

September 5, 2024

VIA Electronic Submission – Regulations.Gov

The Honorable Chiquita Brooks-Lasure, Administrator  
Centers for Medicare & Medicaid Services  
US Department of Health and Human Services  
7500 Security Boulevard  
Baltimore, MD 21244

***RE: CY 2025 Medicare Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System Proposed Rule (CMS 1809-P) – Medicaid Clinic Services 4 Walls Exceptions – Behavioral Health Clinics***

Dear Administrator Brooks-Lasure,

On behalf of the Rehabilitation and Community Providers Association (RCPA) and its providers and stakeholders, we appreciate the opportunity to comment on the *US Centers for Medicare and Medicaid Services (CMS) CY 2025 Medicare Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System Proposed Rule (CMS 1809-P)*, specifically the proposed rule's Medicaid clinic services 4 walls exception for behavioral health services.

Rehabilitation and Community Providers Association is a 501(c)(6) trade association that represents nearly 400 members, the majority of who serve over one million Pennsylvanians annually. RCPA is among the largest and most diverse state health and human services trade associations in the nation. RCPA advocates for those in need, works to advance effective state and federal public policies, serves as a forum for the exchange of information and experience, and provides professional support to members. RCPA provider members offer mental health, substance use disorder, intellectual and developmental disabilities, children's, brain injury, criminal and juvenile justice, medical and pediatric rehabilitation, and physical disabilities and aging services, across all settings and levels of care.

The Covid-19 pandemic forced behavioral health systems and structures to adapt quickly to a changing treatment climate and exponential growth in the need for care. The measures taken by our federal and state partners in expanding the flexibilities has shaped our delivery platform in an unchangeable manner. It literally saved lives. Since that time, we have come to learn that telehealth has become a safe, secure, and viable treatment milieu that for many equals or exceeds the benefits of face-to-face visits. While consumer and family choice should always drive the modality of care, telehealth is here to stay and has earned its place on the delivery continuum for health services.

RCPA remains a leading advocate and participant in Pennsylvania's efforts to create sustainable pathways to access through telehealth. Our work on federal and state levels through committees and task forces has assisted with shaping the flexibilities in behavioral health services via telehealth. Additionally, we have led advocacy efforts to ensure equitable planes of access through legislative bills and law, including on the proposed 4 walls standards. RCPA and its members strongly support the proposed exception to eliminate the 4 Walls federal Medicaid payment standard. If approved, it will address a major barrier in many states, including Pennsylvania, and strengthen access to care.

**RCPA Medicaid Clinic Services 4 Walls Exception for Behavioral Health Support**

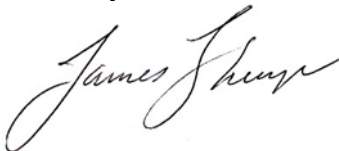
**The Proposed Exception Would:**

- Strengthen health care access by allowing states to voluntarily remove telemedicine location delivery restrictions for behavioral health clinic services.
- Enhance equitable pathways to care for Pennsylvania’s unique and diverse populations and extensive rural geographic landscape.
- Further support a fragile workforce infrastructure.
  - Address the shortage of access to licensed clinicians and psychiatric services;
  - The flexibility of telehealth has become a hiring and retention benefit to maintain professional staff in the Medicaid workspace; and
  - Maintain a realized work-life balance for practitioners, clients, and families.
- Aid in the parity and delivery of treatment with more timely access to care, significantly reduced no-shows, and an opportunity for consumer voice and choice.
- Address Pennsylvania’s current regulatory compliance barrier with a non-legislative solution.
  - Would eliminate the need for a legislative action for the abrogation of PA Regulatory Chapters:
    - i. 55 Pa. Code § 1153.52(d)(4).
    - ii. (2) 55 Pa. Code § 1153.53(6).
    - iii. (3) 55 Pa. Code § 5200.52(b)(1).
  - Address shortcomings in legislative strategies to support SUD services via telehealth, as there is no programmatic workaround for SUD treatment services under current regulations.

In closing, RCPA fully supports CMS' proposed 4 walls exception for Medicaid clinic behavioral health services. If approved, it will significantly reduce barriers to care for all Commonwealth populations, and support and maintain a professional workforce in the Medicaid space, while supporting Pennsylvania’s discretion to design their Medicaid programs based on the needs of their adults, children, and families.

We thank you for the opportunity to comment and for considering our support for the 4 walls exception for Medicaid clinic behavioral health services.

Sincerely,



James Sharp

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RCPA

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