

Highlights of 21st Century Cures Act

In December 2016, Congress approved and President Obama signed the 21st Century Cures Act, a comprehensive bill that includes important elements for mental health and addiction treatment. The bill authorizes \$1 billion over the next two years to address the opioid crisis, and reauthorizes a number of federal mental health grant programs. It also includes a health IT-related provisions on interoperability, data sharing/exchange and electronic health records.

Here are some selected highlights of provisions in the bill that impact Netsmart clients:

Mental Health

While the legislation does not allocate any new federal funding for the nation's public mental health system, it contains some significant policy changes:

- The Substance Abuse and Mental Health Services Administration (SAMHSA) is re-structured with a greater focus on services for persons with severe mental illness. This includes creating the position of Assistant Secretary for Mental Health and Substance Use, raising the prominence of behavioral health and addiction treatment within the U.S. Department of Health and Human Services (HHS).
- Authorizes a new Interdepartmental Serious Mental Illness Coordinating Committee that encompasses other executive departments like the Veterans Administration and U.S. Department of Justice.
- Facilitates the integration of behavioral health into the larger healthcare system by:
 - Amending Medicaid to permit the billing of mental health and primary care services for the same patient, at the same facility, on the same day (aka "same day billing").
 - Shifting the focus of the [Primary Care and Behavioral Health Care Integration \(PBHCI\) Grant program](#) to statewide implementation.
 - Making permanent in federal law the Center for Integrated Health Solutions (CIHS), now run by the National Council for Behavioral Health. Netsmart is a National Council Affiliate member, and provides care coordination and care management technology for the National Council initiative [Care Transitions Network for People with Serious Mental Illness \(SMI\)](#).
- Renews a host of important federal mental health initiatives, including homeless programs, jail diversion efforts and the National Suicide Prevention Hotline.

- Expands eating disorder early detection programs, and clarifies that mental health insurance parity applies to these devastating conditions, including anorexia and bulimia. Netsmart's [EveryDayMatters Foundation](#) produced a short [video](#) highlighting the life of Anna Westin on behalf of the [Eating Disorders Coalition \(EDC\)](#). The EDC's parity bill is named after this heroic young woman who lost her life to anorexia at age 21.

Substance Use Treatment Funds

Perhaps the most significant behavioral health development in 21st Century Cures is a substantial increase in addiction treatment funds.

- Authorizes \$1 billion in substance use services funding allocated to state alcohol and drug abuse agencies over two years -- \$500 million each in FY2018 and FY 2019.
- Makes clear that these additional funds shall be focused on expanding opioid treatment only, including Medication-Assisted Treatment (e.g., Methadone, Vivitrol, Suboxone and Buprenorphine)

Home Health

- Electronic Visit Verification System Required for Personal Care Services and Home Health Care Services Under Medicaid
 - Directs States to require the use of an electronic visit verification system for Medicaid-provided personal care services and home health services (but this policy does not require States to adopt a single system for providers within their State). States that do not require a system for personal care services by January 1, 2019, and home health services by January 1, 2023, will face a modest, incremental reduction in percentage

Long-Term Care

- Provides regulatory relief for Long-Term Care Hospitals (LTCHs) by allowing LTCHs to qualify for a "mid-build" exception to the current law moratorium on bed expansion.
 - The section is offset by a reduction to LTCHs outlier payments, requiring a higher threshold for LTCHs discharges to qualify for outlier payments.

Health Information Technology

21st Century Cures modifies the Meaningful Use Program in three important ways:

- *Interoperability:* Expedites interoperability among electronic health records (EHRs) by developing or supporting a voluntary model framework and common agreement for the secure exchange of health information to help foster bridging between networks by:
 - Creating a digital health care provider index to facilitate exchange
 - Requiring HHS to consider standards developed in the private sector.
 - HHS will be required to promulgate regulations implementing these provisions. The impact on existing patient registry consortiums is unknown until those details are specified.

- *Information Blocking:* Establishes authority for the HHS Office of the Inspector General to investigate claims of information blocking and assign penalties for practices found to be interfering with the lawful sharing of patient data between and among different EHR systems.
- *Confidentiality of Electronic Addiction Treatment Medical Records:* Requires the Secretary of HHS to, within one year of finalizing updated rules related to the confidentiality of health records related to alcohol and drug abuse, convene relevant stakeholders to determine the effect of the regulation on patient care, health outcomes and patient privacy.