

# AMERICAN ACADEMY OF CHILD & ADOLESCENT PSYCHIATRY

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October 3, 2022

The Honorable Xavier Becerra  
Secretary  
Department of Health and Human Services  
Office of Civil Rights  
Attn: 1557 NPRM  
Hubert Humphrey Building, Room 509F  
200 Independence Avenue, SW  
Washington, DC 20201

*Re: RIN 0945-AA17*

Dear Secretary Becerra:

Thank you for the opportunity to provide comments to the Department of Health and Human Services (HHS) and the Office for Civil Rights (OCR) on its Notice of Proposed Rulemaking (NPRM) on “Nondiscrimination in Health Programs and Activities” under Section 1557 of the Affordable Care Act. We appreciate the full 60-day public comment period provided upon the proposed rule’s publication in the Federal Register on August 4, 2022, given the importance of Section 1557’s nondiscrimination mandate across federal healthcare programs.

The American Academy of Child and Adolescent Psychiatry (AACAP) is the professional home to 10,000 child and adolescent psychiatrists, some of whom also treat adults and transitional age youth (age 18 years and above). Our mission includes promoting the healthy development of children, adolescents, and families. We therefore have a strong interest in policies that improve access to mental and behavioral health services to all who need them, which is especially challenging in the context of continuing workforce shortages of mental and behavioral health providers, coupled with significant unmet needs for mental and behavioral health services for both children and adults, especially among

historically underserved patient populations, such as racial minority groups, those with disabilities, youth who are LGBTQ+, and those who experience language barriers, among others.

AACAP strongly supports the proposed rule. It clarifies and strengthens nondiscrimination protections and will reduce barriers to care for patients who have historically been marginalized and underrepresented in the health care delivery system and who carry a greater disease burden, including mental health conditions. A recently published report from the Farley Policy Center illuminates the scope of the problem and demonstrates the economic impact of mental health inequities.<sup>1</sup> Mental health is critical to overall wellbeing, but not all Americans have equal access to behavioral health services, such as therapy, medication, and residential treatment. This is true for both children and adults. The report examines the impact of mental health inequities on American society by quantifying the potential economic and health savings that an equitable system would provide.

Researchers conducted a comprehensive literature review, analysis of public data sets, and analysis of state and national policies to demonstrate the relationship between economic status, mental health status, and racial and ethnic status. During the five-year study period between 2016 and 2020, they found:

- At least 116,722 premature deaths due to mental and behavioral health-related racial inequities.
- Racial inequities generated at least \$278 billion dollars in excess cost burden

The report makes several policy recommendations that are echoed in many of the proposals in this NPRM, such as ensuring that behavioral healthcare is accessible to those who need it through insurance coverage, adoption of culturally centered mental and behavioral health care, and policy options to address intersectional and specific populations' needs, from pregnant people to LGBTQ+ groups.

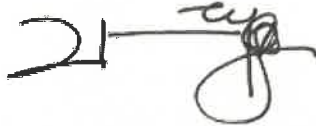
We believe that reinstating the Section 1557 regulatory framework to align with the legislative intent in the Affordable Care Act is a critical step in addressing these inequities and we appreciate the agency's focus on ensuring that these important nondiscrimination protections are restored. AACAP member experts would be happy to engage on these topics.

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<sup>1</sup> [The-Economic-Burden-of-Mental-Health-Inequities-in-the-US-Report-Final-single-pages.V6.pdf \(satcherinstitute.org\)](#)

Should you have questions, feel free to reach out to Karen Ferguson, Deputy Director of Clinical Practice, at [kferguson@aacap.org](mailto:kferguson@aacap.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Ng', with a stylized flourish at the end.

Warren Y.K. Ng, MD, MPH

President

The American Academy of Child and Adolescent Psychiatry