

Wynne Health Group Weekly



FRAMING THE WEEK

Continuing Resolution

This week, the House is slated to vote on a continuing resolution to avoid an October 1 government shutdown. The duration of the stopgap measure has not yet been announced, but Democratic leaders are eyeing early December – possibly December 3 or 10 – just before the scheduled holiday recess. The potential end-of-year package could also serve as a vehicle for bipartisan legislative priorities (e.g., access to mental health care, Medicare telehealth reform, and Cures 2.0) – as we saw last year with the inclusion of the No Surprises Act in the Consolidated Appropriations Act, 2021 ([P.L. 116-260](#)).

Debt Limit

The House is also expected to vote on a measure to suspend the debt limit, but whether this language will be attached to the continuing resolution remains to be seen. Pairing the two measures together could increase the possibility of a government shutdown, since the Senate needs 60 votes to pass the continuing resolution. In a Dear Colleague [letter](#), Speaker Nancy Pelosi (D-CA) reiterated her call for bipartisanship to suspend the debt limit, noting the parties came together in 2019 to do just that. However, Senate Republicans have adamantly opposed raising the debt limit as Democrats pursue a \$3.5 trillion budget reconciliation package. Still, they generally may be more open to a suspension.

Budget Reconciliation

All 13 committees of jurisdiction have submitted their legislative recommendations, but the House Budget Committee will not mark up the consolidated budget reconciliation package this week. This delay complicates Pelosi's deal with moderate Democrats to vote on the Senate-approved bipartisan infrastructure package by next Monday, September 27 since it could take weeks for House Democrats to reach a deal on how to generate and spend savings (and whether that deal is even viable in the Senate is questionable).

Negotiations over the \$3.5 trillion Build Back Better Act remain active, especially due to the uncertainty surrounding prescription drug pricing reforms. If Democrats are ultimately unable to raise enough votes for Medicare drug price negotiation authority, as proposed in [H.R. 3](#), they may have to reconfigure their budget reconciliation package without major savings generated from robust drug pricing reforms, which may require scaling back on health care-related items (e.g., fixing the Medicaid expansion coverage gap, adding dental, vision, and hearing benefits to Medicare, making permanent the ACA premium subsidy enhancements).

Other House Votes: Reproductive Rights, Defense, Cybersecurity

The House will also vote on the Women’s Health Protection Act of 2021 ([H.R. 3755](#)) – an attempt by congressional Democrats to save *Roe v. Wade*, as it faces an uncertain future. This fall, the Supreme Court will hear *Dobbs v. Jackson Women’s Health Organization*, which bans abortion after 15 weeks in Mississippi. With a conservative supermajority, the Supreme Court is well-positioned to issue a decision (likely in June 2022) that could overturn or further erode *Roe v. Wade*. The Women’s Health Protection Act of 2021 would protect the right to access abortion care by creating a safeguard against medically unnecessary restrictions. While the Women’s Health Protection Act of 2021 is expected to pass in the House, it is unlikely to clear the 60-vote filibuster threshold in the Senate.

Additionally, the House will also consider the National Defense Authorization Act for Fiscal Year 2022 ([H.R. 4350](#)). The House may also vote this week on several bills intended to bolster the federal government’s cybersecurity workforce ([H.R. 3533](#), [H.R. 3599](#), and [S. 2382](#)), among [others](#).

COVID-19 and Children’s Health

On Wednesday, the House Energy and Commerce Subcommittee on Oversight and Investigations will hold a [hearing](#) to examine the health impacts of COVID-19 on children and adolescents. Members will hear from pediatric health experts and mental health leaders on ways to ensure the safety of children as they return to school, especially kids under 12 who are awaiting emergency use authorization of a COVID-19 vaccine for their age group.

Medicaid

Later this week, the Medicaid and CHIP Payment and Access Commission (MACPAC) will [convene](#) to discuss an array of timely issues, including:

- **Associations between state eligibility processes and rates of churn and continuous coverage** (important considerations as states prepare to phase out COVID-related continuous eligibility at the end of the public health emergency);
- **Medicaid levers to address concerns about the primary and specialty care workforce and access to care for Medicaid beneficiaries** (especially if Congress passes legislation to address the Medicaid expansion coverage gap); and
- **Vaccine access, coverage, and payment for adults enrolled in Medicaid** (which MACPAC examined in [September 2020](#); states that did not expand Medicaid are not required to cover all vaccines recommended by CDC’s ACIP).

Additionally, MACPAC will host a panel discussion on the **adoption and use of health IT by behavioral health providers to support care integration**. The panel features Jessica Kahn, McKinsey & Company; Bebet Herminio Navia, Jr., New Jersey Medicaid Enterprise Systems; and Brooke Hammond, Integral Care.

Regulatory Update

The October 1 deadline for the release of a [second interim final rule](#) on surprise medical billing (i.e., Surprise Billing Part II) continues to draw near. This rule will establish the specifics for the independent dispute resolution (IDR) process (i.e., arbitration) and the patient-provider dispute resolution process (for uninsured individuals to appeal a bill charged that is substantially greater than the good faith estimate). The rule, however, has not yet appeared at the Office of Management and Budget (OMB), meaning the White House

has not received the rule for final approval. Given the impending due date, we may see the rule appear at OMB in the coming days before its release expected by the end of the month.

THIS WEEK IN HEALTH POLICY

Tue. (9/21)

- **2:00pm – Webinar: Addiction Recovery** – Third Horizon Strategies and the House Addiction, Treatment, and Recovery Caucus host a webinar titled, “Turning Policy Into Action – How Recovery Supports Save Lives.” [Details.](#)

Wed. (9/22)

- **8:00am – Meeting: MEDCAC** – The Medicare Evidence Development & Coverage Advisory Committee (MEDCAC) holds a meeting to examine relevant health outcomes in studies for cerebrovascular disease treatment. [Details.](#)
- **10:00am – Hearing: Veteran Suicide** – The House Committee on Veteran’s Affairs holds a hearing titled, “Veteran Suicide Prevention: Innovative Research and Expanded Public Health Efforts.” [Details.](#)
- **10:30am – Hearing: COVID-19 and Children** – The House Committee on Energy & Commerce Subcommittee on Oversight and Investigations holds a hearing titled, “Putting Kids First: Addressing COVID-19’s Impacts on Children.” [Details.](#)

Thurs. (9/23)

- **10:00am – BPC Webinar: Housing Policy** – The Bipartisan Policy Center (BPC) holds a webinar on affordable housing to launch the J. Ronald Terwilliger Center for Housing Policy. [Details.](#)
- **1:00pm – HHS Meeting: Blood Supply** – The Department of Health and Human Services (HHS) holds a meeting of the Advisory Committee on Blood and Tissue Safety and Availability to discuss and vote on recommendations to improve the supply chain and data infrastructure. [Details.](#)

Additional Multi-Day Events

- **September 20-September 21 – 11:00am – VA Meeting: Rural Health** – The Department of Veterans Affairs (VA) holds a meeting of the Veterans’ Rural Health Advisory Committee to hear program updates and presentations by experts on rural health care access. [Details.](#)
- **September 21-September 22 – 12:00pm – HRSA Meeting: Infant Mortality** – The Health Resources and Services Administration (HRSA) holds a meeting of the Advisory Committee on Infant Mortality to discuss policies and programs that are designed to deal with health and social problems that impact infant mortality. [Details.](#)
- **September 21-September 24 – 10:00am – Workshop: COVID-19** – The National Academies of Sciences, Engineering, and Medicine hold the second in a two-part workshop on COVID-19 titled, “Toward a Post-Pandemic World” to discuss anticipated long term effects of COVID-19, engagement and misinformation in public health, building capacity for COVID-19 and future outbreak intervention, and applying lessons toward planning for future outbreaks. [Details.](#)
- **September 22-September 23 – 10:00am – CDC Meeting: Pfizer COVID-19 Booster** – The Centers for Disease Control and Prevention (CDC) holds a meeting of the Advisory Committee on Immunization Practices to consider evidence related to booster doses of the Pfizer COVID-19 vaccine. [Details.](#)
- **September 23-September 24 – Meeting: MACPAC** – The Medicaid and CHIP Payment and Access Commission (MACPAC) holds a public meeting to discuss Medicaid and CHIP payment and policy issues. [Details.](#)
- **September 23-September 24 – 10:30am – NIH Workshop: Infant Formula** – The National Institutes of Health (NIH) holds a workshop titled, “Exploring the Science Surrounding the Safe Use of Bioactive Ingredients in Infant Formula: Considerations for an Assessment Framework” to

discuss function state-of-the-science of biologically active human milk components and the implications for safety assessments. [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

Tues. (9/14)

- **Reps. Peters (D-CA) and Schrader (D-OR)** [introduced](#) the Reduced Costs and Continued Cures Act (RCCA) as the moderate Democrats drug pricing alternative. [Details](#).

REGULATORY LOOKBACK

Fri. (9/17)

- **CMS** released the [final rule](#) ([fact sheet](#)) to improve access and affordability for consumers in the individual market. [Details](#).
- **HHS** will [distribute](#) a total of nearly \$350 million to every state to strengthen maternal and child health. [Details](#).
- **The VA** [announced](#) a final rule to eliminate copay requirements for opioid antagonists and related education provided to veterans who are at high risk of opioid overdose. [Details](#).
- **The GAO** [released](#) a report on the prevalence of chronic health conditions that are related to diet. [Details](#).

Thurs. (9/16)

- **HRSA** [awarded](#) over \$48 million to health centers as part of HHS' [Ending the HIV Epidemic in the U.S. \(EHE\)](#) initiative. [Details](#).
- **CMS** [announced](#) that more than 2.8 million people enrolled in Marketplace health care coverage during the Biden-Harris Administration's 2021 SEP. [Details](#).

Wed. (9/15)

- **CMS** is [awarding](#) \$20 million in American Rescue Plan (ARP) funding to State-based Marketplaces (SBM) to help states provide more efficient eligibility and enrollment processes. [Details](#).
- **The NIH** [announced](#) the launch of the Researching COVID to Enhance Recovery (RECOVER) Initiative to support large-scale studies on the long-term effects of COVID-19. [Details](#).

Tues. (9/14)

- **ASPE** published a [brief](#) examining state use of Title IV-E funding for family-based facilities. [Details](#).

Mon. (9/13)

- **HHS** released a [notice of proposed rulemaking](#) (NPRM) that implements reporting requirements and enforcement provisions of Title I (No Surprises Act) and Title II (Transparency) of Division BB of the Consolidated Appropriations Act, 2021 (CAA). Comments are due October 18. [Details](#).
- **ASPE Office of Health Policy** released an [issue brief](#) on air ambulance use and surprise billing for such services. [Details](#).
- **CMS** [issued](#) a proposed rule to repeal the Medicare Coverage of Innovative Technology (MCIT) and Definition of “Reasonable and Necessary” [final rule](#). Comments are due October 15. [Details](#).
- **CMS** [announced](#) it will award up to \$20 million to entities in four states to improve health care in rural areas. [Details](#).

COMMENT & APPLICATION DEADLINES

- **September 21:** HRSA [announced](#) a funding opportunity for the teaching Health Center Graduate Medical Education (THCGME) New and Expanded Residency Program. [Details](#).
- **September 25:** The FDA [announced](#) a request for nominees to serve as voting or nonvoting consumer representatives on several agency advisory committees. [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 5:** PCORI [announced](#) funding opportunities with special areas of emphasis that include telehealth for chronic disease management and addressing racism and bias in healthcare systems and care delivery. [Details](#).
- **October 9:** CMS [issued](#) a proposed rule with rescind the Most Favored Nation (MFN) Model interim final rule. [Details](#).
- **October 11:** The Department of Agriculture RHS [announced](#) available grant funding for the establishment of the Emergency Rural Health Care Grant Program. [Details](#).
- **December 11:** The FDA [issued](#) a request for comments on issues related to the post-approval regulation of PANDAs. [Details](#).
- **October 13:** HRSA [seeks](#) public comment on proposed updates to the Periodicity Schedule for HRSA’s Bright Futures Program. [Details](#).
- **October 15:** CMS [issued](#) a proposed rule to repeal the Medicare Coverage of Innovative Technology (MCIT) and Definition of “Reasonable and Necessary” [final rule](#). [Details](#).
- **October 18:** The CDC [seeks comments](#) on two contraception guidance documents, which provide evidence-based recommendations to assist health care providers when counseling patients on contraceptive choice and use. [Details](#).
- **October 18:** HHS released a [notice of proposed rulemaking](#) (NPRM) that implements reporting requirements and enforcement provisions of Title I (No Surprises Act) and Title II (Transparency) of Division BB of the Consolidated Appropriations Act, 2021 (CAA). [Details](#).
- **October 22:** The U.S. Citizenship and Immigration Services [announced](#) that it is seeking written comments and related materials regarding public charge inadmissibility. [Details](#).
- **November 7:** The FDA [announced](#) a request for nominations for members to serve on the Tobacco Products Scientific Advisory Committee. [Details](#).
- **December 7:** The FDA announced the launch of the [Novel Excipient Review Pilot Program](#) as a new pathway for manufacturers to obtain agency review of certain novel excipients. [Details](#).

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