance clarifying state responsibilities to provide comprehensive Medicaid behavioral health services to children.
- New guidance expanding access to Medicaid Health Services in Schools, which was released in tandem with new money through HRSA's School-Based Services Program
- New rules in Medicare and CCIIO increasing reimbursement and establishing minimum wait time standards for behavioral health services.
- A new Center for Excellence focused on youth mental health and social media.
- New guidance in Medicaid allowing for reimbursement for interprofessional consultations (e.g., when a primary care doctor seeks consult from a psychologist).
- HHS has awarded \$250 million across 100 grants to increase access to Certified Community Behavioral Health Centers (CCBHCs), which provide 24/7, comprehensive primary and behavioral health care – including crisis care – to the most vulnerable Americans.
- The Center for Medicare & Medicaid Services (CMS) established a new state option for Medicaid coverage of qualifying community-based mobile crisis intervention services.
- HHS invested \$1 billion in the National Health Service Corps, Nurse Corps, and Substance Use Disorder Treatment and Recovery Loan Repayment Program, which has enabled these provider pipeline programs to amass the largest field strength in history.
- HHS awarded \$103 million to 45 health care organizations to address burnout and strengthen resiliency among health care workers.

FY23 Omnibus key behavioral health priorities for Department

- Re-authorizes the National Suicide Prevention Lifeline (988)
- Re-authorizes Community Mental Health Services Block Grant, including 5% crisis set-aside and up to 5% set-aside for early intervention
- Updates grant formulas for State Opioid Response (SOR) Grants and Tribal Opioid Response (TOR) grants
- Re-authorizes SABG, removes the word “abuse”
- Establishes Maternal Mental Health Taskforce

- Authorizes \$5 million for Recovery Housing Activities
- Repeals the X-Waiver and implements new training for providers (the MAT and MATE Act)
- Expands providers included in the Screening and Treatment for Maternal Mental Health and Substance Use Disorders
- Authorizes and funds the Maternal Mental Health Hotline at \$7 million in FY23
- Funding and authorization for key behavioral health workforce training and education—including \$197 million across BHWET programs
- Establishes requirement for technical assistance for School-Based Health Centers
- Improves Medicare payment for mental health mobile crisis units (50% increase) in 2024
- Provides Medicare coverage of intensive

President Bidens' Executive Order on Guns

President Biden issued an executive order on Tuesday, March 14th, 2023 that aims to increase the number of background checks to buy guns, promote better and more secure firearms storage and ensure U.S. law enforcement agencies are getting the most out of a bipartisan gun control law enacted last summer.

The executive order directs the attorney general to increase the number of background checks by clarifying when they are required by law for purchasing firearms, with the goal of "moving the U.S. as close to universal background checks as possible without additional legislation.". The order also directs federal agencies to improve public awareness and promote the use of "red-flag" laws and instructs the administration to release more information about federally licensed firearms dealers who violate the law. The executive order also instructs the Pentagon to "develop and implement principles to further firearm and public safety practices through the Department of Defense's acquisition of firearms." (*See WH factsheet in attachment 3*)

Attachments:

1. Talking Points
2. Biographies for Non-HHS/USG Meeting Participants
3. White House Fact Sheet on Executive Order to reduce gun violence



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

DATE: March 22, 2023

TO: Secretary Xavier Becerra

THROUGH: Angela Ramirez, Deputy Chief of Staff

FROM: Melanie Anne Egorin, Assistant Secretary for Legislation
Robert Gordon, Assistant Secretary for Financial Resources

SUBJECT: Pre-Budget Hearing Calls with House Committee Leadership

Details

What: Pre-Budget Hearing Calls with House Committee Leadership

Date/Time:

- Congressman Aderholt (House LHHS Chair): TBD
- Congresswoman DeLauro (House LHHS Ranking): Monday, March 27 at 10:45am
- Congressman Smith (House Ways & Means Chair): Monday, March 27 at 4:00pm
- Congressman Neal (House Ways & Means Ranking): Monday, March 27 at 5:00pm
- Congresswoman McMorris Rodgers (House E&C Full Chair): TBD
- Congressman Pallone (House E&C Full Ranking): TBD
- Congressman Guthrie (House E&C Sub Chair): Monday, March 27 at 4:30pm
- Congresswoman Eshoo (House E&C Sub Ranking): Friday, March 24 at 2:30pm

Location: Conference line (Details in your calendar)

External Event: Yes

Primary HHS POC(s): Kelsey Mellette, Chief of Staff, ASL

Press: No

Topic:

YOU requested calls with House Ways & Means, House Labor-HHS Subcommittee, and House Energy & Commerce Full and Subcommittee Chairs and Ranking Members in advance of your budget hearings on Tuesday, March 28 and Wednesday, March 29.

Objective:

To understand members' priorities for the hearing and any issues they would like to discuss ahead of time.

List of Participants:**Other HHS Divisions:**

- Melanie Egorin, Assistant Secretary for Legislation
- Robert Gordon, Assistant Secretary for Financial Resources
- Clarisse Saunders, Congressional Appropriations Branch Chief
- Kelsey Mellette, Chief of Staff, ASL
- Noah Emanuel, Special Assistant, ASL

Background:

YOU requested these calls ahead of your testimony at two FY24 budget hearings on Tuesday, March 28 and one hearing on Wednesday, March 29:

- House Labor-HHS Subcommittee: Tuesday from 10:00am – 12:30pm
- House Ways & Means Committee: Tuesday from 2:00pm – 5:30pm
- House Energy & Commerce Health Subcommittee: Wednesday from 10:00am – 1:00pm

You spoke to, or offered calls to, many of these members earlier in the year to congratulate them on their Chair/Ranking Member position and to discuss priorities for 118th Congress.

- Chair Aderholt: Call on March 16, 2023
- Ranking Member DeLauro: Call on January 30, 2023
- Chair Smith: Call on January 13, 2023
- Ranking Member Neal: Call on January 13, 2023
- Chair McMorris Rodgers: Offered call in January but did not land
- Ranking Member Pallone: Offered call in January but did not land
- Chair Guthrie: No call this year
- Ranking Member Eshoo: No call this year

Attachments:

1. Talking Points
2. Biographies for Non-HHS/USG Meeting Participants



DATE: March 24, 2023
TO: Secretary Xavier Becerra
THROUGH: Angela Ramirez, Deputy Chief of Staff
FROM: Melanie Anne Egorin, Assistant Secretary for Legislation
SUBJECT: Call with Congressman John Larson (D-CT-01) on Hartford Hospital PRF

Details

What: Call with Congressman John Larson (D-CT-01) on Hartford Hospital PRF

Date: March 27, 2023

Time: 5:15 PM ET

Dial-In: TBD

Passcode: TBD

External Event: Yes

Primary HHS POC(s): Leslie Zelenko, Deputy Assistant Secretary for Legislation (ASL)

Press: No

Topic: Hartford Hospital Provider Relief Fund (PRF) Issue

Secretary's Message:

Acknowledge Hartford Healthcare's important role in COVID-19 response, explain HRSA policy on re-opening the Provider Relief Fund, and ensure he knows YOU have asked the HRSA team to take a close look at their Phase 4 re-consideration request

List of Participants:

Other HHS Divisions:

3. Melanie Anne Egorin, Assistant Secretary for Legislation
4. Leslie Zelenko, Deputy Assistant Secretary for Legislation

WH/USG Participants:

- Congressman John Larson (D-CT-01)
- Mike Dunn, Legislative Director

Background:

(b)(5)

- HRSA will reach out to Hartford Hospital if further questions arise and/or when a determination has been made.

Attachments:

1. Talking Points
2. Biographies for Non-HHS/USG Meeting Participants
3. Connecticut March 23rd Connecticut Delegation Letter to YOU on Hartford Hospital Provider Relief Fund (PRF) Issue



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

DATE: March 22, 2023

TO: Secretary Xavier Becerra

THROUGH: Angela Ramirez, Deputy Chief of Staff

FROM: Melanie Anne Egorin, Assistant Secretary for Legislation
Erin Lunsford, Special Assistant, ASL

SUBJECT: Federally Qualified Health Center Tour and Inflation Reduction Act Presser with Rep. Darren Soto (D-FL-09)

Details

What: FHHC Tour and Inflation Reduction Act Presser

Date: March 31, 2023

Time: 11:15 AM – 12:15 PM ET

Location: FQHC location - Community Health Centers at Meadow Woods; 849 Greenway Professional Court, Orlando, FL

External Event: Yes

Covid Protocols: *Forthcoming*

Attire: *Forthcoming*

Primary HHS POC(s): Erin Lunsford, Special Assistant, ASL

Press: Yes

Topic:

Inflation Reduction Act, focused on:

- \$35 cap on each Medicare-covered insulin
- Free preventive vaccines under Medicare Part D
- Manufacturers must pay rebates if their price increases exceed inflation
- Medicare to negotiate prescription drug prices for the first time

Objective:

To speak with community leaders and highlight Inflation Reduction Act provisions.

Secretary's Role:

YOU will take part in a tour of a local Federally Qualified Health Center (FQHC), deliver remarks on IRA implementation, meet with local seniors, and participate in a press gaggle.

Acknowledgements:

- Thank Community Health Centers at Meadow Woods for hosting
- Thank Congressman Darren Soto (D-FL-09)

List of Participants:

IOS:

- YOU
- Benjamin Scott, Deputy Director of Advance

Other HHS Divisions:

- Antrell Tyson, Esq. Regional Director, Region 4
- Adrian Eng, Senior Advisor, ASPA

WH/USG Participants:

- Congressman Darren Soto (D-FL-09)

Other External:

- Dr. Debra Andree (**ANN-dreh**), MD, President & Chief Executive Officer, Community Health Centers, Inc. (*Greeter and Tour Host*)
- Molly Ferguson, Community Health Centers, Central Florida
- Anne Packham, Marketplace Project Director for Primary Care Access Network (speaker)
- Elizabeth Forrest, Founder of Touched by Type 1, (speaker)
- TBD Senior Patient impacted by insulin pricing (*information forthcoming*)
- Commissioner Maribel (**MAHR-ee-behl**) Gomez Cordero (**kohr-DEHR-oh**), Orange County (attendee)
- Staff member for State Rep. Rita Harris (attendee)
- State Senator Vic Torres (**VIK-tor TOR-ehz**), *tentative*, (attendee)
- A representative from Orange County government, TBD, *information forthcoming* (attendee)

Agenda/Run of Show:

- 11:15 AM: YOU arrive and are greeted by Congressman Soto and Dr. Debra Andree, President & CEO, Community Health Centers and Molly Fergeson
- 11:17 AM: YOU, Congressman Soto, and others are taken on a brief tour of the FQHC
- 11:30 AM: Transition to presser with additional stakeholders
- 11:32 AM: Remarks begin
- *Congressman Soto will make brief remarks and introduce Anne Packham*
 - *Anne Packham (Marketplace Project Director for Primary Care Access Network)*
 - *To discuss special enrollment announcement/Medicaid*
 - *Elizabeth Forrest (Founder of Touched by Type 1)*
 - *To discuss IRA and administration's commitment to lowering insulin pricing and recent announcement by drug companies to cap insulin)*
 - *TBD Senior Patient impacted by insulin pricing (information forthcoming) and introduces YOU*
 - *YOU will deliver brief remarks.*
- 11:50 AM: YOU take group photo.
- 11:55 AM: Press availability begins.
- 12:15 PM: Press availability ends, YOU and Congressman Soto depart.

Note: Congressman Soto will ride with YOU to 2nd site.

Background:**Community Health Centers at Meadow Woods**

Meadow Woods is a Federally Qualified Health Center (FQHC) organization that began its operations in 1972 in Apopka, Florida. They are accredited by the Accreditation Association for Ambulatory Health Care Inc. and are covered under the Federal Tort Claims Act (FTCA). Locally, they are one of the region's largest not-for-profit providers of health and wellness services, caring for nearly 70,000 patients annually and contributing more than \$87.9 million in economic impact on their region. The Meadow Woods location provides Family Medical, Dental, and Specialty Care in pediatrics.

Helping Adults Protect Immunity Act

The Helping Adults Protect Immunity Act was first introduced by **Congressman Soto** in 2020 and again in 2021. The Helping Adults Protect Immunity Act (HAPI) “ensures more Americans can receive necessary vaccines, including the COVID-19 vaccine, at no out-of-pocket cost. The legislation would create parity in vaccine coverage between traditional Medicaid and Medicaid expansion programs. The bill would also provide enhanced federal matching funds for states to

better reach at-risk and vulnerable patient populations. The HAPI Act would also give states funding to enhance reimbursement rates to the health care providers who will be responsible for vaccinating many of the most at-risk and hardest-to-reach populations.”

The Helping Adults Protect Immunity Act was included in the Inflation Reduction Act and thus signed into law.

March 15th Inflation Reduction Act Announcements

Inflation Rebate Program: Lowered Coinsurance Announcement (March 15th)

As part of the Inflation Reduction Act, drug companies that raise prices of certain drugs faster than the rate of inflation will be required to pay rebates to the Medicare Trust Fund. The federal government intends to invoice drug manufacturers for 2023 and 2024 Part B inflation rebates no later than fall 2025. The rebates will be deposited into the Medicare Trust Fund.

In addition, beginning April 1, 2023, people with Medicare may see lower out-of-pocket costs for applicable Part B drugs and biologicals that have been found to be priced at a rate that outpaces inflation. On March 15, 2023, the U.S. Department of Health and Human Services (HHS), through the Centers for Medicare & Medicaid Services (CMS), announced that the prices for the quarter dating April 1 – June 30, 2023, of 27 Medicare Part B rebatable drugs and biologicals were determined to exceed the inflation-adjusted payment amount. As a result, people with Traditional Medicare and Medicare Advantage who use these drugs may, depending on other health coverage the individual may have, pay a lower coinsurance during this specific quarter. Beneficiaries may experience lowered coinsurance amounts for the quarter April 1 – June 30, 2023, that could be as much as \$2 to \$390 per dose on these drugs.

Assistant Secretary for Planning and Evaluation (ASPE) Report on Vaccine Savings for Medicare Enrollees (March 15th)

As of January 1, 2023, the Inflation Reduction Act eliminated out-of-pocket costs for vaccines covered under Medicare Part D that are recommended by the Advisory Committee on Immunization Practices (ACIP). Currently, about 51 million Medicare beneficiaries are enrolled in a Part D plan.

On March 15, 2023, ASPE issued a new report that estimates the savings that seniors and people with disabilities could have gained, had the new vaccine provisions from the IRA been in place in 2021. Specifically, the report found that 3.4 million people received vaccines under Part D and annual out-of-pocket costs were \$234 million in 2021. This translates to nearly \$70 in out-of-pocket spending per Medicare enrollee receiving a Part D vaccine that they would not have had to pay if the IRA had been in effect in 2021. The report also indicates that the new vaccine provisions will provide cost-sharing savings across a wide range of demographic groups, including 2.7 million White enrollees, 271,000 Black enrollees, 113,000 Asian enrollees, and 86,000 Latino enrollees. Improved affordability may also reduce existing racial and ethnic disparities in access to these vaccines.

Medicare Prescription Drug Negotiation Initial Guidance (March 15th)

On March 15, 2023, CMS will issue initial guidance on how the Medicare drug negotiation program will work for the first year negotiated prices that will be in effect in 2026 and invite

public comment on key elements of the program guidance. This is CMS' first major action in implementing the Medicare Drug Price Negotiation Program.

The initial program guidance describes how CMS intends to operationalize the Negotiation Program, including:

- Selection and removal of selected drugs in the Negotiation Program.
- Establish an initial offer for the Maximum Fair Price to manufacturers.
- Based on clinical benefit and value to patients
- Details on the negotiation process and timing.
- Manufacturer agreement, compliance, and oversight.
- Special rule to delay selection of a biologic if there is a high likelihood a biosimilar (i.e., the generic equivalent of a biologic) will enter the market.

CMS Announcement on Marketplace Special Enrollment Period (SEP)

On January 27, 2023, CMS announced a Marketplace Special Enrollment Period (SEP) for qualified individuals and their families who lose Medicaid or CHIP coverage due to the end of the continuous enrollment condition, also known as “unwinding.” This SEP, hereinafter referred to as the “Unwinding SEP,” will allow individuals and families in Marketplaces served by HealthCare.gov to enroll in Marketplace health insurance coverage outside of the annual open enrollment period. CMS will update HealthCare.gov so that Marketplace-eligible consumers who submit a new application or update an existing application between **March 31, 2023** and July 31, 2024; and attest to a last date of Medicaid or CHIP coverage within the same time period, are eligible for an Unwinding SEP. Consumers who are eligible for the Unwinding SEP will have 60 days after they submit their application to select a Marketplace plan with coverage that starts the first day of the month after they select a plan.

****Please note: Congressmen Soto would like to highlight this in his remarks/press.**

Attachments:

1. Talking Points
2. Biographies for Non-HHS/USG Meeting Participants
3. Provisions of the Inflation Reduction Act