

Wynne Health Group Weekly



FRAMING THE WEEK

With Congress in recess this week, we look ahead to what is underway on the administrative front – including changes to electronic prior authorization, Medicare payment updates, Medicare Advantage (MA) and Part D Advance Notice, and modifications to Medicare enrollment. Additionally, we highlight key activities and dates related to the unwinding of the Medicaid continuous coverage requirement.

- **March 23 – Electronic Prior Authorization RFI Comment Deadline:** As a reminder, the Office of the National Coordinator of Health Information Technology (ONC) issued a request for information ([RFI](#)) last month seeking stakeholder input on whether to adopt additional standards, implementation specifications, and certification criteria regarding electronic prior authorization as part of its ONC Health IT Certification Program ([WHG summary](#)). ONC seeks feedback across a range of areas related to potential electronic prior authorization requirements, including how new certification criteria should be structured; new implementation specifications for electronic prior authorization; and what the impact of any new requirements would have on patients, providers, developers, and payers. The comment period for the RFI is underway and will end in a month on March 23, 2022.

In addition to this RFI, the Administration has several other items related to electronic prior authorization and interoperability on its rulemaking agenda for later this year. These include –

- **February – Proposed Rule for Certain Health Plans:** A forthcoming [proposed rule](#) to place new requirements on certain health plans to improve the electronic exchanges of health data, streamline processes related to prior authorization, and reduce burden. The plan types that would be affected by this proposed rule include Medicare Advantage (MA) organizations, Medicaid and CHIP managed care and state agencies, and Qualified Health Plan (QHP) issuers. The target date for the proposed rule is February 2022.
- **March – Final Rule Authorizing OIG to Investigate Information Blocking:** A [final rule](#) from the HHS Office of Inspector General (OIG) that would authorize the OIG to investigate claims of information blocking and provide HHS the authority to impose civil monetary penalties for information blocking. The target date for the final rule is March 2022.
- **July – Proposed Rule for the ONC Certification Program:** A [proposed rule](#) to propose new standards and certification criteria under the ONC Certification Program related to real-time benefit tools and prior authorization, and implement certain provisions of the 21st Century Cures Act related to health information exchange and information blocking. The target date for the proposed rule is July 2022.

- **April – Fiscal Year (FY) 2023 Medicare Payment Update Proposed Rules:** Joining the list of CY 2023 proposed Medicare payment updates under review by the Office of Management and Budget (OMB) is the [FY 2023 Inpatient Psychiatric Facilities Prospective Payment System Rate](#). As a reminder, the proposed payment updates already at OMB include updates to the Hospice Wage Index and the Inpatient Prospective Payment System. Promulgation of these proposed rules are expected in April.
- **April 4 – Contract Year (CY) 2023 MA and Part D Advance Notice:** As an additional reminder, CMS recently issued its [CY 2023 Advance Notice for MA and Part D plans \(WHG summary\)](#). Notably, the Advance Notice would result in a nearly 8 percent rate increase for plans. It also included a series of requests for feedback on health equity-focused considerations for MA and Part D plans. Potential changes include updates to the Star Ratings measures that would encourage plans to monitor enrollees' social risk factors and improve the ability for measures to be stratified by such factors. Comments on the Advance Notice are due by March 4, 2022. CMS expects to publish the final 2023 Rate Announcement by April 4, 2022.
- **Updates to Medicare Enrollment & Coverage of Immunosuppressive Drugs:** Last week, a [proposed rule](#) to implement certain provisions of the Consolidated Appropriations Act, 2021 (CAA, [P.L. 116-260](#)) arrived at OMB for review. Specifically, the proposed rule would implement section 120 of the CAA, which allows Medicare coverage to take effect earlier for those enrolling in the General Enrollment Period or within the last three months of their initial enrollment period. It also authorizes the Department of Health and Human Services (HHS) to establish a SEP for exceptional circumstances. In addition, the proposed rule would implement section 402 of the CAA, which extends immunosuppressive drug coverage beyond the current 36-month limit for certain individuals. The Administration [originally targeted](#) a January 2022 timeframe for promulgation of the proposed rule, which suggests the proposed rule could be issued as early as the next few weeks.

Unwinding the Medicaid Continuous Coverage Requirement

The Centers for Medicare and Medicaid Services (CMS) is preparing for the unwinding of the [COVID-19 public health emergency](#) (PHE) when states will resume Medicaid eligibility redeterminations. The PHE is currently set to expire on April 16. However, we anticipate HHS Secretary Xavier Becerra will renew the PHE another 90 days through July 16, since the Biden Administration did not notify states on February 15 (i.e., [60-day mark](#)) that the PHE would not be renewed. Below, we outline key activities and dates:

- **March 28 – Grant Application Deadline:** Applications for the \$49.4 million [funding opportunity](#) to boost enrollment of eligible children, parents, and pregnant people in Medicaid and CHIP are due March 28. Activities will include outreach and application and renewal assistance. CMS anticipates issuing 36 cooperative agreement awards, up to \$1.5 million each for a three-year period.
 - **July 1 – Anticipated Award Date:** The anticipated award date is July 1, 2022, which would provide recipients (such as state and local governments and nonprofits) with additional resources to support mass eligibility redeterminations, possibly beginning in mid-July. The performance period is July 1, 2022 to June 25, 2025.
- **Late March – Special Enrollment Period:** A Special Enrollment Period (SEP) intended to transition Medicaid enrollees to Exchange plans will be available through healthcare.gov in late March. Individuals with an income no greater than 150 percent of the federal poverty level (FPL) and who are eligible for advance payment of premium tax credits (APTCs) will be eligible. This SEP

is only available during the period of time when APTC benefits are available so that the applicable taxpayer has an applicable percentage of zero (i.e., 2021 and 2022). This policy was finalized in the [third installment](#) of the Notice of Benefit and Payment Parameters for 2022.

- **April 18 – RFI Comment Deadline:** Comments for the recently announced [RFI](#) on access to care and coverage for Medicaid and CHIP enrollees are due April 18. CMS intends to use comments to inform the development of their comprehensive strategy to ensure more equitable access for all Medicaid and CHIP populations and inform future policy, monitoring, and regulatory actions.
- **Late April – Anticipated Rulemaking:** According to the [Fall 2021 Unified Agenda](#), CMS plans to issue a [proposed rule](#) intended to minimize coverage loss due to mass eligibility redeterminations triggered by the PHE expiration. The proposed rule would streamline the application, eligibility determination, enrollment, and renewal processes for Medicaid and CHIP. Since the RFI will inform this rulemaking, CMS will likely release the proposed rule after the April 18 comment deadline, possibly late April. If CMS follows [typical time periods](#) for comment periods and effective dates, the effective date of the proposed rule could be after July 16, the possible expiration of the PHE.
 - **Late June – Possible Comment Deadline:** In general, the comment period for proposed rules is 60 days. Therefore, the comment deadline for the CMS proposed rule on Medicaid and CHIP enrollment could be in late June.
 - **Late August – Possible Effective Date:** The effective date for “economically significant” final rules is typically 60 days after publication in the Federal Register. Therefore, the effective date for the CMS proposed rule could be in late August.

THIS WEEK IN HEALTH POLICY

Mon. (2/21)

- WHG closed in observance of the federal holiday.

Tue. (2/22)

- **10:30am – ONC Meeting: Interoperability** – The Office of the National Coordinator for Health Information Technology (ONC) holds a meeting of the Interoperability Standards Workgroup to discuss how to improve interoperability. [Details](#).

Wed. (2/23)

- **10:00am – FCC Meeting: Equity** – The Federal Communications Commission (FCC) holds a meeting of the Communications Equity and Diversity Council to discuss proposed workstreams for working groups. [Details](#).
- **2:00pm – BPC Discussion: Pandemic Preparedness** – The Bipartisan Policy Center (BPC) holds a virtual discussion titled, “Pandemic Preparedness: Now is the Time.” [Details](#).

Thurs. (2/24)

- **10:00am – ONC Meeting: Prior Authorization RFI** – The ONC Health Information Technology Advisory Committee (HITAC) holds a meeting of the e-Prior Authorization Request for Information (RFI) Task Force 2022 to discuss the recent RFI and next steps. [Details](#).
- **12:00pm – NIH Meeting: AIDS** – The National Institutes of Health (NIH) Office of AIDS Research Advisory Council holds a meeting to hear the Director’s report and program updates. [Details](#).
- **3:00pm ONC Meeting: Annual Report** – HITAC holds a meeting of the Annual Report Workgroup to develop recommendations for improving health IT. [Details](#).

Additional Multi-Day Events

- **February 23-February 24 – 10:00am – CDC Meeting: Immunization** – The Centers for Disease Control and Prevention (CDC) holds a meeting of the Advisory Committee on Immunization Practices (ACIP) hepatitis B vaccines, influenza vaccines, pneumococcal vaccine, cholera vaccine, HPV vaccine, MMR vaccine, respiratory syncytial virus vaccine, and tickborne encephalitis vaccine. [Details](#).

FEATURED WHG ANALYSIS

- **WHG Roundup of Recent Telehealth Policy** – In the Policy Hub Insight Bank [here](#).
- **WHG 2022 Legislative and Regulatory Outlook** – In the Policy Hub Insight Bank [here](#).
- **WHG Issue Brief on Health Equity Implications of Potential Telehealth Reform Under Medicare** – In the Policy Hub Insight Bank [here](#).

CONGRESSIONAL LOOKBACK

Tues. (2/15)

- **The SFC [convened](#)** for the second part of a discussion about youth mental health. [Details](#).

REGULATORY LOOKBACK

Fri. (2/18)

- **AHRQ [announced](#)** a Special Emphasis Notice (SEN) that is interested in receiving research grant applications to develop models of care that improve access, quality, and outcomes of care related to COVID-19. [Details](#).
- **CMS [published](#)** a CMCS CIB describing updates to the 2022 Health Home Core Set. [Details](#).
- **CMS [released](#)** an RFI on access to care and coverage for Medicaid and CHIP enrollees. Comments are due April 18. [Details](#).

Thurs. (2/17)

- **AHRQ [released](#)** an RFI from the public on its proposed strategic framework for its Patient-Centered Outcomes Research Trust Fund ([PCORTF](#)) investments. Comments are due April 19. [Details](#).
- **CMS [hosted](#)** a listening session to help inform CMS' development of an alternative coverage pathway to provide transitional coverage for emerging technologies. [Details](#).

Wed. (2/16)

- **HHS OIG [released](#)** a data brief on payments to nonhospice providers for items and services provided to hospice beneficiaries. [Details](#).
- **ASPE [published](#)** a report comparing new flexibilities in MA with Medicaid LTSS. [Details](#).
- **ASPE [published](#)** a report on the impact of expanding Medicaid in the remaining 12 non-expansion states. [Details](#).

Tues. (2/15)

- **CMS [released](#)** new SPA and section 1135 waiver templates related to coverage of new mandatory benefits under the American Rescue Plan. [Details](#).

Mon. (2/14)

- **HRSA [announced](#)** that it awarded almost \$55 million to HRSA-funded community health centers to improve virtual care systems. [Details](#).

COMMENT & APPLICATION DEADLINES

- **February 22:** The USDA [announced](#) \$1.15 billion in grant funding for rural broadband access. [Details.](#)
- **February 28:** The CDC [announced](#) it is seeking nominations for individuals to serve as members of the Advisory Committee on Breast Cancer in Young Women. [Details.](#)
- **March 4:** CMS [announced](#) the Calendar Year 2023 Advance Notice for Medicare Advantage and Part D. [Details.](#)
- **March 6:** The FDA [issued](#) a proposed rule to establish national standards for the licensing of prescription drug wholesale distributors. [Details.](#)
- **March 6:** HHS [released](#) an RFI regarding a proposed revision to the 2020 PHS Guideline on organ donors and transplant recipients for HIV, HBV, and HCV infection. [Details.](#)
- **March 7:** CMS [released](#) the Contract Year (CY) 2023 Policy and Technical Changes to Medicare Advantage (MA) and Part D proposed rule. [Details.](#)
- **March 10:** The ACL released two Innovations in Nutrition Programs and Services funding opportunities ([here](#) and [here](#)) to support research and programs improving nutrition services programs for aging adults. [Details.](#)
- **March 11:** The FDA [issued](#) draft guidance on notifying the agency of a permanent discontinuance or interruption in manufacturing of a device. [Details.](#)
- **March 11:** ASPR [issued](#) a request for comments to help inform the development of the 2023-2026 National Health Security Strategy. [Details.](#)
- **March 14:** The FDA [issued](#) a request for nominations for voting and nonvoting consumer representatives to serve on advisory committees and panels. [Details.](#)
- **March 14:** The USDA FNS [released](#) a notice of funding opportunity for Team Nutrition Training Grants. [Details](#)
- **March 15:** AHRQ [released](#) a solicitation for nominations for members of the U.S. Preventive Services Task Force (USPSTF). [Details.](#)
- **March 18:** HRSA [released](#) a notice of funding opportunity (NOFO) for the Rural Public Health Workforce Training Network (RPHWTN) Program. [Details.](#)
- **March 23:** The **ONC** [issued](#) an RFI seeking stakeholder input on whether to adopt additional standards, implementation specifications, and certification criteria regarding electronic prior authorization. [Details.](#)
- **March 31:** HRSA [announced](#) the availability of \$19.2 million in ARP funding to support primary care and dental resident training in rural and underserved communities. [Details.](#)
- **April 4:** SAMHSA released a NOFO that will make \$10 million available for the Services Grant Program for Residential Treatment for Pregnant and Postpartum Women. [Details](#)
- **April 11:** The CDC [announced](#) it is requesting comments on the proposed clinical practice guideline, “CDC Clinical Practice Guideline for Prescribing Opioids.” [Details.](#)
- **April 12:** The NIH [issued](#) an RFI to gather public input on developing the NIH-Wide Strategic Plan for Diversity, Equity, Inclusion, and Accessibility (DEIA). Comments are due April 12. [Details.](#)
- **April 16:** HRSA released a NOFO to support long term improvements in early developmental health through the Transforming Pediatrics for Early Childhood program. [Details.](#)
- **April 18:** CMS [released](#) an RFI on access to care and coverage for Medicaid and CHIP enrollees. Comments are due April 18. [Details.](#)
- **April 19:** HHS [announced](#) the availability of \$13 million to support increased access to behavioral health care services, including treatment for substance use disorder, in rural communities. [Details.](#)
- **April 19:** AHRQ [released](#) an RFI from the public on its proposed strategic framework for its Patient-Centered Outcomes Research Trust Fund ([PCORTE](#)) investments. [Details.](#)
- **April 22:** The NIH [announced](#) a \$1 million prize competition for innovative diagnostics technologies to help improve maternal health. [Details.](#)

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