

Wynne Health Group Weekly



FRAMING THE WEEK

Budget Reconciliation

This morning, Sen. Bernie Sanders (I-VT), Chairman of the Senate Budget Committee, [introduced](#) the **fiscal year (FY) 2022 budget resolution, which includes \$3.5 trillion in [reconciliation instructions](#)**. The Senate is expected to consider the budget resolution after passage of the bipartisan Infrastructure Investment and Jobs Act, which could happen as soon as early Tuesday. House Speaker Nancy Pelosi (D-CA) has [said](#) that the House will not vote on the roughly \$1 trillion bipartisan infrastructure bill until the Senate passes a budget reconciliation package, which is not likely to happen until the late fall. Highlights of the budget reconciliation instructions:

- **Finance Committee** – At least \$1 billion in deficit reduction for FYs 2022 through 2031 to “provide the Committee with flexibility to make investment, revenue and offset decisions consistent with the policy recommendations.” The Finance Committee is instructed to use “health care savings,” which entail “lowering the price of prescription drugs,” and tax reforms to offset investments. They include:
 - Extending the temporary increase to Affordable Care Act (ACA) premium subsidies;
 - Addressing the Medicaid expansion coverage gap;
 - Expanding Medicare to include dental, vision, and hearing benefits, and lowering the eligibility age;
 - Addressing health care provider shortages (graduate medical education);
 - Home and community-based services;
 - Health equity (maternal, behavioral, and racial justice health investments); and
 - Other investments for paid family and medical leave; child tax credit; clean energy, manufacturing, and transportation incentives; pro-worker incentives and worker support; housing incentives; and SALT cap relief.

- **Health, Education, Labor and Pensions Committee** – \$726 billion for:
 - Investments in primary care, including Community Health Centers, the National Health Service Corps, the Nurse Corps, and Teaching Health Center Graduate Medical Education
 - Health equity (maternal, behavioral, and racial equity health investments);
 - Pandemic preparedness;
 - Workforce development and job training;
 - Labor enforcement and penalties; and
 - Other investments for universal Pre-K; child care for working families; financial support for schools and students; and school infrastructure.

- **Committee on Agriculture, Nutrition, and Forestry** – \$135 billion for child nutrition, agriculture conservation programs, rural development, and a civilian climate corps.

Regulatory Update

The latest Spring Update to the Unified Agenda identified August 2021 as the timeframe for release of a number of rules. We outline the rules below on which we may see movement in the coming weeks.

- **Medicaid:** CMS is slated to release a [final rule](#) on changes to the continuous enrollment requirements for the temporary 6.2 percentage point Federal Medical Assistance Percentage (FMAP) increase under the Families First Coronavirus Response Act ([P.L. 116-127](#)).
- **Tobacco:** The Food and Drug Agency (FDA) is slated to release a [proposed rule](#) that would ban characterizing flavors in all cigars. This new tobacco product standard would build on FDA's ban on flavored cigarettes (more details [here](#)).
- **Technology:** The Centers for Medicare & Medicaid Services (CMS) is slated to [propose new standards](#) to support both health care claims and prior authorization transactions, and standards for electronic signatures to be used in conjunction with health care attachments transactions.
- **Administrative Improvements:** The U.S. Department of Health and Human Services (HHS) is slated to [propose a new rule](#) to rescind regulations governing HHS release and maintenance of guidance documents.
- **Housing:** The U.S. Department of Housing and Urban Development (HUD) is slated to [propose a rule](#) to change the procedures for affirmatively furthering fair housing to focus on advancing equity and providing access to opportunity more effectively.

Please note that the target dates included in the Unified Agendas are subject to wide variability and that, as a result, the release of the aforementioned rules may be delayed.

THIS WEEK IN HEALTH POLICY

Wed. (8/11)

- **2:00pm – CMS Webinar: Price Transparency** – CMS hosts a national stakeholder webinar on the Hospital Price Transparency rule. [Details](#).

Thurs. (8/12)

- **1:00pm-2:00pm – Health Affairs Discussion: CMS** – Health Affairs hosts a one-on-one discussion with Chiquita Brooks La-Sure, CMS Administrator. [Details](#).

FEATURED WHG ANALYSIS

- **WHG Side-by-Side of Medicaid Expansion Gap Bills** – In the Policy Hub Insight Bank [here](#).
- **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](#).

CONGRESSIONAL LOOKBACK

Fri. (8/6)

- **The SFC** Chairman Ron Wyden (D-OR) Ranking Member Mike Crapo (R-ID) [announced](#) an effort to develop bipartisan legislation to address barriers to mental health care. [Details](#).

Mon. (8/2)

- **Sen. Kirsten Gillibrand (D-NY)** [announced](#) the introduction of the Enhanced Access to SNAP Act to expand SNAP benefit eligibility to college students. [Details](#).

REGULATORY LOOKBACK

Fri. (8/6)

- **CMS** [issued](#) a proposed rule with rescind the Most Favored Nation (MFN) Model interim final rule. Comments due October 9. [Details](#).
- **The FDA** [issued](#) final guidance on considerations for metastasis-free survival endpoints in clinical trials for non-metastatic castration resistant prostate cancer (nmCRPC). [Details](#).

Thurs. (8/5)

- **CMS** [reported](#) that more than 2.5 million enrollees have saved an average of 40 percent on their monthly premiums after returning to the federally facilitated health insurance marketplace. [Details](#).

Wed. (8/4)

- **The CRS** released a [report](#) on health disparities during the COVID-19 pandemic. [Details](#).
- **CMS** [approved](#) a New York State Plan Amendment (SPA) to revise nursing facility payments. [Details](#).

Mon. (8/2)

- **CMS** released its FY 2022 Medicare IPPS and LTCH PPS [final rule](#). [Details](#).

COMMENT & APPLICATION DEADLINES

- **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 30:** HRSA [announced](#) a funding opportunity for the Teaching Health Center Planning and Development Program. [Details](#).
- **August 30:** HRSA [announced](#) a funding opportunity for Teaching Health Center Planning and Development Technical Assistance. [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](#).
- **September 21:** HRSA [announced](#) a funding opportunity for the teaching Health Center Graduate Medical Education (THCGME) New and Expanded Residency Program. [Details](#).
- **September 28:** CMS [issued](#) a proposed rule that would authorize states to make payment to third parties, to facilitate easier access to employee benefits. [Details](#).
- **October 9:** CMS [issued](#) a proposed rule with rescind the Most Favored Nation (MFN) Model interim final rule. [Details](#).

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