



NACBH

National Association *for* Children's Behavioral Health

NEWS

November 19, 2021

TABLE OF CONTENTS

• Association News

- NACBH Annual Report

• Public Policy Update

- Congress: Major Funding Actions
- COVID-19: CMS Issues IFR Requiring Health Facility Staff Vaccinations
- COVID-19: OSHA Issues IFR Requiring Large Employer Vaccinations or Testing
- COVID-19 and Children
- Follow-up: CMS Guidance on Waiving the IMD Exclusion for QRTPs

• News You Can Use

- Provider Relief Fund (PRF) Reports Due Soon
- Webinar: Beyond the Great Resignation: How to Future-Proof Your Hiring
- SAMHSA Forecasts FY 2022 Funding Opportunities
- Workforce Innovation and Opportunity Act: Tip Sheet for Families

ASSOCIATION NEWS

NACBH 2021 Annual Report

As a trusted source of education, community, and advocacy, NACBH maintains a focus on providing the timely delivery of quality education, an ongoing information-sharing forum of fellow behavioral health administrators, and consistent updates of federal legislative and regulatory developments. Read the [2021 Annual Report](#) and learn more about NACBH's accomplishments this year.

PUBLIC POLICY UPDATE

Congress: Major Funding Actions



Status and next steps on key funding issues:

[Public Works Infrastructure bill](#): Earlier this week, President Biden signed into law the \$1 trillion [Infrastructure Investment and Jobs Act](#), completing action on the largest federal investment in decades to improve roads, bridges, rail, broadband, the electrical grid, and other physical infrastructure projects. After passing the Senate in August, the bill was caught up in larger negotiations in the House for several months, ultimately gaining the approval of 13 Republicans and all but 6 Democrats to get it across the finish line. Attention now turns to the Build Back Better bill.

[Human Infrastructure bill](#): As of this writing on Thursday afternoon, the Congressional Budget Office is expected to send final cost estimates for the [Build Back Better](#) reconciliation package to the House by close of business today, clearing the way for a House vote before the Thanksgiving break. The Congressional Budget Office (CBO) has been releasing estimates on the cost of various sections of the bill since last week and is expected to issue the remaining scores by close of business on Friday. The House may or may not delay the vote until the full score is released, but the intention is to get the bill to the Senate before next week. [Continue Reading](#)

COVID-19: CMS Issues Interim Final Rule Requiring Health Facility Staff Vaccinations

On November 5, the Centers for Medicare and Medicaid Services (CMS) published an [interim final rule](#) (IFR) requiring that essentially all staff of Medicare- or Medicaid-certified provider facilities receive the COVID-19 vaccine. Relevant to NACBH, this includes Psychiatric Residential Treatment Facilities (PRTFs), psychiatric hospitals, and intermediate care facilities for individuals with intellectual or developmental disabilities (ICF/IDD). Twelve additional provider and supplier types are specified in the IFR. The regulations create a consistent standard within Medicare and Medicaid and apply to approximately 76,000 providers employing more than 17 million health care workers across the country.

Facilities covered by the IFR must establish a policy ensuring that all eligible staff have received the first dose of a two-dose COVID-19 vaccine or a one-dose COVID-19 vaccine prior to providing any care, treatment, or other services by December 5, 2021. All eligible staff must have received the necessary shots to be fully vaccinated by January 4, 2022. The regulations provide for exemptions based on recognized medical conditions or religious beliefs, observances, or practices, which facilities must develop specific policies and procedures to accommodate.

A detailed [FAQ document](#) covers the basic requirements, covered entities, applicable staff, exemptions, enforcement, alignment with the OSHA emergency temporary standards (ETS), and interaction with state law.

Public comments on the IFR are due no later than 5:00 p.m. Eastern on January 4, 2022.

COVID-19: OSHA Issues Interim Final Rule Requiring Large Employer Vaccinations or Testing



Also on November 5, the Occupational Safety and Health Administration (OSHA) issued an [IFR](#) implementing an Emergency Temporary Standard (ETS) requiring proof of vaccination or weekly testing of staff at organizations with more than 100 employees. As earlier [reported](#) in connection with a separate COVID ETS, these standards are, by design, temporary. They serve as a proposal for a permanent standard to be finalized within six months after publication of the ETS. Public comments on all aspects of this ETS, including whether it should become a final rule at the six-month point, are due by December 6, 2021.

In the interim, more than a dozen lawsuits to bar implementation of the ETS are pending in six federal appeals courts. A three-judge panel of the 5th Circuit Court of Appeals granted a temporary stay prohibiting enforcement for now. OSHA is expected to seek consolidation of all of the lawsuits, which would then be assigned to one circuit at random and likely to proceed to the Supreme Court whichever way that circuit decides. Covered employers may wish to begin planning to comply in the event that the mandates are not struck down.

COVID-19 and Children



Following [FDA approval](#) of the Pfizer COVID-19 vaccine for children 5 to 11 years old and the [CDC's related recommendation](#), about 900,000 young children received the vaccination in the first week it was available and an additional 700,000 appointments had been scheduled. About 28 million children are covered by the recommendation, with as many as a third estimated to be enrolled in Medicaid or CHIP.

Recent [CMS guidance](#) reiterates the American Rescue Plan's requirement that Medicaid and CHIP plans cover vaccinations and COVID-related treatments without cost-sharing. The National Academy for State Health Policy (NASHP) has posted a [blog](#) outlining challenges for pediatric providers and highlighting strategies for increasing vaccine uptake among children and their parents. [Continue Reading](#)

Follow-up: CMS Guidance on Waiving the IMD Exclusion for QRTPs

As earlier [reported](#), on October 19 CMS updated [guidance](#) on Medicaid coverage of children in Qualified Residential Treatment Programs ([QRTPs](#)) under Section 1115 waivers. It allows states to request a delay of up to two years in the [previously announced](#) length of stay limitations in QRTPs that meet the definition of excluded Institutions for Mental Diseases ([IMDs](#)), as long as certain conditions are met.

One of the conditions that states must meet for CMS approval is for their QRTPs to comply with federal regulations for Psychiatric Residential Treatment Facilities ([PRTFs](#)). We inquired with CMS about whether QRTPs would need to meet all federal [PRTF requirements](#) and received this response:

[Read More](#)

NEWS YOU CAN USE

Provider Relief Fund (PRF) Reports Due Soon

Providers with outstanding reporting requirements should visit the [PRF Reporting Portal](#) and submit their report on use of funds by Tuesday, November 30 at 11:59 p.m. Eastern. Providers who do not submit a completed report by the end of the 60-day grace period for PRF Reporting Period 1 may be subject to enforcement actions such as repayment or other debt collection activities. All unused funds must be returned by Thursday, December 30. Instructions on how to return unused PRF funds are posted [here](#).

Webinar: Beyond the Great Resignation: How to Future-Proof Your Hiring



Thursday, December 2 @ 3:00 – 4:00 p.m. Eastern

[Social Current](#), the newly-branded merger of the Alliance for Strong Families and Communities and the Council on Accreditation, is hosting this free webinar to boost your staff recruitment and retention efforts. Key takeaways:

- Creativity is key, from sourcing new talent to up-skilling existing workers through a shift in marketing, collaboration, and brand awareness.
- The candidate experience can be improved by making processes easier, flexible, and more efficient by using nontraditional tools, such as new recruiting platforms and AI-powered technology.
- Technology is critical to the way talent is sourced, as well as the interviewing process; candidate assessments, [gamification](#), and video interviews can create efficiencies and cost savings.

Register [here](#). NACBH members who will be participating in our Emerging Best Practices conference at that time can access a recording of the webinar later. Follow the links from the webinar registration page to create an account to register and/or for later access.

SAMHSA Forecasts FY 2022 Funding Opportunities

The Substance Abuse and Mental Health Services Administration (SAMHSA) has published a list of [funding opportunities](#) expected to be announced when FY 2022 appropriations are finalized. NACBH members are encouraged to review the list and descriptions of any grants of interest, such as the [Infant and Early Childhood Mental Health Grant Program](#), to inform your advance planning. In some cases, eligible applicants are provider organizations and, in others, state or local public entities. In the latter case, it's not too soon to begin talking with your public partners about any programs you wish to support.

General grant information and reference materials for SAMHSA applicants and grantees is available [here](#). To subscribe for notices of future grant opportunities and resources, scroll down to the bottom of the page.

Workforce Innovation and Opportunity Act: Tip Sheet for Families

The Workforce Innovation and Opportunity Act (WIOA) mandates services for youth and young adults ages 14-24 with disabilities, including serious mental



health conditions, that prepare them to obtain and pursue career goals and meaningful employment. [WIOA: New Law Helps Youth and Young Adults Get Jobs – What Families Need to Know](#) offers a detailed overview of the law, including eligibility criteria, available services, and other resources.

CONFERENCE



The countdown to the [NACBH Emerging Best Practices Conference](#) is on! You can still register to learn implementable solutions from the success of your peers and prepare your organization for future transitions. Join NACBH at the beach at the iconic [Don Cesar Beach Resort](#) or register for on-demand viewing and watch at a time that works best for you. Review the exciting [program](#) and register today.

National Association for Children's Behavioral Health | 201 East Main Street,
Lexington, KY 40507 | nacbh.org