Even before the COVID-19 pandemic, large employers recognized the value and importance of providing comprehensive benefits coverage for mental health and substance use disorders and were often frustrated by challenges in access to quality care for their employees and their families. Since the onset of the pandemic, employers have focused attention and resources on expanding access to behavioral and mental health care to help their employees get through these unprecedented times. Yet challenges to these efforts remain.

To rapidly monitor recent changes in mental health care during the pandemic, the Centers for Disease Control and Prevention (CDC) partnered with the Census Bureau on Household Pulse Survey. According to the Household Pulse Survey, from March 17, 2021, to March 29, 2021, more than 30% of adults experienced symptoms of an anxiety or a depressive disorder.

The pandemic has shined a light on the role employers play in helping to remove the stigma of mental illness and substance use disorders and helping working families acknowledge and address their need for care. However, the pandemic has also highlighted and magnified barriers to access that impede these employer efforts. As described below, the American Benefits Council is urging Congress to pursue policies that remove these barriers and better enable employers to lead the way in improving access to quality, affordable behavioral and mental health care not just during the pandemic, but beyond.

**EMEPLOYER ACTION TO COMBAT THE CRISIS**

Employer efforts to combat the mental health and substance use crisis predate the pandemic and are predicated on the recognition that mental health care coverage is vital to the health and productivity of their workforce. A Mercer survey of employers taken from April to October 2020 found that employers are focusing on two areas of health care that have been in the spotlight during the pandemic. A recent, informal survey of American Benefits Council members and other large companies shows that a significant number of employers are already pursuing one or both of these approaches to support their workforce.

### BEHAVIORAL HEALTH

The first is explicitly in the area of behavioral health, with 71% of respondents saying this was a focus for 2021. Even before the pandemic, Council member companies were innovating to address the mental health and substance use disorder needs of their workforce, including collaborative care models that integrate behavioral health with primary care, removing the stigma associated with mental illness, enhancing Employee Assistance Programs (EAPs) and telehealth offerings, and combating the opioid crisis. When the pandemic hit, employers recognized the toll that the isolation, stress and uncertainty was taking on their workers and built on these efforts to help working families across the country.

### TELEMEDICINE

The second focus is the area of telemedicine, with 59% of respondents saying this would be a focus for 2021. The COVID-19 pandemic has transformed telehealth from an innovative option for delivering services into a vital lifeline to care for millions of patients, including those needing access to behavioral health care. In the years before the pandemic, a growing number of employers were turning to telemedicine to improve access to value-driven care for employees and their families. With COVID-19, what may have been a slower march toward telehealth use became a sprint.

### THE PATH FORWARD

The Council has put forth policy recommendations to expand access to behavioral and mental health care during the COVID-19 pandemic and beyond:

- **Provide sustained funding** to support the mental health workforce and bring vital care to mental health care deserts.
- **Increase the mental health workforce** by retraining the existing workforce to provide behavioral health services and promoting the availability of behavioral health services within primary care practices.
- **Promote the use of evidence-based care** by behavioral health providers, which will hold down costs and improve quality.
- **Clarify the nature of the non-quantitative treatment limitations (NQTL) rules** under the mental health parity law, as they are currently subjective and ambiguous.
- **Make permanent the CARES Act provision** allowing HSA-eligible high-deductible health plans to cover telehealth services on a pre-deductible basis.
- **Formalize and expand regulatory relief** that provided temporary flexibility for employers during the pandemic who wish to provide stand-alone telehealth services to employees who are not benefits eligible.
- **Support audio-only** behavioral health services.
- **Remove state barriers to telehealth care**, particularly through enactment of the Temporary Reciprocity to Ensure Access to Treatment (TREAT) Act (S. 168/H.R. 708).
- **Reject proposals to create a new and unwarranted civil monetary penalty regime** under the mental health parity rules, which will neither enhance compliance nor address any perceived shortcomings in enforcement.

### MORE INFORMATION

Just as lawmakers have acted to address the public health and economic crisis brought about by the COVID-19 pandemic, so too must lawmakers focus on combatting the behavioral and mental health crisis exacerbated by the pandemic. Contact Ilyse Schuman, American Benefits Council senior vice president, at ischuman@abcstaff.org.