

HLB's Health Equity Essentials Update

Insights

09.25.24

On behalf of the Hooper, Lundy & Bookman, P.C. Health Equity Task Force, here is our most recent HLB Health Equity Essentials Update.

TEXAS FOLLOWS FLORIDA WITH LAW LIKELY TO DISCOURAGE UNDOCUMENTED IMMIGRANTS FROM SEEKING HEALTHCARE SERVICES

Florida and Texas have both implemented laws requiring certain hospitals to inquire as to patients' immigration status when seeking care. [Florida's statute](#), adopted in 2023, mandates that hospitals receiving Medicaid payments query patients about their immigration status. In August, Governor Abbott of Texas took similar measures by signing an [Executive Order](#) that requires hospitals operating in Texas to collect and report the frequency and cost of certain services, including inpatient discharges and ED visits, involving patients present in the U.S. unlawfully. Hospitals participating in Medicare in both states are still required by Emergency Medical Treatment & Labor Act (EMTALA) to medically screen all persons seeking emergency care and provide necessary stabilizing treatment to those who have an emergency condition, regardless of ability to pay or insurance status. Under both state laws, hospitals must also inform patients during the course of collecting immigration status information that their responses will not affect their ability to receive care. Nonetheless, the law may have a chilling effect and deter patients from ever seeking needed care from hospitals in the first place. In that regard, while Florida hospitals must also indicate that the patient's responses will not result in a report to immigration authorities, the Texas Executive Order is silent on this point.

NEW FEDERAL MENTAL HEALTH REGULATIONS STRENGTHEN PARITY IN ACCESSIBILITY TO SERVICES

On September 9, the Department of Health and Human Services (HHS), Department of Labor (DOL), and the Treasury Department released [new final rules](#) implementing the Mental Health Parity and Addiction Equity Act (MHPAEA). As the country continues to struggle with an escalating mental health and substance use disorder (SUD) crisis, MHPAEA has failed since its enactment nearly 16 years ago to reduce barriers that individuals encounter in trying to access critically needed mental health resources through their health plans. In fact, disparities have not only persisted, but they have also actually grown. One of the hallmarks of the new rules is prohibiting insurers from using nonquantitative treatment limitations (NQTs), such as prior authorization requirements and other utilization management, which are more restrictive than the predominant NQTs applied to medical/surgical benefits in the same classification. Various aspects of the new rules take effect beginning as early as January 1, 2025.

CMS APPROVES NEW HAMPSHIRE BECOMING 20TH STATE TO OFFER MOBILE CRISIS INTERVENTION SERVICES TO MEDICAID RECIPIENTS

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The Biden-Harris Administration's [American Rescue Plan Act of 2021](#) provided that, through Medicaid block grants, the government offers states a new option for supporting community-based mobile crisis intervention services for beneficiaries. Mobile crisis intervention services are essential to providing rapid responses to individuals where they are located when they are experiencing a mental health or SUD crisis. These mobile services are made available 24/7/365 and are staffed with appropriately qualified behavioral health providers trained to manage such interventions. As with the 19 other states and the District of Columbia before it, the Centers for Medicare and Medicaid Services' (CMS's) approval of the [New Hampshire](#) State Plan Amendment means that the state will also receive Medicaid funding to directly connect beneficiaries to specialized mental health services and provide follow-up check-ins for individuals experiencing a mental health or SUD crisis.

CMS ALLOCATES \$100 MILLION TO SUPPORT NAVIGATORS AHEAD OF ANNUAL MARKETPLACE ENROLLMENT PERIOD

In accordance with the Biden-Harris Administration's ongoing effort to support programs in furtherance of the ACA's implementation, it recently [announced plans to award a new \\$100 million tranche of funds](#) to organizations that serve as Navigators. Navigators offer free assistance to individuals residing in underserved communities, as well as others, to find and enroll in affordable health coverage made available through the DHHS sponsored Marketplace accessible through [healthcare.gov](#). Navigators can also assist individuals with obtaining Children's Health Insurance Program (CHIP) coverage if applicable. CMS is awarding these grants in advance of the Marketplace open enrollment period that begins November 1.

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