

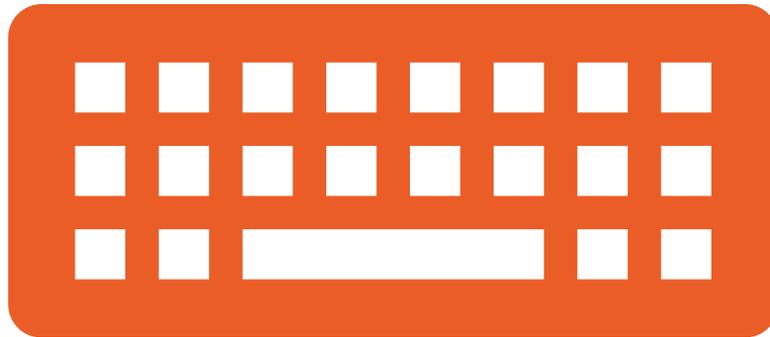
NATIONAL
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HEALTHY MINDS
STRONG COMMUNITIES

Election Debrief and Regulatory Updates

Technical Support

- Live caption option at the bottom of the screen
- We will link shared resources in the chat
- Submit questions via the Q&A function at the bottom of your screen on the toolbar



Roadmap

- Federal Elections Debrief
- Lame Duck and 119th Congress: Policy Implications
- Agency Leadership Changes
- Regulatory Updates
- Advocacy and Next Steps



Public Policy Mission Statement

National Council advocates for assertive public policies that:

Ensure
equitable access
to high-quality
services



Build
the capacity of mental
health and substance
use treatment
organizations



Promote
a greater understanding of
mental wellbeing
as a core component
of comprehensive
health and health care



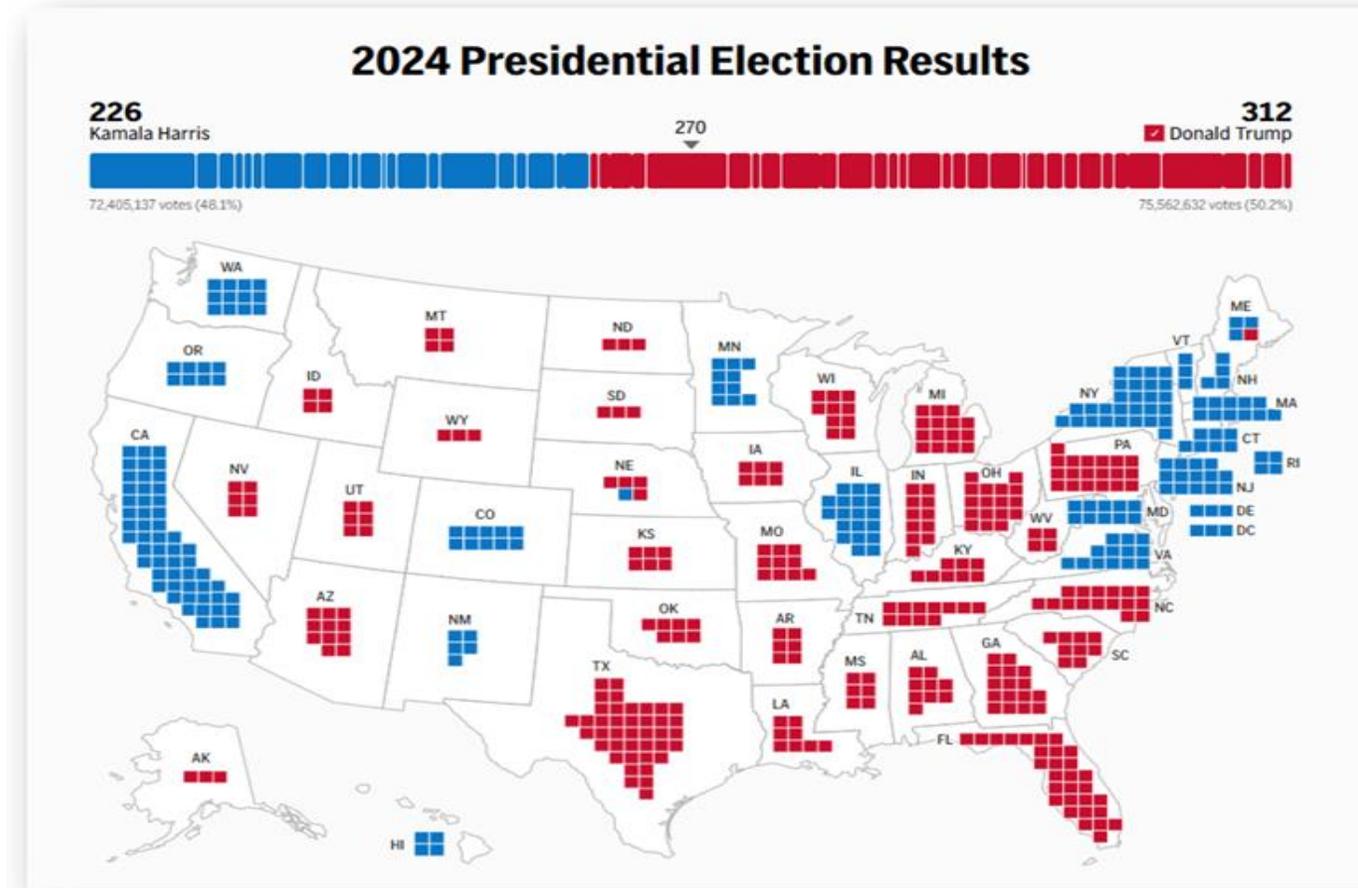
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Presidential and Congressional Election Debrief

Presidential Results: Final Electoral Map

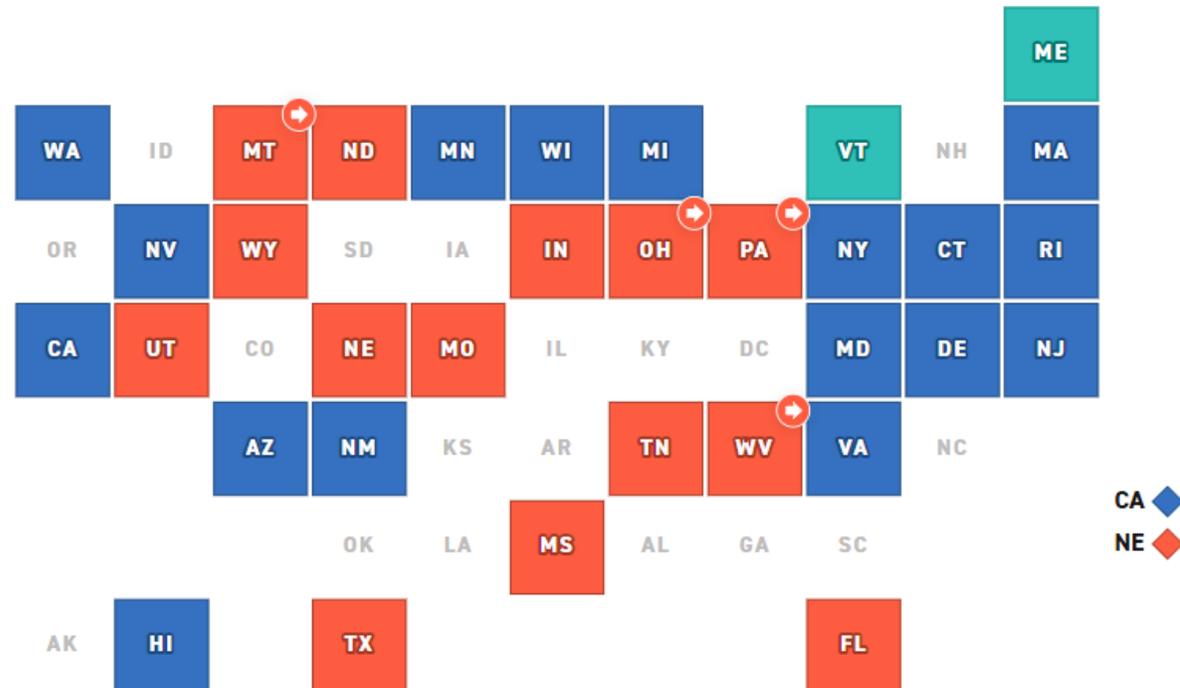
2024 Election Results



Senate Results

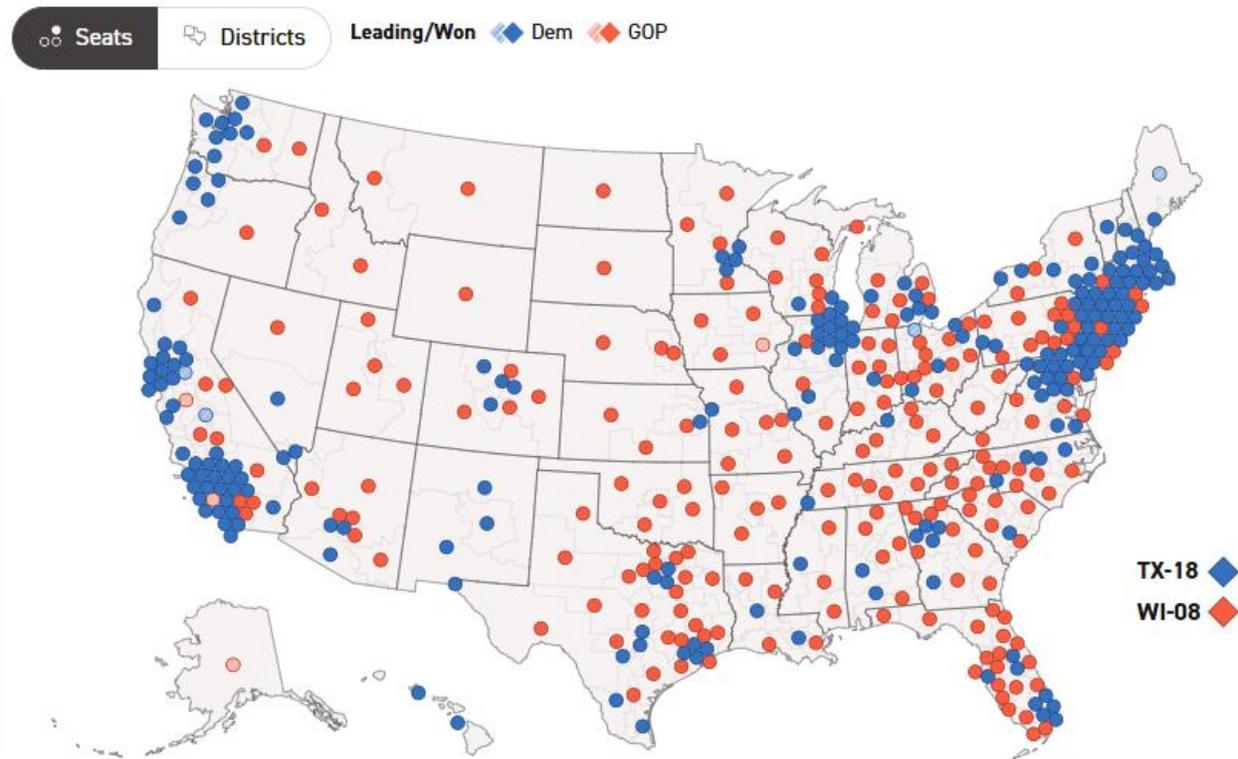
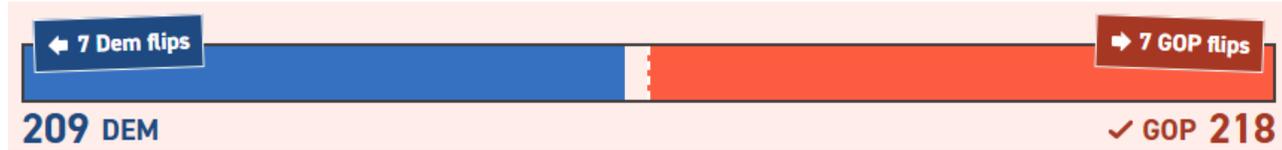


Seats States Leading/Won Dem GOP Ind. Flip



<https://www.politico.com/2024-election/results/senate/>

House Results



<https://www.politico.com/2024-election/results/house/>



Mental Health and Substance Use Congressional Champions

- We are excited we get to continue to work alongside amazing, bipartisan champions on the hill who have worked to advance mental health and substance use care policies
- And we look forward to working with new champions across the political space



Thank You Sen. Stabenow

2024 LIFETIME
ACHIEVEMENT AWARD



**Senator
Debbie Stabenow
(D-MI)**

 **20TH**
HILL DAY
2024

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House Leadership

Speaker of the House:

Mike Johnson



Majority Leader:

Steve Scalise



Majority Whip:

Tom Emmer



Republican Conference

Chair: Lisa McClain



Minority Leader:

Hakeem Jeffries



Minority Whip:

Katherine Clark



Democratic Conference

Chair: Pete Aguilar



Senate Leadership

Senate Majority Leader:
John Thune



Minority Leader:
Chuck Schumer



Majority Whip:
John Barrasso



Minority Whip:
Dick Durbin is expected



GOP Conference Chair:
Tom Cotton



Patty Murray is next in line to replace Debbie Stabenow as the number 3 Senate Democrat.



Key Committee Leadership

Senate HELP:

Bill Cassidy



Senate Finance:

Mike Crapo



House Energy and Commerce:

Three Rs are vying
to be chair:

- Brett Guthrie
- Richard Hudson
- Bob Latta

Senate Appropriations:

Susan Collins



House Appropriations:

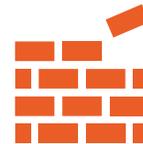
Tom Cole



President-Elect Trump Past Mental Health and Substance Use Legislation

- There were several policy items related to mental health/substance use signed into law during the first Trump administration.

- SUPPORT Act (2018)
- Expansion of CCBHCs through CARES Act (2020)
- 988 National Suicide Hotline Designation Act (2020)



VP-Elect Vance Past Mental Health and Substance Use Legislation

- Vice President-Elect J.D. Vance also has a history of supporting certain mental health and substance use initiatives while serving in the Senate:

- Telehealth/Rural Health



- Substance Use and Reentry



Incoming Congressional Leadership Past Mental Health and Substance Use Legislation

- Senator Crapo: Supported workforce legislation among other MH/SU policies.
- Senator Cassidy: Supported numerous MH/SU policies in the 21st Century Cures Act.
- Senator John Thune: Representing South Dakota in the Senate, the incoming Senate Majority Leader supported the following areas of mental health and substance use policy:
 - Telehealth/Rural Health
 - Substance Use
 - Lifting the IMD Exclusion



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Lame Duck/119th Congress: Possible Scenarios and Policy Overview

Lame Duck Scenarios



- Broadly speaking, there are two ways the lame duck session of the 118th Congress can play out in terms of legislative action:
 - Continuing Resolution (CR)
 - Disaster relief funding
 - Passing FY25 Appropriations Bills ("clearing the deck")



Lame Duck: Possible Policy Implications

- **Certified Community Behavioral Health Clinics (CCBHCs):** The National Council is actively engaged in discussions on Capitol Hill to ensure that key provisions of the [Ensuring Excellence in Mental Health Act](#) are included in a potential lame duck package.
- **Telehealth:** Several critical telehealth flexibilities are set to expire at the end of 2024.
- **SUPPORT Act Reauthorization:** Several provisions of the original SUPPORT Act are set to expire at the end of the year.
- *Funding for CCBHCs and other core behavioral health programs is very unlikely to lapse or experience any significant shortfalls.*



119th Congress: Possible Policy Implications

There are a number of different actions the incoming Congress and administration can use to achieve their policy goals:

- **Budget Reconciliation:** A special parliamentary procedure set up to expedite the passage of specific federal budget legislation in the Senate.
- **Congressional Review Act (CRA):** A tool Congress can use to overturn certain federal agency actions
- **Executive Orders:** Written directives from the President that have the force of law (more limited in scope).
- **Traditional Stand-Alone Legislation:** Passing individual bills through the normal Congressional process (House and Senate individually pass bills, President signs them into law).



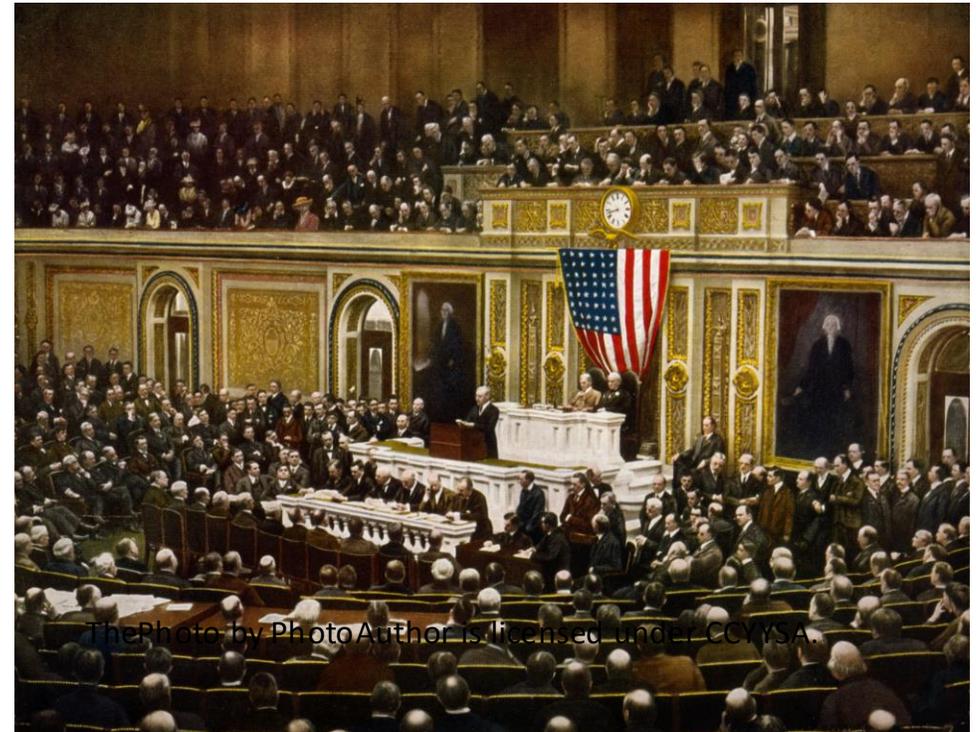
119th Congress: Possible Policy Implications (Cont.)

- **Medicaid:** Cuts to Medicaid are likely in order to fund reauthorization of the Tax Cuts and Jobs Act (TCJA – 2017 Trump tax cuts). This could mean:
 - Block Grant/Per Capita Plan for Medicaid
 - Work Requirements
- **Medicare/Social Security:** Incoming leadership suggest cuts are unlikely. Some changes to Medicare Advantage and other related programs are possible.
- **Affordable Care Act:** Past efforts focused on "repeal and replace." Future efforts may focus more on expansion match rates and enhanced tax credits.
- **Reduced Federal Discretionary Spending**



119th Congress: Possible Policy Implications (Cont.)

- Continued support for CCBHCs
- Expansion of telehealth policy, including the potential to make some flexibilities permanent.
- Focus on rural communities: We may see additional efforts to address the opioid crisis, in rural communities and beyond.



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Agency Leadership Changes

President-Elect Trump's Leadership Picks

HHS:

RFK, Jr.



Veteran Affairs:

Doug Collins



Attorney General:

Matt Gaetz



Dept of Defense:

Pete Hegseth



Sec of State:

Marco Rubio



Sec of Homeland Security:

Kristi Noem



President-Elect Trump's Leadership Picks

HHS:

RFK, Jr.



CMS:

Dr. Mehmet Oz



SAMHSA:

Not yet announced



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**Where do recently finalized rules
stand?**

Dept of Labor (DOL) Overtime Rule

- In April 2024, DOL issued its final rule increasing the salary threshold required to exempt salaried bona fide executive, administrative or professional (EAP) employees from federal overtime pay requirements.

- On January 1, 2025, the threshold was set to increase to \$58,656 when new methodology was to take effect.

- **Update:** On November 15th, a federal judge in Texas blocked this rule, which applies nationwide. The previous threshold of \$35,568 is poised to go back into effect.



Tri-Agency Parity Rule

- In September 2024, the Departments of Labor, Health and Human Services, and the Treasury issued final rule updating the 2013 parity regulation implementing the Mental Health Parity and Addiction Equity Act (MHPAEA).



The final rule was also accompanied by a request for feedback on state Medicaid parity compliance templates and guidelines, due Dec 2.

- The final rule clarifies enrollee protections under MHPAEA, codifies NQTL comparative analyses and data evaluation requirements, prohibits discriminatory factors, sunsets MHPAEA opt-out, require meaningful coverage, and establishes consistent definitions.



CMS 2025 PFS and OPPTS Rules

- In November 2024, the Centers for Medicare & Medicaid Services (CMS) finalized both its Calendar Year (CY) 2025: [Physician Fee Schedule \(PFS\) final rule](#) and [Hospital Outpatient Prospective Payment System \(OPPS\) final rule](#).
- **PFS Highlights Include:**
 - Codes to account for coordinated care, referral services and peer supports at OTPs.
 - Payment for safety planning intervention and post-discharge follow-up.
 - Payment for digital mental health treatment device services.
 - Codes for interprofessional consultation for mental health specialty providers
- **OPPS Highlights Include:**
 - Updated rate and maintenance of rate structure for IOP and PHP
 - Narrowed "custody" definition in Medicare's payment exclusion rule
 - "Four Walls" exception under Medicaid Clinic Services at behavioral health clinics



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Next Steps

Stay Informed and Advocate With Us!

- **“Road to the 119th”** newsletter between now and January (no sign up needed)
- **Capitol Connector** (weekly federal policy and admin update)
 - [Subscribe here!](#)
- **Advocacy Action Center**
 - [Found here](#)
 - Watch for opportunities to get more involved in federal advocacy efforts!



We're Here to Support You!

National Council's policy team
at policy@thenationalcouncil.org



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Thank You!