

Mental Health Liaison Group

May 2, 2017

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
1233 Longworth House Office Building
Washington, DC 20515

The Honorable Nancy Pelosi
House Minority Leader
U.S. House of Representatives
233 Cannon House Office Building
Washington, DC 20515

Dear Speaker Ryan and Democratic Leader Pelosi:

In light of the proposed MacArthur amendments to the American Health Care Act (AHCA), the Mental Health Liaison Group (MHLG) wishes to reiterate our serious concerns about the various provisions of the AHCA, including the new proposal that states be allowed to determine via an apparently automatic waiver what benefits are deemed essential in marketplace plans and what the permitted range of premiums should be. We are concerned that the amendment would result in an elimination or reduction in currently required coverage for prevention and treatment of mental illness and substance use disorders, and/or make coverage for those services unaffordable in combination with the reduced Federal insurance subsidies included in the legislation.

We especially oppose the restructuring of the Medicaid program and the end to Medicaid expansion, as Medicaid is the major source of Federal funding in every state for mental health and substance use services and expansion has been a significant driver in the expansion of substance use services within Medicaid. We oppose as well provisions that would significantly reduce the Federal premium assistance that enrollees receive from the Federal government to maintain continuous insurance coverage, and the provision that would impose a significant penalty for not maintaining continuous coverage.

The MHLG is a coalition of dozens of national organizations representing consumers, family members, mental health and substance use treatment providers, state behavioral health agencies, advocates, payers, and other stakeholders committed to strengthening Americans' access to mental health and substance use services and programs. We express these serious concerns and specifically request that they be taken into consideration in all future legislative draft texts on the topic of ACA reform.

The elimination of Medicaid expansion under the AHCA would leave without coverage the 1.3 million childless, non-pregnant adults with serious mental illness who were able, for the first time, to gain coverage under Medicaid expansion. It would also leave uncovered the 2.8 million childless, non-pregnant adults with substance use disorders who gained coverage under expansion for the first time. These are populations that Congress promised and worked to serve with the passage of 21st Century Cures and the Comprehensive Addiction and Recovery Act (CARA) of 2016, respectively. And it is important to remember that untreated mental health and substance use disorders intensify and serve to increase the number of co-morbid medical conditions in those populations, thereby multiplying total Medicaid program costs.

National organizations representing consumers, family members, advocates, professionals and providers
c/o Laurel Stine, JD, American Psychological Association at lstine@apa.org, Jeff Regan, MA, American Psychiatric Association
at jregan@psych.org, and Debbie Plotnick, MSS, MLSP, Mental Health America at dplotnick@mentalhealthamerica.net

Medicaid is the single largest payer for behavioral health services in the United States, accounting for about 26 percent of behavioral health spending, and is the largest source of funding for the country's public mental health system. The Congressional Budget Office estimates the Medicaid provisions of the AHCA would reduce Medicaid funding over 10 years by \$880 billion, or about 25 percent. CBO also estimates that, by 2026, 14 million people—one in five of Medicaid's 70 million enrollees would be thrown off the Medicaid rolls. Coincidentally, the same number of Medicaid enrollees live with mental illness or substance use disorders and depend heavily on Medicaid services. Reducing Medicaid funding by 25 percent will force states to determine which Medicaid services should be covered could very well leave many low-income Americans with mental illness and substance use disorder without access to medically necessary prevention and treatment services.

Medicaid covers a broad range of behavioral health services at low or no cost, including but not limited to psychiatric hospital care, case management, day treatment, evaluation and testing, psychosocial rehabilitation, medication management, as well as individual, group and family therapy. In three dozen states, Medicaid covers essential peer support services to help sustain recovery. Additionally, because people with behavioral health disorders experience a higher rate of chronic physical conditions than the general population, Medicaid's coverage of primary care is critical to help this population receive needed treatment for both their behavioral health and physical health conditions. In states that have expanded Medicaid and which have been particularly hard hit by the opioid crisis, such as Kentucky, Maine, Pennsylvania, Ohio, and West Virginia, Medicaid pays between 35 to 50 percent of medication-assisted treatment for substance use disorders.

Converting Medicaid into a per capita cap block grant program or a simple block grant program will shift significant costs to states over time. Ultimately, states will be forced to reduce their Medicaid rolls, benefits, and already low payment rates to an already scarce workforce of behavioral health providers. Mental health and substance use disorder treatments and programs will be at high risk because, even though they are cost-effective, they are intensive and expensive. Furthermore, the elimination of the ACA's required Medicaid managed care coverage of mental health and substance use disorder services and the long-term reduction of real funding dollars will leave states and managed care plans no alternative but to reduce or eliminate services in order to balance state Medicaid budgets and operate within managed care organizations' capitated rates.

In addition, these cuts will hit children with serious emotional disorders, as well as adults with mental illness. Fifty percent of Medicaid beneficiaries are children. Seventy-five percent of mental conditions emerge by late adolescence. The loss of Medicaid-covered mental and substance use disorder services for adults would result in more family disruption and out-of-home placements for children, significant trauma which has its own long-term health effects, and a further burden on a child welfare system that is struggling to meet the current demand for foster home capacity. In addition, we estimate \$4 to \$5 billion in Medicaid assistance will be lost by schools for specialized instructional support services, including mental and behavioral health services.

More directly, the rollback of the maximum eligibility level for children ages 6 to 19 from 133 percent of the Federal Poverty Level to 100 percent FPL will undoubtedly have the result of reducing access to mental health and substance use disorder services, and critical Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) services, for those older children. This is a particularly problematic change since 5 percent (1.2 million) of adolescents between the ages

of 12 and 17 had substance use disorders in 2015 and EPSDT screening is the most effective early identifier for emergent mental health issues.

AHCA Changes to Private Insurance Coverage

If Medicaid is not to provide the avenue for recovery for individuals with mental illness or substance use disorders, then the private insurance market may have to serve as an alternative, but allowing states to determine essential health benefits in the marketplace could imperil private market coverage for these services. In addition, the refundable tax credits provided under the AHCA to subsidize insurance premiums constitute a significant reduction in the advance premium tax credits paid under the ACA, which averaged 72 percent of gross premiums. Further, the 30 percent premium surcharge required under AHCA to be imposed for a failure to maintain continuous coverage will likely hit hardest the lowest-income enrollees who will be struggling to maintain premium payments for coverage. It will be particularly destructive for those enrollees whose serious mental illness or substance use disorders may render them cognitively impaired and thus unable to maintain premium payment schedules until they recover, when the sizeable surcharge will leave them unable to pick up coverage. These provisions of the AHCA leave us very concerned for the continued well-being of the individuals with serious mental illness and substance use disorders we have been better able to serve since the implementation of the ACA's expanded coverage.

We urge you to continue to protect these vulnerable Americans' access to and coverage of vital mental health and substance use disorder care and services, and to not reverse the recent progress made with the enactment of key mental health and substance use disorder prevention and treatment reforms under the 21st Century Cures Act and CARA.

Sincerely,

American Art Therapy Association
American Association of Child & Adolescent Psychiatry
American Association for Marriage and Family Therapy
American Association for Geriatric Psychiatry
American Association on Health and Disability
American Dance Therapy Association
American Foundation for Suicide Prevention
American Nurses Association
American Psychiatric Association
American Psychoanalytic Association (APsaA)
American Psychological Association
American Society of Addiction Medicine
Anxiety and Depression Association of America
Association for Ambulatory Behavioral Healthcare
Bazelon Center for Mental Health Law
Campaign for Trauma-Informed Policy and Practice
Children and Adults with Attention-Deficit Hyperactivity Disorder (CHADD)
Clinical Social Work Association
Clinical Social Work Guild 49-OPEIU
Depression and Bi-Polar Support Alliance

Eating Disorders Coalition
EMDR International Association
Global Alliance for Behavioral Health and Social Justice
International Certification & Reciprocity Consortium (IC&RC)
The Jewish Federations of North America
Mental Health America
National Association for Children's Behavioral Health
The National Association of County Behavioral Health and Developmental Disability Directors
(NACBHDD)
The National Association for Rural Mental Health (NARMH)
National Association of Social Workers
National Association of State Mental Health Program Directors (NASMHPD)
National Alliance on the Mental Illness (NAMI)
National Council for Behavioral Health
National Disability Rights Network
National Federation of Families for Children's Mental Health
National Health Care for the Homeless Council
National Register of Health Service Psychologists
No Health Without Mental Health (NHMH)
School Social Work Association of America
Treatment Communities of America
Trinity Health of Livonia, Michigan
Young Invincibles