

Wynne Health Group Weekly



FRAMING THE WEEK

With only two weeks left before the scheduled August recess, senators are racing to finalize the legislative text of the \$579 billion [bipartisan infrastructure agreement](#) as soon as today. The pay-fors are among the issues still being debated. At the moment, lawmakers are considering the following **health-related pay-fors**:

- **Repurposing unallocated CARES Act Provider Relief Fund (PRF).** Up to \$43.7 billion of \$178 billion in PRF remains unobligated, [according](#) to the Government Accountability Office (GAO)
- **Delaying the Trump-era Medicare Part D rebate rule,** currently [set](#) to take effect on January 1, 2023, and is estimated to save \$177 over 10 years, [according](#) to the Congressional Budget Office (CBO)
- **Prohibiting spread pricing by pharmacy benefit managers,** which is estimated to save nearly \$1 billion over 10 years, [according](#) to CBO; and
- **Extending the 2 percent Medicare sequester,** currently set to take effect on January 1, 2022 and go through 2031.

Provided a deal is reached, the Senate will take a procedural vote to move forward with debate on the bipartisan infrastructure bill, teeing up the package for Senate passage before recess.

The suspension on the **statutory debt limit** expires on Saturday, July 31. Last week, Treasury Secretary Janet Yellen [informed](#) congressional leadership that Treasury will begin to take “extraordinary measures” on August 2 absent congressional action. CBO [estimates](#) that Treasury can use those extraordinary measures to borrow until October or November, providing lawmakers with some time to act, though not much given all that is on their to-do list – infrastructure, budget reconciliation, and appropriations.

FY 2022 Appropriations

Before adjourning for recess at the end of the week, the House will vote on the **fiscal year (FY) 2022 Labor-Health and Human Services-Education appropriations bill** as part of a minibus ([H.R. 4502](#)). The bill provides \$119.8 billion for HHS, an increase of \$22.9 billion above the FY 2021 enacted level and \$129 million below President Biden’s budget request. The bill includes \$3 billion to establish the Advanced Research Projects Agency for Health (ARPA-H) and increases funding to address numerous health issues, including public health infrastructure, health disparities, maternal mortality, gun violence, and mental health and substance use disorder.

The **Hyde amendment**, the longstanding ban on federal funding for most abortions, was not included in the FY 2022 Labor-HHS-Education appropriations bill, but it is likely to be added back

in given the razor thin margins in the Senate. Sen. Joe Manchin (D-WV), along with Sen. Roger Wicker (R-MS) [sent](#) a letter to leadership requesting the continued inclusion of the Hyde Amendment.

COVID-19

Tomorrow, the Senate Health, Education, Labor and Pensions (HELP) Committee convenes a [hearing](#) to discuss **lessons learned from the COVID-19 pandemic**. The panel includes perspectives from a state health official, public health expert, health care provider, and pharmaceutical trade association. Their discussion will inform the forthcoming **bipartisan public health and medical preparedness [legislation](#)** from Chair Patty Murray (D-WA) and Ranking Member Richard Burr (R-NC). The duo aims to move their package through Committee in the fall.

THIS WEEK IN HEALTH POLICY

Mon. (7/26)

- **2:15pm – NIH Listening Session: Vision, Hearing, and Dental Research** – NIH hosts a listening session to inform the proposed Advanced Research Projects Agency for Health (ARPA-H) titled, “Advocates for Research on Eye Disease and Visual Impairment, Deafness and Communication Disorders, and Dental and Craniofacial Disorders.” [Details](#).

Tue. (7/27)

- **10:00am – Hearing: Cybersecurity** – The Senate Judiciary Committee convenes a hearing titled, “America Under Cyber Siege: Preventing and Responding to Ransomware Attacks.” [Details](#).
- **10:00am – Hearing: Cybersecurity** – The Senate Commerce, Science, and Transportation Committee convenes a hearing titled, “Pipeline Cybersecurity: Protecting Critical Infrastructure.” [Details](#).
- **10:00am – Hearing: COVID-19** – The Senate Committee on Health, Education, Labor & Pensions (HELP) convenes a hearing titled, “The Path Forward: Building on Lessons Learned from the COVID-19 Pandemic.” [Details](#).
- **10:30 – Hearing: Pandemic Evictions Oversight** – The House Oversight and Reform Committee Coronavirus Crisis Subcommittee holds a hearing titled, “Oversight of Pandemic Evictions: Assessing Abuses by Corporate Landlords and Federal Efforts to Keep Americans in Their Homes.” [Details](#).
- **12:00pm – AHP Discussion: Dual-Eligibles** – The Alliance for Health Policy (AHP) holds a virtual discussion titled, “Closing the Coverage Coordination Gap for Dual-Eligibles.” [Details](#).
- **3:00pm – NQF Webinar: Geriatrics and Palliative Care** – The National Quality Forum (NQF) Geriatrics and Palliative Care Standing Committee holds a topical webinar. [Details](#).

Wed. (7/28)

- **10:15am – Hearing: Nutrition** – The House Education and Labor Subcommittee on Civil Rights and Human Services Subcommittee convenes a hearing titled, “Food for Thought: Examining Federal Nutrition Programs for Young Children and Infants.” [Details](#).
- **10:30am – Hearing: Consumer Protections** – The House Energy and Commerce (E&C) Subcommittee on Consumer Protection and Commerce convenes a legislative hearing titled, “Transforming the FTC: Legislation to Modernize Consumer Protection.” [Details](#).
- **12:00pm – CMS Meeting: Advisory Panel on Outreach and Education** – The Centers for Medicare and Medicaid Services (CMS) holds a meeting of the Advisory Panel on Outreach and Education. [Details](#).
- **12:00pm – Discussion: Maternal Health Disparities** – The U.S. Chamber of Commerce holds a virtual discussion titled, “Equality of Opportunity in Action: Addressing Maternal Healthcare Disparities.” [Details](#).

Thurs. (7/29)

- **11:00am – Hearing: Neurodegenerative Diseases** – The House E&C Subcommittee on Health convenes a hearing titled, “The Path Forward: Advancing Treatments and Cures for Neurodegenerative Diseases.” [Details.](#)

Fri. (7/30)

- **9:00am: Listening Session: Health Disparities and Nursing** – NIH hosts a listening session to inform the proposed ARPA-H titled, “Advocates for Research on Minority Health and Health Disparities, and Nursing.” [Details.](#)
- **2:00pm – HHS Meeting: COVID-19 Health Equity Task Force** – The Department of Health and Human Services (HHS) Office of Minority Health holds a meeting of the COVID-19 Health Equity Task Force. [Details.](#)

FEATURED WHG ANALYSIS

- **WHG Side-by-Side of Health Technology Assessment Models** – In the Policy Hub Insight Bank [here.](#)
- **WHG Updated 2021 Legislative and Regulatory Outlook** – In the Policy Hub Insight Bank [here.](#)
- **WHG Chart Key Federal Public Option Bills in the 117th Congress; Side-by-Side Comparison** – In the Policy Hub Insight Bank [here.](#)
- **WHG Overview of Recent Development on Federal Telehealth Policy** – In the Policy Hub Insight Bank [here.](#)
- **WHG Chart of the Major Drug Pricing Proposals in the 117th Congress** – In the Policy Hub Insight Bank [here.](#)
- **WHG Round Up of Key CMMI Developments** – In the Policy Hub Insight Bank [here.](#)

CONGRESSIONAL LOOKBACK

Tuesday (7/20)

- **The Senate HELP Committee [convened](#)** a hearing to discuss the federal response to COVID-19. [Details.](#)
- **The House Education and Labor Subcommittee** on Health, Employment, Labor, and Pensions [convened](#) a hearing examining investments to strengthen the direct care workforce, including home health aides and personal care aides. [Details.](#)

REGULATORY LOOKBACK

Thursday (7/22)

- **The FDA [issued](#)** a request for applications of patient advocates interested in participating on the Patient Engagement Collaborative. Applications are due August 22. [Details.](#)
- **CMS [approved](#)** Colorado’s State Plan Amendment (SPA) setting the reimbursement rates for COVID-19 vaccine administration. [Details.](#)

Monday (7/19)

- **CMS [released](#)** the CY 2022 Hospital Outpatient Prospective Payment System and ASC Payment System Proposed Rule. Comments are due September 17. [Details.](#)
- **HRSA [announced](#)** three funding opportunities totaling \$103 million from the American Rescue Plan Act to address mental health needs. Applications are due August 30. [Details.](#)

COMMENT & APPLICATION DEADLINES

- **July 28:** CMS [released](#) a proposed rule to improve access and affordability for consumers in the individual market. [Details.](#)

- **July 28:** CMS is [currently accepting comments](#) on the development and maintenance of the outcome electronic clinical quality measure (eCQM), Hospital Harm – Falls with Major Injury. [Details.](#)
- **August 2:** FDA [issued](#) draft guidance on oral drug products administered via enteral feeding tube. Comments are due August 2. [Details.](#)
- **August 6:** The White House ONDCP [issued](#) a request for information seeking feedback on whether and to what extent its policies and programs perpetuate systemic barriers to opportunities for underserved communities. [Details.](#)
- **August 22:** The FDA [issued](#) a request for applications of patient advocates interested in participating on the Patient Engagement Collaborative. [Details.](#)
- **August 27:** CMS [issued](#) the cycle year (CY) 2022 home health prospective payment system and rate update proposed rule. Comments are due August 27. [Details.](#)
- **August 27:** PCORI [issued](#) a request for comment on its five national priorities for health that will serve as the foundation for developing PCORI's Research Agenda. [Details.](#)
- **August 27:** The FDA [issued](#) draft guidance entitled "Cancer Clinical Trial Eligibility Criteria: Approach to Available Therapy in Non-Curative Settings." [Details.](#)
- **August 30:** HRSA [announced](#) three funding opportunities totaling \$103 million from the American Rescue Plan Act to address mental health needs. [Details.](#)
- **August 31:** The CDC [seeks](#) nominations for the CDC/Health Resources & Services Administration (HRSA) Advisory Committee on HIV, Viral Hepatitis, and STD Prevention and Treatment (CHACHSPT). [Details.](#)
- **September 13:** CMS [released](#) its calendar year (CY) 2022 Medicare Physician Fee Schedule (MPFS) proposed rule. [Details.](#)
- **September 15:** The NIH Office of Research on Women's Health [requests](#) comments to inform planning of the Women's Health Consensus Conference. [Details.](#)
- **September 17:** The CDC [announced](#) it is seeking nominations for individuals to serve as members of the Healthcare Infection Control Practices Advisory Committee. [Details.](#)
- **September 17:** CMS [released](#) the CY 2022 Hospital Outpatient Prospective Payment System and ASC Payment System Proposed Rule. [Details.](#)

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