SDoH and Policy Issues Crosswalk for Healthcare
The healthcare industry is constantly changing as lawmakers, payers, providers, and other stakeholders adapt to new realities—and shift their priorities as a result. One such movement commanding more attention and resources is equitable access to care for all.

We’ve long known that a person’s social determinants of health (SDoH) set the stage for unequal access to healthcare and potentially poorer health results. But now payers and provider organizations are being incentivized like never before to act on data related to SDoH. As a result, we look at some of the current legal issues in healthcare that should be top of mind for healthcare leaders as they address SDoH with the goal of reducing health disparities.

1. Telehealth law

The past 18 months have been unparalleled for telehealth. The already growing area of telehealth law expanded exponentially, with waivers to decrease telehealth payment barriers, measures to protect patients, and audits to reduce fraud as stand-outs. In 2021, look for continued expansion of telehealth coverage. Starting with the Centers for Medicare & Medicaid Services (CMS) List of Medicare Telehealth Services, make sure your billing staff is up to date and aware of the codes, both permanent and temporary, that can be used to report telehealth services.

It’s also important to understand the multiple regulations regarding telehealth that were instituted in 2020-2021.

• Consult CMS’ COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers, which give greater flexibility for Medicare telehealth services.

• The Public Readiness and Emergency Preparedness Act (PREP Act) contains declarations that authorize healthcare personnel to use telehealth across state lines to order or administer covered countermeasures and to provide telehealth providers immunity from liability for claims concerning those countermeasures.

• Look for increased state and federal measures that aim to protect the privacy of telehealth patients—but at the same time help to ensure an ease of reimbursement for telehealth providers including the necessary sharing of patient information for billing and treatment purposes.

All of these measures to decrease barriers to telehealth are happening at the same time that the Office of Inspector General (OIG) has increased the number of its audits in this area. Telehealth providers should take a proactive stance in reviewing their billed claims and the compliance of their telehealth programs to ensure they are in keeping with federal requirements.
2. Patient safety and healthcare inequity

According to the experts, racial and ethnic disparities in healthcare are among the top patient safety issues for 2021. We’ve seen this reflected in discrepancies in medical care among minorities with regard to access to healthcare, testing, and vaccination throughout the COVID-19 pandemic. The following studies illustrate the problem:

The CDC published that the Hispanic or Latinx population makes up 18.5% of the U.S. population, but comprises 32.5% of COVID-19 deaths.

The Urban Institute’s Health Policy Center recently published a study showing that black patients experienced significantly worse quality of care compared to white patients in six of the 11 patient safety quality indicators that measure rates of adverse patient safety events, including five out of seven surgery-related safety indicators.

Healthcare organizations need to devote resources to improve health equity and can start by taking the following steps:

- Incorporate health equity into the strategy of the organization and educate employees on its importance.
- Assess the culture of the organization regarding health equity and develop goals to address weaknesses.
- Look to community resources and partner with them in their initiatives.
- Address any racism in the organization and develop a cultural competence strategy within the organization.
For many Americans, access to care has always been problematic, but a recent CDC study found that four in 10 U.S. adults have avoided access to care due to issues surrounding the COVID-19 pandemic. Further, 12% of adults neglected emergency care during the pandemic, and 32% have gone without routine care. The study found that certain populations were more negatively affected than others, such as Black and Latinx patients, patients with chronic illness, and unpaid family caregivers.

Access to health services is also a key domain of the social determinants of health. Barriers to access to healthcare could be due to poor access to transportation or limited healthcare resources, but the most significant barrier is a lack of insurance coverage. The Affordable Care Act has worked to increase insurance coverage to a greater percentage of Americans.

In addition, the Medicaid Expansion aspects of the Act have helped narrow disparities in health coverage and access to care. However, not all states have expanded Medicaid. In 2021, we will be watching to see if the remaining 12 states will adopt and implement the Medicaid expansion and also what steps the Biden administration will take legislatively to extend coverage to more Americans.

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