

Wynne Health Group Weekly



FRAMING THE WEEK

Congress is out today for the Jewish holiday, with the Senate returning tomorrow and the House returning on Wednesday. Tomorrow, the Senate will begin to tee up a vote on a fiscal year (FY) 2023 continuing resolution (CR) to keep the government operating through mid-December. Senate and House committee leaders reached a deal to attach a five-year reauthorization of the Food and Drug Administration's user fee programs, along with other relatively uncontroversial policy riders including funding for the Ukraine efforts. Senate Minority Leader Mitch McConnell has pushed back against the inclusion of the user fees reauthorization, calling for a clean CR, but he won't allow a government shut down over the issue. Also, it is unclear if Sen. Joe Manchin (D-WV) can get enough votes to support his energy permit language. If a 60-vote threshold isn't reached, the language will be removed. The House is expected to pass the measure before midnight on Friday.

Mental Health

This week, the House is expected to vote on the Mental Health Matters Act ([H.R. 7780](#)) – a package of bills to support the delivery of mental health programs for children and students, expand the workforce of school-based mental health service providers, and strengthen the Department of Labor's authority to enforce mental health parity requirements. House Education and Labor Committee Chairman Bobby Scott (D-VA) and Health, Employment, Labor, and Pensions Subcommittee Chairman Mark DeSaulnier (D-CA) introduced the bill. The legislation has no Republican cosponsors.

Congressional committees are ramping up their work on mental health. Last Thursday, the Senate Finance Committee (SFC) released its discussion draft focused on mental health workforce ([WHG summary](#)). SFC released discussion drafts on telemental health ([WHG summary](#)) and youth mental health ([WHG summary](#)) earlier this year. Other mental health efforts being considered include the Senate Health, Education, Labor, and Pensions (HELP) Committee and the House Energy and Commerce (E&C) Committee packages (details [here](#) and [here](#), respectively) that would largely reauthorize funding for existing mental health programs and the recently advanced House Ways & Means Committee bills that aim to improve access to mental health services under Medicare and private health insurance ([WHG summary](#)).

However, passing comprehensive mental health legislation this Congress is increasingly not looking likely. Many key Republicans are still at odds with Democrats over the Inflation Reduction Act, and point to the [Bipartisan Safer Communities Act](#) as evidence that Congress has already addressed mental health. Senate sources tell us that Senate Republicans don't have the appetite to do more right now, though Senate Democrats and several Republicans still see this as an urgent need and a bipartisan issue. The SFC discussion drafts may at least serve as a starting point for the next Congress.

Nutrition

On Wednesday, the Biden Administration will host the [White House Conference on Hunger, Nutrition, and Health](#). President Biden will unveil the Administration's "National Strategy [that] will identify steps the government will take and catalyzes the public and private sectors to address the intersections between

food, hunger, nutrition, and health.” Leading up to the conference, the Department of Agriculture convened listening sessions and collected policy recommendations to inform the national strategy. The five pillars of the White House conference are:

- Improve food access and affordability;
- Integrate nutrition and health;
- Empower all consumers to make and have access to healthy choices;
- Support physical activity for all; and
- Enhance nutrition and food security research.

Abortion

On Thursday, the House Oversight and Reform Committee will hold a [hearing](#) on “Examining the Harm to Patients from Abortion Restrictions and the Threat of a National Abortion Ban.” Since Democrats do not have the votes to safeguard access to abortion services, the hearing is like an effort for the party to motivate constituents to vote for Democrats in the midterm elections.

Sen. Lindsey Graham (R-SC) recently introduced a [bill](#) to ban abortion at 15 weeks gestation, except in situations involving rape, incest, or risks to the life and physical health of the mother. Given Democratic control, the bill is not expected to move this Congress. We could see Republicans push for this bill and other similar proposals depending on how the election goes. Currently, 44 states [prohibit abortion at a certain point](#) in pregnancy, 9 state ban abortion completely, 4 states ban abortion at 6 weeks, and 1 state bans abortion at 15 weeks. The remaining 31 states ban abortion after 15 weeks.

MedPAC

On Thursday and Friday, the [Medicare Payment Advisory Commission \(MedPAC\)](#) will begin discussions on the utilization and availability of mental health services for Medicare beneficiaries in response to a request from House Ways and Means (W&M) Committee Chairman Richard Neal (D-MA) Notably, W&M favorably reported a bill that would require revisions to the methodology for determining Medicare payment rates under the inpatient psychiatric facilities (IPF) prospective payment system (PPS) for fiscal year 2025, among other improvements ([WHG summary](#)). Commissioners’ analysis could culminate into recommendations that inform W&M’s work.

MedPAC will also discuss the following topics:

- Options to better support safety-net clinicians;
- Prototype prospective payment system (PPS) for all post-acute care (PAC) providers (report due June 30, 2023);
- Nursing facility staffing;
- COVID-19 telehealth flexibilities (report due June 30, 2023); and
- Analysis of Part D data on drug rebates and discounts.

THIS WEEK IN HEALTH POLICY

Wed. (9/28)

- **9:00am – WH Conference: Nutrition** – The White House (WH) holds the White House Conference on Hunger, Nutrition, and Health to discuss the National Strategy to end hunger and diet-related diseases. [Details](#).
- **10:00am – HHS Meeting: Intimate Partner Violence** – The Department of Health and Human Services (HHS) Office on Women’s Health holds a virtual listening session on the impact of COVID-19 on intimate partner violence. [Details](#).

- **10:30am – ONC Meeting: Public Health Data Systems** – ONC holds a meeting of the Public Health Data Systems Task Force 2022 to identify and prioritize policy and technical gaps associated with information systems relevant to public health and identify improvements that can be made. [Details.](#)
- **12:00pm – CMS Webinar: Enrollment Unwinding** – The Centers for Medicare and Medicaid Services (CMS) holds a webinar on Medicaid and CHIP continuous enrollment unwinding. [Details.](#)

Thurs. (9/29)

- **10:00am - Hearing: Abortion** - The House Oversight and Reform Committee convenes a hearing titled, "Examining the Harm to Patients from Abortion Restrictions and the Threat of a National Abortion Ban." [Details.](#)
- **2:00pm – DOL Webinar: No Surprises Act** – The Department of Labor (DOL) holds a webcast to discuss the protections under the No Surprises Act. [Details.](#)
- **10:00am-5:00pm – MedPAC** – The Medicare Payment Advisory Commission (MedPAC) meets to discuss Medicare issues and policy questions. [Details.](#)

Fri. (9/30)

- **9:00am-12:00pm – MedPAC** – The Medicare Payment Advisory Commission (MedPAC) meets to discuss Medicare issues and policy questions. [Details.](#)

FEATURED WHG ANALYSIS

- **WHG Roundup of CMS information releases on long-term services and supports and children’s health** – In the Policy Hub Insight Bank [here.](#)
- **Blog on President Biden’s Executive Order Protecting Access to Reproductive Health Services** – On the Commonwealth Fund’s To the Point [here.](#)
- **WHG Roundup of Recent Telehealth Policy** – In the Policy Hub Insight Bank [here.](#)
- **WHG Regulatory Outlook – Summer 2022 Update** – In the Policy Hub Insight Bank [here.](#)
- **WHG Issue Brief on the Nutrition Policy Landscape** – In the Policy Hub Insight Bank [here.](#)
- **WHG A Suite Of Potential Executive Actions For A Post-Roe World** – In the Policy Hub Insight Bank [here.](#)

CONGRESSIONAL LOOKBACK

Thurs. (9/22)

- **The Senate Finance Committee** [released](#) its third discussion draft on mental health, with this draft focusing on the mental health workforce. [Details.](#)

Weds. (9/21)

- **The House W&M Committee** [favorably reported](#) several bills aimed at improving access to mental health services under Medicare and private health insurance plans. [Details.](#)
- **The House E&C Committee** [favorably reported](#) bills on vaccine injury compensation, access to health care in rural and underserved communities, and Flint lead water registry. [Details.](#)
- **The Select Subcommittee on the Coronavirus Crisis** convened a [hearing](#) on the impact of the COVID-19 pandemic on nursing homes and staff. [Details.](#)

REGULATORY LOOKBACK

Fri. (9/23)

- **CMS** sent a guidance letter to states on nursing facility payment and upper payment limit (UPL) approaches in Medicaid relying on the Medicare Patient-Driven Payment Model (PDPM). [Details.](#)
- **HHS OIG** released a report finding that Medicaid managed care plans submitted incomplete medical loss ratio (MLR) reports to states, which some states failed to identify. [Details.](#)

- **AHRQ** announced a challenge competition to explore the resources and infrastructure needed to integrate real-world data from healthcare systems into systematic review findings. The deadline to apply for Phase 1 of the challenge is January 9, 2023. [Details](#).
- **HHS** invites organizations to become Healthy People 2030 Champions. Applications will be reviewed on a rolling basis. [Details](#).
- **USDA FNS** launched the first phase of its \$100 million Healthy Meals Incentives Initiative intended to improve the nutritional quality of school meals. [Details](#).
- **SAMHSA** awarded more than \$1.6 billion in funding for communities to address addiction and overdose crises. [Details](#).
- **CMS** is considering modifying one of the requirements states must follow to receive a temporary 6.2 percentage point increase in the federal Medicaid matching fund. CMS is reopening the public comment period for the interim final rule (IFR) that established these requirements in November 2020. [Details](#).

Thurs. (9/22)

- **HHS OIG** released an audit finding that nearly all states made capitation payments for beneficiaries who were concurrently enrolled in a Medicaid managed care program in two states. [Details](#).

Weds. (9/21)

- **HHS OIG** [released](#) an audit finding that Medicare Part B overpaid and beneficiaries incurred expenses because of duplicate payments for services at critical access hospitals. [Details](#).
- **The FDA** [issued](#) final guidance on the electronic submission template for medical device 510(k) submissions. [Details](#).

Tues. (9/20)

- **The USPSTF** released draft recommendations and evidence reviews for screening for [anxiety](#) and [depression and suicide risk](#) in adults. Comments are due October 17. [Details](#).
- **The FNS** has [expanded](#) the availability of online shopping in SNAP to 49 states and the District of Columbia. [Details](#).
- **AHRQ** [issued](#) a supplemental solicitation for nominations of members from Populations Underrepresented in Medicine (URIM) to serve on the Initial Review Group (IRG). Nominations are due December 31. [Details](#).

Mon. (9/19)

- **HHS** [released](#) its Roadmap for Behavioral Health Integration. [Details](#).

COMMENT & APPLICATION DEADLINES

- **September 28:** The AHRQ [released](#) an analysis of the existing requirements for coverage with evidence development (CED). [Details](#).
- **September 29:** The FDA [issued](#) draft guidance entitled: Patient Focused Drug Development: Selecting, Developing, or Modifying Fit-for-Purpose Clinical Outcome Assessments (COAs). [Details](#).
- **September 30:** The CDC is [seeking nominations](#) for the Clinical Laboratory Improvement Advisory Committee (CLIAC). [Details](#).
- **September 30:** CMMI [announced](#) a new demonstration model aimed at improving oncology care. [Details](#).
- **October 1:** 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](#).
- **October 17:** The USPSTF released draft recommendations and evidence reviews for screening for [anxiety](#) and [depression and suicide risk](#) in adults. [Details](#).
- **October 19:** The FDA [issued](#) a request for applications from patient advocates interested in participating on the Patient Engagement Collaborative (PEC). [Details](#).

- **October 25:** SAMHSA [announced](#) a new \$35 million grant opportunity to further support the 988 Suicide and Crisis Lifeline. [Details](#).
- **October 26:** The FDA [issued](#) a proposed rule to establish requirements for a nonprescription drug product with an additional condition for nonprescription use (ACNU). [Details](#).
- **October 27:** CMS is considering modifying one of the requirements states must follow to receive a temporary 6.2 percentage point increase in the federal Medicaid matching fund. CMS is reopening the public comment period for the interim final rule (IFR) that established these requirements in November 2020. [Details](#).
- **October 31:** A group of eight House representatives are [seeking](#) input on how to improve upon the Medicare Access and CHIP Reauthorization Act (MACRA). [Details](#).
- **November 4:** CMS issued a [Request for Information](#) seeking public input and feedback on issues related to health equity. [Details](#).
- **November 6:** CMS [released](#) a proposed rule entitled, “Streamlining the Medicaid, Children’s Health Insurance Program, and Basic Health Program Application, Eligibility Determination, Enrollment and Renewal Processes”. [Details](#).
- **November 14:** FDA [issued](#) draft guidance on computer software assurance for production and quality system assurance. [Details](#).
- **November 15:** The Departments of Labor, HHS, and Treasury [issued](#) a RFI to inform future rulemaking for advanced explanation of benefits (AEOB) and good faith estimate (GFE) requirements. [Details](#).
- **November 15:** The AHRQ [issued](#) a RFI on the current state of comprehensive, longitudinal, person-centered care planning for people with Multiple Chronic Conditions. [Details](#).
- **December 7:** The FDA [issued](#) revised draft guidance on general clinical pharmacology considerations for pediatric studies of drugs. [Details](#).
- **December 31:** AHRQ [issued](#) a supplemental solicitation for nominations of members from Populations Underrepresented in Medicine (URIM) to serve on the Initial Review Group (IRG). [Details](#).
- **January 9:** AHRQ announced a challenge competition to explore the resources and infrastructure needed to integrate real-world data from healthcare systems into systematic review findings. [Details](#).

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