

# HEALTH

## STATEMENT OF BASIC PHILOSOPHY

County governments are integral to America's current health care system and will be crucial partners in achieving any successful reform. At the most basic level, county officials are elected to protect the health and welfare of their constituents. County governments set the local ordinances and policies which govern the built environment, establishing the physical context for healthy, sustainable communities. County public health officials work to promote healthy lifestyles and to prevent injuries and disease. Counties provide the local health care safety net infrastructure, financing and operating hospitals, clinics and health centers. County governments also often serve as the payer of last resort for the medically indigent, including many veterans. County jails must offer their inmates health care as required by the U.S. Supreme Court. Counties operate nursing homes for low-income seniors. County behavioral health authorities help people with serious mental health, developmental disability, and substance abuse problems that would have nowhere else to turn. And as employers, county governments provide health insurance to the nearly three million county workers nationwide. Clearly, county tax payers contribute billions of dollars to the American health care system every year and their elected representatives must be at the table as full partners in order to achieve the goal of one hundred percent access and zero disparities.

## HEALTH SYSTEM REFORM

- A. Vision and Purpose:** County governments are integral to America's current health system and will be crucial partners in achieving successful ongoing and continuous reform. At the most basic level, county officials are elected to protect the health and welfare of their constituents. County tax payers contribute billions of dollars to the American health care system every year and their elected representatives must be at the table as full partners in order to achieve the goals of access for all improved quality of care, improved cost efficiency of services and the elimination of disparities. NACo supports implementing – and making improvements to – the Affordable Care Act (ACA), by regulation and additional legislation, in order to enhance the ability of county governments to build healthy, safe and resilient communities. To that end, NACo endorses the following components of health system reform:
- B. Health Equity and Health Disparity Reduction:** NACo supports ongoing system reform that advances health equity and reduces health disparities. Health equity is the goal that every person is equally able to live a healthy life regardless of their background or circumstances. Each person has the chance to reach “his or her full health potential” without facing obstacles from social position or other socially determined circumstances. Health disparities are preventable differences in the burden of disease, injury, violence, or opportunities to achieve optimal health that are experienced by socially disadvantaged racial, ethnic, and other population groups and communities.
- C. Local Delivery Systems and Access for All:** NACo supports ongoing system reform that focuses on improving access to and delivery of quality health services for all. Health insurance coverage is not enough. Insurance carriers participating in public programs should be required to extend coverage into rural areas and to contract and coordinate with local providers. Local delivery systems should coordinate services to ensure efficient and cost-effective access to care, including primary and preventive care, behavioral health vision care and oral health, for underserved populations. County governments are uniquely qualified to convene the appropriate public and private partners to build these local delivery systems in a way that will respect the unique needs of individuals and their

communities and should be offered financial incentives and regulatory flexibility to do so. Also, County governments are uniquely positioned to optimize the local service delivery system by implementing cost-effective services and eliminating redundancy and waste in the delivery system.

- D. Public Health and Wellness:** NACo supports an ongoing enhanced focus on disease and injury prevention and health promotion is a way to improve the health of our communities and to reduce health care costs. Healthy communities depend upon a full array of interrelated county services and programs which include access to healthy foods, community development plans, and public works infrastructure projects that promote healthy living and access to affordable housing and shelter. Local public health considerations should be systematically integrated into land use planning and community design processes to help prevent injuries and chronic disease. Likewise, the public health response to emergencies should be fully integrated into each county's emergency management plan. Policies are also needed to address health inequity, the systemic, avoidable, unfair and unjust differences in health status and mortality rates, as well as the distribution of disease and illness across population groups. Investing in wellness and prevention across all communities will result in better health outcomes, increased productivity and reduce costs associated with chronic diseases.
- E. Expanding Coverage:** NACo supports universal health care for all with universal health insurance coverage. Existing public health insurance systems should be strengthened and expanded, including Medicare, Medicaid and the Children's Health Insurance Program (CHIP). As states and counties attempt to shoulder their legislatively mandated responsibilities to provide care for the indigent and uninsured, federal regulatory barriers should be removed to allow flexibility and innovation at the local level. Restrictions on the expansion of County Organized Health Systems should be lifted and they should be authorized to serve as a public plan option in their service areas.
- F. Maintaining a Safety Net:** NACo believes that the intergovernmental partnership envisioned in the Medicaid statute should be strengthened. NACo supports the enhanced Medicaid reimbursement rate for the ACA expansion population and the provision requiring the federal medical assistance percentage (FMAP) to be passed through to counties contributing to the nonfederal share. Local safety nets, supported by Medicaid and disproportionate share hospital (DSH) payments, should not be dismantled to "pay for" universal coverage. DSH payments should not be phased out or down until health insurance coverage expansion and other delivery system reforms are fully implemented and the effects on DSH payments can be accurately assessed. Assumptions should not be made that DSH can be cut by any arbitrary amount on some arbitrary timeline during the implementation of health care reform.
- G. Health Workforce:** NACo believes that the health professional and paraprofessional workforce must be supported and enhanced. It is important that we sustain training programs and sites of service that enable us to develop a complement of health professionals that can address the needs of a changing, growing and aging population. Because public hospitals have often been teaching hospitals, NACo supports reasonable medical education funding as an integral part of the business model of these institutions.

NACo supports initiatives and programs to recruit, train, license and retain health professionals, and allied professionals and paraprofessionals, on an expedited basis. Funding for existing education and training programs – in secondary, post-secondary and vocational educational settings – should be

increased and targeted towards initiatives to expand and diversify the health workforce. Partnerships between local economic developers and workforce development professionals should be encouraged to meet growing health care sector demand. Targeted incentives including scholarships, loan forgiveness and low-interest loan repayment programs should be developed to encourage more providers to enter and remain in primary care and public health careers. Primary care providers should be empowered to – and compensated for – case management services.

**H. Health IT:** NACo believes the federal government should support the integration of health information technologies into the local health care delivery system, including the behavioral health and substance use treatment systems and county jail health systems. NACo supports efforts to promote the use of a range of information technologies to facilitate appropriate access to health records and improve the standard of care available to patients, while protecting privacy. This includes deployment of broadband technologies to the widest possible geographic footprint. Other tools facilitate evidence-based decision making and e-prescribing. Using broadband technologies, telemedicine applications enable real-time clinical care for geographically distant patients and providers.

**I. Long-Term Care:** Federal policies should encourage the elderly and disabled to receive the services they need in the least restrictive environment. Since counties provide and otherwise support long term care and other community based services for the elderly and disabled, state and federal regulations and funding programs should give them the flexibility to support the full continuum of home, community-based or institutional care for persons needing assistance with activities of daily living. Nursing home regulatory oversight should be reformed in order to foster more person-centered care environments.

**J. Jail Health:** NACo believes the federal government should provide health care coverage for otherwise eligible county detainees (including many veterans), pending disposition of charges. Furthermore, a true national partnership is needed to divert the non-violent mentally ill from jail and into appropriate evidence-based treatment in community settings, if possible. Finally, resources should be made available to counties to implement timely, comprehensive pre-trial and re-entry programs so that justice involved individuals will have access to all needed health and social services, including behavioral health and substance abuse treatment, to avoid recidivism and become fully integrated into the community.

## **MEDICAL LIABILITY REFORM**

NACo supports medical liability reform that:

- Is a means to prevent a patient’s loss of access to needed medical care;
- Requires pre-trial professional review of cases to discourage frivolous lawsuits without obstructing the rights of citizens to due process;
- Requires medical liability insurance carriers to justify rate increases that exceed the established state rate; and
- Subjects providers of inadequate medical care to professional discipline.

NACo opposes medical liability reform that imposes mandates or usurps state authority.

## HEALTH CARE FINANCING

NACo supports:

- Federal and state governments' efforts to appropriately and adequately fund essential health services;
- Providing adequate funding to local governments to carry out essential health and administrative functions;
- The use of intergovernmental transfers (IGTs) as an essential means for maximizing the utilization of public funding from all three levels of government;
- An emphasis on primary prevention and health education services as the best tools to contain costs;
- National reporting on health trends or activities that recognize and include the services provided by county government;
- Proposals that enhance federal assistance and increase funding to counties for health services;
- Requiring individuals to pay for their public program coverage on an ability to pay, sliding fee scale basis;
- Providing county public hospitals, participating in the 340B program, with the same discount for inpatient prescription drugs they receive for outpatient prescription drugs. The 340B program should be expanded to include county behavioral health authorities;
- Encouraging case managers and managed health care entities to recognize and use county and other public providers and reimburse them for care provided to Medicaid managed care patients;
- Using alternative delivery methods and treatment settings to reduce costs;
- Redesigning federal and state reimbursement systems to reflect the unique responsibilities of county run health care facilities;
- Ensuring that county health programs are eligible for the same federal reimbursements available to federally funded entities;
- Public reimbursement for services provided to the uninsured and special populations by any provider or profession licensed or authorized by the state to provide health services; and
- A variety of strategies which assist in cost containment for prescription drugs.

NACo opposes:

- Capping federal health care entitlement programs;
- Measures that shift costs to counties; and
- Activities that hamper counties' ability to negotiate the best possible prices for prescription drugs.

## PUBLIC HEALTH

**A. Infrastructure:** Each county should be served by a strong local public health agency. The elements of a strong infrastructure include a skilled workforce, integrated electronic information and communication systems and effective organization and management. NACo supports:

- The concepts and standards for local public health departments as outlined in the voluntary Public Health Accreditation Standards and Measures;
- Active partnerships among the county's health care community and other public and private organizations concerned with health;

- Sustained federal support for building and maintaining a local public health infrastructure that is linked with state and federal public health systems; and
- Federal scholarships, loan repayment programs, and direct support for training of all public health professionals particularly those in shortage areas.

**B. Preparedness:** Local governments and local public health departments are the first responders to public health emergencies. Every county must be protected by a fully prepared governmental public health system. NACo supports:

- Sustained and ample federal funding for public health preparedness;
- Full integration of the public health response to emergencies into each county’s emergency management plan; and
- Federal requirements that allocate a substantial proportion of federal funds to localities.

**C. Chronic Disease Prevention:** Successful chronic disease prevention requires a combination of individual responsibility for health behaviors and community support for healthy living. NACo supports:

- Collective action at the federal, state, and county levels to create programs, policies, and practices that encourage and facilitate healthy living and appropriate behavioral change;
- Systematic integration of local public health considerations into land use planning and community design processes;
- Policies and programs to improve wellness;
- FDA regulation of tobacco without preemption of stronger local laws and regulations; and
- Federal and state governments and the private sector to collaborate with counties in reducing health care costs associated with preventable disease and disability by creating and supporting programs and actions that promote healthy behavior and the early detection and treatment of preventable diseases.

**D. Infectious Disease Control:** County public health is responsible for the control of communicable diseases.

**1. Immunizations:** NACo supports:

- Increased federal appropriations for immunization programs to provide vaccines to under/uninsured children and other at-risk populations; to build sustainable infrastructure for immunization assessments and immunization outreach and coverage. Immunization programs should include public health departments and public health nurses as access points for vaccines; and
- Federal purchase and distribution of influenza vaccine during pandemic seasons to address problems of vaccine shortages, delays in deliveries and vaccine availability.

**2. HIV/AIDS:** NACo supports:

- Policies that facilitate local flexibility in the use of funds for HIV/AIDS prevention;
- Full funding and reauthorization for the Ryan White CARE Act;
- Uniform federal requirements for reporting of HIV testing and a national voluntary partner notification program; and

- Continuous training on infection control techniques for all health care workers.

**3. Tuberculosis Control:** NACo supports:

- Federal funding for local public health departments to provide effective community based TB control services, including supervised therapy; and
- Federal immigration policies that support TB assessment and control before immigrants enter the United States.

**E. Environmental Health:** Public health departments at the county level work to prevent diseases caused by environmental factors such as unsafe food, housing, and waste management. NACo supports:

- The formation of a federal/state/local partnership in the establishment, delivery and funding of environmental health protective services;
- The early and continuous involvement of county officials, as the lead contact, and public health authorities in steps taken under the Environmental Protection Agency’s (EPA) Superfund statute to assess hazardous waste and disaster sites, place them on the National Priorities List, and establish and implement appropriate cleanup plans. EPA’s involvement with local authorities should include immediate notification of site discovery;
- Appropriate testing for lead poisoning according to the Centers for Disease Control and Prevention guidelines, providing appropriate medical and environmental follow-up incentives based on financial need to help finance solutions to lead related hazards and the reporting of cases of lead poisoning to state and local health departments; and
- Establishment of a national collaborative science-based food safety system that will integrate and fund food safety activities, provide support for county authorities who have primary front-line responsibility for the inspection and compliance of food service establishments and address consumers’ behavior related to safe food handling practices.

**F. Injury Prevention:** Injuries and resulting deaths, particularly those from intentional and unintentional violence, including those from the use of firearms and other weapons, are critical public health and safety concerns. NACo supports:

- Enhanced federal assistance and increased funding for public health science, programs, and services to prevent injuries;
- Collaboration among public safety, law enforcement, and public health departments; and
- Promotion of all strategies to reduce injury-caused disability and death.

**G. Clinical Preventive Services and Health Education:** Public health departments at the county level provide clinical preventive services and health education through such programs as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), family planning clinics, and health and sexuality education programs for adolescents. NACo supports:

- The WIC program and other vital child nutrition programs and urges continued funding for them;
- Comprehensive sexuality education for adolescents, including education about abstinence, resisting peer pressure, pregnancy, sexually transmitted diseases, and HIV/AIDS; and
- Family planning programs that provide information on a wide range of family planning methods with sensitivity to the religious beliefs of the client or recipient. Physician-patient

communications should not be dictated, defined or restricted by laws or regulations that restrict a patient's right to medical information and legal medical procedures.

## **RURAL HEALTH**

NACo supports:

- Elimination of the urban-rural difference in Medicare payments for hospitals;
- Full funding of the geographic blend for Medicare + Choice;
- Tax relief for National Health Service Corps scholarships;
- Tax incentives for health professionals practicing in rural/underserved areas;
- The Rural Hospital Flexibility Grant program for facilities examining their service and financial role in the community;
- Reforms to the Graduate Medical Education program to produce more primary care providers;
- The J-1 visa program which allows foreign medical graduates to practice in underserved areas of the United States;
- Extended Medicare reimbursement for telemedicine to all rural areas and expanded coverage;
- Health Services Outreach grants to enhance services to vulnerable populations;
- Initiatives to enhance rural health research, farm safety, and health and state rural health clearinghouses;
- Initiatives that encourage the assignment of dental students' participation in the oral health of underserved communities; and
- Initiatives that integrate the efforts of multiple health disciplines in an approach to promote total health and well-being.

## **INDIAN HEALTH SERVICE**

NACo supports requiring the U.S. Department of Health and Human Services' Indian Health Service to pay for the full cost of health care for enrolled tribal members who live on Indian trust lands, including reimbursement for care given at county facilities.

## **LONG-TERM CARE**

County governments provide and purchase long-term health care. Federal policies and funding must recognize the role and responsibilities of county governments as safety net providers, in assuring necessary and effective services for the elderly and disabled, including community-based and long-term care services. NACo supports:

- Services provided in the least restrictive environment;
- Additional administrative flexibility in federal health financing programs to encourage and enable the expansion of community-based care as a means of avoiding unnecessary institutional care;
- A continuum of home, community-based or institutional care services, including room and board, for persons needing assistance with activities of daily living (ADL);
- The availability of Supplemental Security Income (SSI) and Medicaid to persons residing in community-based and home-based services;
- The availability of long-term care tax credits; and
- Incentives and support for informal caregivers.

**A. Medicare Reimbursement for Skilled Nursing Facilities (SNFs):** SNFs provide needed rehabilitation and skilled nursing for their residents. To ensure access and quality care, NACo supports reimbursement formulas that account for high cost, medically complex patients and that reflect annual changes in the prices of SNF outputs.

**B. Survey and Certification:** NACo supports:

- The use of benchmarking and outcome measurement systems to determine quality of long-term care services. Those systems should provide objective results that can be easily compared with other providers;
- Collaboration between providers and regulators to fix problems and empower staff to improve quality;
- Clear distinctions between serious offenses and minor offenses;
- Reinvesting fines collected from providers to improve care;
- Devoting more survey resources to poor performing providers; and
- Recognition of providers that are outstanding performers.

**C. Staffing Requirements:** Staff turnover is a major obstacle to continuity and quality of care. NACo supports:

- Staff empowerment rather than mandated staff ratios to achieve quality care and retention;
- Medicaid and Medicare funding which recognizes the cost and importance of adequate staff; and
- The ability to hire and train more staff of varying skill levels to help provide long-term care services.

## **BEHAVIORAL HEALTH**

**Vision and Purpose:** The National Association of Counties (NACo) seeks to (1) improve the responsiveness, coordination, accountability, and integration of person-centered behavioral health services to provide timely and appropriate help to individuals, families, and communities; (2) reduce mental health crises, homelessness, and incarceration by strengthening community based services, including early intervention, outreach, engagement, prevention, crisis support, rehabilitation, housing, employment and peer run services for persons of all ages; and (3) ensure that all Americans with mental illnesses, substance use conditions, or intellectual/developmental disabilities, and their families can gain access to evidence-based and emerging best practices based on the values and principles of trauma-informed care and mental health recovery, delivered in a culturally and linguistically competent manner, to ensure that they can fully participate and/or regain full lives in the most integrated settings within their chosen communities.

**NACo Positions:** Counties represent a major cornerstone for behavioral healthcare services in the United States. They plan, operate and finance public community-based services for persons with mental illnesses, substance use conditions or intellectual/ developmental disabilities. For this reason, NACo has endorsed the positions summarized below.

**NACo Supports:**

**Services Development**



- Improved community-based care and services enabling individuals to live in the least restrictive environment;
- Implementation of evidence-based prevention and health promotion services;
- Efforts to increase the number of public sector behavioral health professionals and paraprofessionals;
- Efforts to reduce health disparities in behavioral health services with health literacy, language services, and cultural competency training.

### **Financing of Services**

- Extension of Medicaid and VA health care benefits to persons detained in county jails, pending disposition of charges;
- Medicaid waivers for essential behavioral health innovations;
- States' managed care waiver requests which offer sole source provisions for providing behavioral health services.

### **Insurance Reform**

- Private and public insurance coverage of behavioral health services, including non-medical interventions;
- Parity in coverage and availability of behavioral health services with other health services, regardless of payer source;
- The removal of Employee Retirement Income Security Act (ERISA) exemption of self-insured plans from state insurance regulation, including extending federal behavioral health parity requirements to such plans;
- Parity of mental health and substance use benefits in Medicare, in Medicaid beyond the Medicaid expansion, and in all private health insurance plans, including small business plans.
- Cost controls allowing the availability of the most effective medications at the lowest cost.

### **Federal Government Support**

- Federal funding and legislation to divert non-violent persons with mental illness, substance use and intellectual/developmental disability conditions from county jails and into appropriate care;
- Federal government support and development of behavioral health information, services and research; particularly into causes and cures and the promotion of those findings;
- The National Institute of Mental Health's efforts to promote systems that finance and deliver care in community settings including reducing federal categorical restrictions;
- Full funding and reauthorization for the Substance Abuse and Mental Health Services Administration (SAMHSA);
- Increased federal funding for school-based behavioral health services targeted to at-risk youth.

### **Regulatory Reform**

- State and local flexibility in using substance use and mental health block grants funds to address local problems, including services for persons with co-occurring disorders;
- State flexibility for integrated and concurrent treatment programs for persons with co-occurring disorders;
- Amending Medicaid's Institutions for Mental Disease (IMD) exclusion to promote better access to services;

- Federal policies that support the development and funding of long-term mental health support services to counties which experience major natural and manmade disasters;
- State flexibility in determining the length of participation in mental health or substance use treatment that would count toward Temporary Assistance for Needy Families (TANF) work requirements.

**NACo Opposes:**

**Regulatory Reform**

- Federal regulations that may exempt state licensing and certification standards or regulations;
- Federal mandates that require states to have a competitive bidding process for when counties are acting as purchasers on behalf of the state; and
- Federal categorical restrictions that limit needed services available to persons with mental illness, substance use or intellectual/developmental disability conditions.

**MEDICAID AND INDIGENT CARE**

The current Medicaid program reflects four decades of national consensus that the federal government bears primary responsibility for providing health care to the country’s most vulnerable citizens. This consensus and the unique federal, state and county partnerships in administering and financing Medicaid services should inform all changes to the system. Such reforms must require state Medicaid agencies to include county officials in state decisions regarding the design and administration of the Medicaid program in each state.

**NACo supports:**

- The Medicaid expansion available to states under the Affordable Care Act (ACA).
- Those provisions in the statute that provide fiscal support for states that choose to expand Medicaid eligibility and coverage standards under the ACA.
- Maintaining the Medicaid program’s integrity as a means-tested entitlement.

**NACo opposes:**

- Cuts to all Medicaid programs;
- Capping the amount of the federal contribution to Medicaid or Medicare;
- Any action to restrict the definition of allowable services under the Rehabilitation Option;
- Citizenship and identity documentation requirements for Medicaid eligibility that delay service delivery;
- Administrative approval of state benefit packages that exempt services under a State Medicaid plan or require “contracts” between the beneficiary and the plan; and
- A definition of third party liability that shifts financial responsibility to county governments.

**HEALTH FACILITIES CONSTRUCTION AND CAPITAL FINANCING**

**NACo supports:**

- Funding of health and hospital construction grant programs;
- Financing and taxing mechanisms for health facilities and providers that incorporate attention to the provision of indigent care;
- Expansion or construction of all health care facilities, the acquisition of equipment and allocation of health care resources to be carefully managed through a local planning process;
- Maintenance of the county-based infrastructure for assuring delivery of care;
- Priority to be given to new construction projects for public health care facilities and to modernization and renovation projects for existing public facilities;
- Priority to be given to purchasing and equipping mobile, clinical or health service outreach facilities; and
- Enforcement of regulations prohibiting refusal of care for financial reasons or transfer of patients for financial reasons.

### **FEDERAL ROLE**

The federal government should be responsible for assuring that all citizens have access to adequate and appropriate health care services, and that persons with disabilities can retain health benefits upon returning to work. NACo supports:

- Federal research into serious diseases that affect a large part of the population;
- Adequate funding of federal health care programs so that they do not increase the burden on the local tax base;
- Efforts to control the rate of growth of health care expenditures;
- Reforms to the Medicare and Medicaid systems that will insure optimal benefits to beneficiaries and full reimbursement to county providers;
- Federal health insurance programs as the primary payer of benefits and services provided to all eligible beneficiaries, particularly those who are dually eligible;
- Reimbursement to counties for providing preventive services, prenatal health care, treatment and testing of communicable diseases, dialysis, and chemotherapy treatments to all immigrants;
- U.S. Citizenship and Immigration Services (USCIS) reimbursement to counties for the care provided to injured or sick undocumented immigrants that Border Patrol officers apprehend;
- Federal government reimbursement to counties for the care provided to humanitarian parolees;
- The ability of states and counties to use their own funds to provide health care services to immigrants regardless of their status, without a reduction of federal financial responsibility for those services;
- The federal government to require states, in consultation with county governments, to set Medicaid reimbursement rates at levels that do not discourage providers from accepting Medicaid patients;
- Measures to reform these programs in the context of the entire system of financing health care, including costs to deliver services and utilization of a wage index formula that does not unfairly perpetuate low wages and geographic wage inequities;
- Efforts by the federal government to develop a single claims form and development of electronic billing as a means to reduce administrative costs in consultation with state and county governments, insurers and providers;
- Changes in the current federal policy that will allow a person receiving federal benefits who has been charged with a crime but not convicted to continue to be eligible for such entitlements including, but not limited to, Medicare, Medicaid, Supplemental Security Income (SSI), Social

Security Disability Insurance (SSDI), Veterans, and Children's Health Insurance Program (CHIP) benefits until such time as they may be convicted and sentenced to an institution;

- Protecting the privacy of individual medical records in a way that does not impede the flow of information necessary to coordinate care among multiple providers efficiently and cost-effectively;
- The importation of Food and Drug Administration (FDA) approved prescription drugs manufactured in FDA approved facilities to increase access to safe, affordable prescription drugs;
- Changes in the current federal policy that will allow a person receiving federal benefits who has been charged with a crime but not convicted to continue to be eligible for such entitlements including, but not limited to, Medicare, Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), VA health care, and Children's Health Insurance Program (CHIP) benefits until such time as they may be convicted and sentenced to an institution; and
- Fully funding veterans' services especially those that support community treatment for mental illness and that allow for reimbursement to community agencies for services provided to veterans.

NACo opposes the imposition of restrictions upon reimbursement monies.

## HEALTH RESOLUTIONS

### **Resolution to Amend the Health Resources and Services Administration’s Federal Tort Claims Act Health Center Policy Manual**

**Issue:** Federally Qualified Health Centers were provided malpractice like insurance via the Federally Qualified Health Clinic Assistance Act. The guidance for submitting claims is provided through a manual that is updated via a regulatory process last updated in 2014. The manual clearly states “the covered entity and covered individuals will not be financially liable for any claims arising from their covered activities” yet HRSA does have a history of denying claims brought by victims (or their estates) of crimes perpetrated by court-ordered patients.

**Adopted Policy:** The National Association of Counties (NACo) supports regulatory action to amend the Tort Claim Act Health Center Policy Manual to clarify that an individual court-ordered into treatment at a FQHC is a patient of the entity and that claims arising from the actions of such patients are covered activities.

**Approved | July 24, 2022**

### **Resolution on Support for Supporting and Improving Rural EMS Needs (SIREN) Act**

**Issue:** Rural fire and emergency medical services (EMS) agencies currently struggle to fund their EMS operations. As a result, many agencies experience difficulties recruiting personnel, providing EMS licensure classes, and obtaining sufficient medications and medical supplies.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to appropriate \$20 million for the SIREN grant program in FY 2023. The SIREN grants provide funding for rural fire and EMS agencies to recruit personnel, procure emergency medical supplies, and provide EMS training classes.

**Approved | July 24, 2022**

### **Resolution to Lift and Reform the Medicaid IMD Exclusion**

**Issue:** The federal Medicaid statute prohibits federal Medicaid payments to states for services provided in institutions for mental disease (IMDs), which are defined as hospitals, nursing facilities, or other institutions of more than 16 beds that are primarily focused on treating mental illness, including substance use disorder. The IMD payment exclusion has resulted in unintended consequences, including undermining mental health parity for Medicaid beneficiaries, and contributing to critical treatment bed shortages.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend the Medicaid statute to allow states that have a plan for providing appropriate outpatient care, to receive federal Medicaid payments for services provided in IMDs for people with severe mental illness (SMI) and substance use disorder (SUD).

Additionally, due to the unprecedented strain placed on public behavioral health systems during the pandemic, NACo urges Congress to temporarily allow states to receive federal Medicaid payment for services provided in IMDs during the COVID-19 public health emergency and for 180 days after the emergency ends.

Until permanent IMD reform legislation can be enacted and implemented, NACo urges the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) to work with states and counties to waive the IMD exclusion (including waiving state-wideness) for states and counties that have a plan for providing appropriate outpatient care.

**Approved | July 24, 2022**

### **Resolution to Amend the Medicaid Inmate Exclusion Policy in the Federal Social Security Act**

**Issue:** The Medicaid Inmate Exclusion Policy forces local taxpayer dollars to be used for providing health services to pre-trial detainees who are eligible for Medicaid through their Constitutional rights.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend the Medicaid Inmate Exclusion Policy in the Social Security Act, allowing pre-trial detainees to access Medicaid services while awaiting trial.

**Approved | July 24, 2022**

### **Resolution Supporting Legislation and Administrative Waivers to Lift The Medicaid Inmate Exclusion Prior To Reentry**

**Issue:** Support for federal legislation and Medicaid Section 1115 waivers to lift the statutory Medicaid inmate exclusion for services provided to persons in custody for a certain period prior to their reentry into their communities.

**Adopted Policy:** The National Association of Counties (NACo) supports legislation which would allow Medicaid payment for medical services furnished to an incarcerated or detained individual during a specified period preceding the individual's release. NACo also supports advancing such provisions via the earliest available legislative vehicle.

NACo also urges the U.S. Department of Health and Human Services (HHS) Centers for Medicare and Medicaid Services (CMS) to approve, with maximum flexibility, states' requests for Section 1115 waivers to test delivering and paying for Medicaid services to an incarcerated or detained individual during a specified period preceding the individual's release.

**Approved | July 24, 2022**

### **Resolution Encouraging Congress to Fund Creative Arts Therapies and Community Arts Engagement for the Greater Health and Well-Being of Veterans**

**Issue:** The U.S. House defense appropriations bill includes language that recognizes the potential of the creative arts therapies for treating U.S. Department of Defense (DOD) service members with traumatic brain injuries and psychological health conditions and states the Committee’s belief that expansion of these efforts through programs such as Creative Forces could be beneficial to servicemembers and families. The U.S. Department of Veterans Affairs (VA) appropriations bill also has language that supports the integration of the arts and creative arts therapies into the VA’s Whole Health Initiative for Veterans and includes \$5 million to the Office of Patient Centered Care and Cultural Transformation to expand creative arts therapies and continuing partnerships with healing arts providers.

**Adopted Policy:** The National Association of Counties (NACo) urges the federal government to fund creative arts therapies in the U.S. Department of Defense (DOD) appropriations bill in the clinical treatment of service members with traumatic brain injuries and psychological health conditions, and consider additional support for community arts engagement serving military members, staff and their families more broadly. NACo also supports Congress in adding \$5 million per year for the next 3 years in the U.S. Department of Veterans Affairs (VA) appropriation bill to support and expand the integration of the arts and creative arts therapies in the VA’s Whole Health initiative, and consider adding additional support for evaluation of the expanded clinical services and healing arts community partnerships. Further, building upon FY 2020 language and appropriations, NACo supports the expansion of DOD and VA programs to provide both clinical services and community-based arts programs that increase the health and well-being of service members, veterans, their families and caregivers in all counties, parishes and boroughs.

**Approved | July 24, 2022**

### **Resolution Regarding the National Health Service Corps Loan Repayment Program**

**Issue:** County jails are not eligible for designation as health professional shortage areas for the purpose of the National Health Service Corps.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend the National Health Service Corps (NHSC) loan repayment program to allow County and municipal jails to be eligible for the program. Current U.S. Department of Health and Human Services (HHS) Health Resources and Services Administration (HRSA) regulations only permit medium and maximum-security state and federal prisons from being designated as correctional health professional shortage areas (HPSAs), excluding county and other local jails. NACo urges Congress to clarify that county and municipal jails may be designated as correctional HPSAs and be eligible work sites for NHSC loan repayment.

**Approved | July 24, 2022**

### **Resolution Supporting Improved Compliance through Better Regulation in Nursing Homes**

**Issue:** Better regulation is needed to support improved compliance while ensuring unnecessary regulatory burdens do not take precedence over care, treatment, and outcomes.

**Adopted Policy:** The National Association of Counties (NACo) encourages the Centers for Medicare and Medicaid Services (CMS) to strengthen efforts to improve compliance through collaborative efforts with

healthcare providers and stakeholders and reduce unnecessary administrative burdens, increase effective and efficient conformity with regulations and improve the beneficiary experience by removing regulatory obstacles that diminish the ability to put patients/residents first over paperwork.

**Approved | July 24, 2022**

### **Resolution Supporting Better Staffing in Nursing Homes**

**Issue:** Nursing homes need adequate staffing levels to provide high quality care, safe care, person-directed care, and care that is consistent with state and federal regulations.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend federal law to allow for lockout provisions that affect LTC nurse aide training programs to be discretionary rather than mandatory.

**Approved | July 24, 2022**

### **Resolution Urging the Federal Government to Suspend, Instead of Terminate, Medicaid Coverage for Incarcerated Individuals**

**Issue:** Medicaid benefits may be withdrawn when an individual is incarcerated as opposed to convicted.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to pass legislation that: a) amends federal law to prohibit states from terminating eligibility for individuals who are inmates of public institutions or residents of Institutes for Mental Disease (IMD) based solely on their status as inmates or residents; and b) requires states to establish a process under which an inmate or resident of an IMD facility, who continues to meet all applicable eligibility requirements, is placed in a suspended status so that the state does not claim Federal Financial Participation (FFP) for services the individual receives, but the person remains on the state's rolls as being eligible for Medicaid; and c) once release or discharge from the facility is anticipated, require states to take whatever steps are necessary to ensure that an eligible individual is placed in payment status so that he or she can begin receiving Medicaid covered services immediately upon leaving the facility.

**Approved | July 24, 2022**

### **Resolution on Declaring Mental/Behavioral Health, Substance Abuse, and the Lack of Services a National Public Health Crisis**

**Issue:** Public Health Awareness raises awareness of the relationship between the health of individuals and the health of their communities.

**Adopted Policy:** The National Association of Counties (NACo) urges the Federal Government to work with local, community and government agencies to (1) assess internal plans, policies and procedures to ensure solutions to address the lack of awareness and the need for increased mental and behavioral health services in their local municipalities (2) create strategies to increase awareness of mental and behavioral health services (3) increase access to inpatient and outpatient mental and behavioral health services (4) work with marginalized populations to provide education on mental and behavioral health, issues and



solutions (5) assess and advocate for relevant policies that improve mental and behavioral health outcomes in communities of color and (6) support local, State, and Federal programs that advance mental and behavioral health initiatives.

**Approved | July 24, 2022**

### **Resolution on Declaring Gun Violence as a National Public Health Crisis**

**Issue:** Public Health Awareness raises awareness of the relationship between the health of individuals and the health of their communities. There has been a rise in gun violence through out major metropolitan areas in United States.

**Adopted Policy:** The National Association of Counties (NACo) urges the federal government to work with local community and government agencies in identifying evidence based practices that (1) decrease gun violence, particularly among youth (2) increase funding to the programs specific to reducing gun-violence and provide services aimed at the reduction of gun violence related trauma and mental health issues; (3) work with local law enforcement agencies to create strategies to reduce the amount of illegal firearms in the United States (4) and work with marginalized populations to provide education on gun violence, issues and solutions. Additionally, we urge the federal government to advance policies that support local, state, and federal programs that advance anti-gun violence initiatives. (5) Advocate for relevant policies that improve health in communities of color, and (6) support local, State, and Federal programs that advance anti-gun violence initiatives.

**Approved | July 24, 2022**

### **Resolution Supporting Federal Legislation to Promote Health Equity and Eliminate Disparities**

**Issue:** Counties need federal support for their efforts to promote health equity and eliminate disparities.

**Adopted Policy:** The National Association of Counties (NACo) calls on Congress to enact legislation that would support county efforts to promote health equity and eliminate health disparities. Legislation should include provisions which would:

- Promote and fund the systematic collection and reporting of data related to disparities associated with the demographic factors of race, ethnicity, sex, primary written and spoken language, disability status, sexual orientation, gender identity, age, and socioeconomic status.
- Improve access to, and the quality of care that is culturally and linguistically appropriate.
- Improve the diversity and quality of the nation’s whole health care workforce.
- Address systemic barriers to quality care for disparities-impacted populations through expanding coverage, improving access, innovating in delivery, bringing down barriers to coverage, and improving community health.
- Improve health outcomes for women, children, and families in historically and currently excluded and underinvested communities.
- Strengthen protective factors and resources that bolster mental health and eliminate structural barriers that contribute to mental health and substance use disorder inequities.
- Address high impact minority diseases.

- Evaluate and provide funding for, adoption of health information technology in racial and ethnic minority communities and extend Medicaid electronic health record incentive payments to more providers who serve minority populations.

**Approved | July 24, 2022**

### **Resolution Supporting the Role of Direct Support Professionals**

**Issue:** Direct support professionals (DSPs) play a critical role in the care provided to people with intellectual and developmental disabilities. There is an inaccurate representation of the number and turnover rates of DSPs due to miscategorization in the Standard Occupational Classification System.

**Adopted Policy:** The National Association of Counties (NACo) supports federal efforts to develop a discrete occupational category for direct support professionals (DSPs) to help states and the federal government better interpret the shortage of these professionals in the labor market and collect data on the high turnover rate of DSPs.

**Approved | July 24, 2022**

### **Resolution Supporting 988 Implementation and Comprehensive Behavioral Health Crisis Care**

**Issue:** Federal support is needed for implementing nationwide local crisis support systems for people experiencing a behavioral health crisis and calling the new 988 call centers.

**Adopted Policy:** The National Association of Counties (NACo) supports federal legislation to ensure that all people, including those on tribal land, have access to comprehensive crisis care services to stabilize patients in crisis and direct them to the most appropriate treatment options. Such legislation should direct the U.S. Department of Health and Human Services (HHS) to ensure a standard set of behavioral health crisis services are universally available, including: 24/7 crisis hotlines and call center; mobile crisis services, that is, crisis first responders with specialized skills and training, including social workers, mental health professionals, and peer support specialists, who can alert law enforcement as needed (e.g., the CAHOOTS model); behavioral health urgent care facilities; 23-hour crisis stabilization and observation beds; and short-term crisis residential options. Legislation should also provide coverage of behavioral health crisis services for all patients no matter the source of their health insurance. The U.S. Congress should authorize and appropriate adequate funding for the development of these services in counties (and Indian Country), including technical assistance from HHS and a platform for communities to share successful ideas and services. The legislation should establish a panel of experts to improve coordination among 911 dispatchers and 988 crisis hotline call centers, so that those in need are quickly connected to the appropriate service.

NACo further supports legislative and regulatory action that provides flexibility and direct funding to counties for the launch, infrastructure, and modernization of the new hotline through establishing a Behavioral Health Crisis Coordinating Office; supporting the 250+ existing regional and local National Suicide Prevention Lifeline call centers; permanently authorizing \$2.23 billion in Mental Health Block Grant (MHBG) funding with a 10 percent crisis services set-aside; forming a new pilot program for mobile crisis response, peer teams, and in-home crisis stabilization; and providing resources for

specialized services, including language and culturally appropriate programming for historically underinvested populations, including communities within counties that are located on American Indian Reservations.

NACo supports amending Medicaid by authorizing Medicaid financing for regional and local NSPL call center operations, and crisis programs; excluding psychiatric acute care crisis beds from the institutions for mental disease (IMD) payment prohibition; and expanding the existing 10 state Medicaid Certified Community Behavioral Health Centers (CCBHC) demonstration to permit any state to participate.

NACo supports legislation to support behavioral health crisis response on the ground with Health Resources Services Administration (HRSA) Capital Development Grants that include crisis receiving and stabilization programs, and call centers; behavioral health workforce training program expansions; and access to and oversight of mental health and substance use disorder crisis response services

Additionally, NACo supports expanded funding and technical assistance for counties to address behavioral health crises by implementing the following: Crisis Intervention Team (CIT) training for law enforcement; 24-hour walk-in crisis centers, accessible to all whether brought by a peer, family member, police officer or on their own, where a person in crisis or pre-crisis can obtain the resources they need to alleviate or avert the crisis; trained and certified peer supporters and peer mentors to respond at the scene of crisis, in crisis centers, and as part of follow-up; and the development and continuation of virtual platforms for crisis response teams.

**Approved | July 24, 2022**

### **Resolution on Improving Maternal Health Outcomes**

**Issue:** Lack of health care access for postpartum women and children, and workforce shortages including lack of diversity are key contributors to poor maternal health outcomes. Policy changes are needed to improve maternal health outcomes through improved access to postpartum healthcare coverage under Medicaid and growing and diversifying the perinatal workforce.

**Adopted Policy:** The National Association of Counties (NACo) urges the federal government to enact policies that will assist counties in improving maternal health outcomes by (1) making investments in the perinatal workforce and (2) removing the 5-year sunset on the American Rescue Plan Act of 2021 provision that would give states the option to extend Medicaid postpartum coverage from 60 days to 12 months.

**Approved | July 24, 2022**

### **Resolution Supporting a Joint State, Local, Tribal, Territorial, and Federal COVID-19 Pandemic After-Action Report**

**Issue:** The emergency caused by the COVID-19 pandemic demands a comprehensive analysis of our public health system and response to the crisis to recommend policy action.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress and the president to charter a commission to prepare a complete account of the public health response to the COVID-19 pandemic, including but not limited to:

1. The condition of state, local, tribal, territorial, and federal public health agencies prior to the emergency.
2. A comprehensive and coordinated analysis on preparedness and response to the emergency by each level of the system.
3. Recommendations to legislative and executive policymakers and staff to improve response to future crises and effectiveness of the system overall.

**Approved | July 24, 2022**

### **Resolution in Support of Reproductive Rights**

**Issue:** As providers of both clinical care and public health, counties are directly interested in access to a full spectrum of maternal health care.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress and the Administration to ensure women's reproductive rights and access to care for our residents' health, reducing disparities in maternal morbidity and mortality.

**Approved | July 24, 2022**