

INFORMED ON REFORM ALERT



Alerting you on federal health care legislation and regulations

As the health care landscape continues to evolve, Informed on Reform breaking news alerts are expanding to cover a broader range of topics. We will continue to provide updates and alerts on the Affordable Care Act as well as any key federal legislation, regulations or executive orders that could potentially impact health plans.

Opioid Legislation Signed into Law

October 24, 2018

On October 24, 2018, the SUPPORT for Patients and Communities Act (SUPPORT Act) was signed into law. This comprehensive legislation addresses the U.S. opioid crisis and takes steps to augment and enhance the nationwide system for preventing and treating opioid addiction. The SUPPORT Act enjoyed tremendous bipartisan support, with a vote of 393-8 in the House and 98-1 in the Senate.

The SUPPORT Act makes changes to a variety of public health and law enforcement policies. Here's an overview of some of the health care-related policy changes included in the law.

- **Medicaid Institutions for Mental Diseases (IMD) Exclusion:** Amends the IMD exclusion to allow state Medicaid programs to receive federal reimbursement for covering certain IMD services up to a total of 30 days annually.
- **Telehealth:** Expands coverage of telehealth services under Medicare for the treatment of substance use disorders and co-occurring mental health disorders beginning July 1, 2019. Also directs the Secretary of Health and Human Services (HHS) to issue guidance regarding federal reimbursement for telehealth services and treatment for substance use disorders under Medicaid.
- **Medicare and Medicare Advantage:**
 - Requires e-prescribing for coverage of Part D controlled substances starting in 2021.
 - Requires HHS to establish prior authorization standards for electronic submissions starting in 2021.

- Requires physicians to screen for opioid use disorders during initial Medicare physical and annual wellness visits.
- Expands Medicare coverage and bundled payment for opioid addiction treatments.
- Requires drug management programs for at-risk beneficiaries be implemented by 2022 (currently voluntary).
- **Addiction Treatment:** Lifts restrictions on maintenance medications used to treat opioid addiction, allowing more types of health care providers to prescribe the drugs.
- **Opioid Alternatives:** Provides funding for research and development of non-addictive painkillers and allows the Food and Drug Administration to require that certain opioids be dispensed in packaging that encourages safe use (e.g., small blister packs).
- **Prescription Drug Monitoring Programs (PDMPs):** Gives authority to the HHS Secretary to issue guidelines specifying a uniform electronic format for the reporting, sharing, and disclosure of information for PDMPs. It also gives States the ability to share PDMP data with Medicaid managed care entities under certain parameters.
- **Grant Funding:** Includes new and reauthorized grant funding for a number of initiatives to address the crisis, including funding for Comprehensive Opioid Recovery Centers and reauthorizing funding from the 21st Century Cures Act to provide \$500 million annually, in fiscal years 2019-2021, for State Opioid Response Grants. The following may also be of interest to employers and other community stakeholders:
 - **Career Act:** Helps treatment or recovery services that partner with local employers, community organizations, and/or workforce development boards to support recovery, independent living, and participation in the workforce.
 - **Addressing Economic Impacts Pilot Program:** Supports local workforce boards in areas with a high rate of substance use disorders to engage and assist employers in establishing job-training/transition services for those in recovery.
 - **Peer Support Communities:** Supports recovery community organizations to develop, expand, and enhance services including fostering connections between such organizations and employers, behavioral care providers, primary care providers, schools, housing services, and child welfare agencies.

Medical record privacy rules update

Notably, after bipartisan negotiations between both chambers of Congress, a key provision aimed at changing medical record privacy rules did not make it into the final law. Under existing federal regulations (42 CFR Part 2), health care providers operating

a Part 2 covered program are prohibited from disclosing a patient's history with a substance use disorder unless they have the patient's consent. The House's opioid bill included a provision to align 42 CFR with existing Health Insurance Portability and Accountability Act (HIPAA) privacy requirements, but it is not included in the SUPPORT Act. Cigna will continue to advocate on this important issue.

For information on Cigna's efforts to combat the opioid epidemic, visit www.cigna.com/about-us/healthcare-leadership/away-from-blame.

We also encourage you to bookmark www.InformedonReform.com, where we continuously update information on legislation and regulatory changes impacting health plans.



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