

Wynne Health Group Weekly



FRAMING THE WEEK

With Congress in recess this week, we turn our attention to the Biden-Harris Administration, and specifically the recently [updated unified agenda](#). The Administration is planning to engage in multiple rulemaking efforts to advance its health-related priorities. For example, we expect to see more from the Administration this year on its plans for implementing the drug pricing provisions included in the Inflation Reduction Act. We also anticipate additional work on advancing the Administration's behavioral health integration strategy, which it unveiled last year. Last, the Administration is expected to end the COVID-19 public health emergency (PHE) this year and will begin supporting health care providers, states, and other stakeholders in the unwinding of the various pandemic-related flexibilities and requirements that have been in place since 2020. The Administration will also likely move forward on a variety of efforts to support access to reproductive health, support public health systems, and improve access to equitable care.

Below, we highlight planned activity on the regulatory front in drug pricing, public health, mental health, and coverage and access:

- **Drug Pricing:** This week, the Center for Medicare and Medicaid Innovation (CMMI) is expected to release a report describing various different alternative payment models it could consider launching to lower prescription drug pricing. The report was required as part of President Biden's [Executive Order](#) last year on lowering prescription drug costs. Beyond this, the Administration will also begin implement aspects of the newly authorized Medicare Drug Price Negotiation Program, as [detailed](#) recently by the Centers for Medicare & Medicaid Services (CMS).
- **Public Health:** The Occupational Safety and Health Administration is expected to soon issue the highly anticipated [permanent COVID-19 standard](#) for health care. The final rule arrived at OMB for review on December 7, 2022. Back in June 2021, OSHA implemented an [emergency temporary standard](#) (ETS) establishing requirements for employers to protect workers from COVID-19 in health care settings. The ETS remains in effect until superseded by a permanent standard. In September 2023, OSHA plans to [propose a standard](#) intended to protect workers from infectious diseases. This broader standard would apply to more settings beyond health care, such as correctional facilities, homeless shelters, drug treatment programs, and occupational settings.
- **Mental Health:** The Administration will continue to advance its behavioral health integration strategy, which it formally announced last September. This will largely consist of federally-sponsored training programs for mental health professionals, increased compliance with mental health parity requirements, increased health IT interoperability to facilitate communication between mental and physical health providers, and improved quality measures. On the rulemaking front, the Administration has previewed it plans to issue a [proposed rule](#) to implement the mental health parity provisions included in the Consolidated Appropriations Act of 2021. The

Administration is also aiming to pursue rulemaking intended to improve care for those with substance use disorder (e.g., [here](#) and [here](#)).

- **Coverage & Access:** In support of President Biden's executive orders ([January 2021](#), [April 2022](#)), the Administration will continue to use regulatory levers to strengthen Medicaid and the ACA. In response to the decoupling of the Medicaid unwinding period from the COVID-19 Public Health Emergency, CMS plans to issue a [final rule](#) modifying state requirements for the temporary 6.2 percentage point FMAP increase. Additionally, CMS plans to issue a [final rule](#) in November 2023 intended to streamline the Medicaid and CHIP application and enrollment processes. In April 2023, CMS plans to release proposed rules to improve access to Medicaid and CHIP broadly as well as Medicaid managed care (e.g., [here](#) and [here](#)).

In addition to the [annual notice of benefit and payment parameters](#) for 2024, CMS plans to pursue rulemaking to strengthen protections under the ACA. In April, the Administration plans to [propose changes](#) to the regulation of short-term, limited-duration insurance to ensure this type of coverage does not undermine the ACA. CMS is also expected to issue a proposed rule regarding religious and moral exemptions as they relate to coverage of certain preventive services (e.g., reproductive health care).

Lastly, the Administration will issue a slate of rules implementing the No Surprises Act related to [independent dispute resolution](#), [provider nondiscrimination requirements](#), [advanced explanation of benefits](#), [air ambulance services](#).

THIS WEEK IN HEALTH POLICY

Mon. (1/16)

- **Martin Luther King Jr. Day**

Tue. (1/17)

- **1:00pm – CMS Webinar: Quality Payment Program** – The Centers for Medicare and Medicaid Services (CMS) holds a webinar of the Quality Programs Bi-Monthly Forum to discuss important updates relevant to CMS's Quality Measurement and Value-Based Incentives Group (QMVIG). [Details](#).

Wed. (1/18)

- **10:00am – HHS Meeting: Autism Research** – Health and Human Services Department (HHS) holds a meeting of the Office of the Secretary to discuss updates related to autism spectrum disorder (ASD) research and services activities. [Details](#).
- **12:00pm – The Commonwealth Fund Webinar: Health Policy Forecasts** – The Commonwealth Fund holds a webinar to discuss major federal health policy milestones from the past year, as well as what's on the radar for policymakers in 2023. Speakers include Wynne Health Group's Vice President Josh LaRosa, M.P.P. [Details](#).

Thurs. (1/19)

- **10:00am – NIH Meeting – Minority Aging Research** – The National Institutes of Health (NIH) holds a meeting of the National Institute of Aging to discuss reports from the Task Force on Minority Aging Research. [Details](#).
- **11:00am – ONC Meeting: HITAC** – ONC holds a meeting of the Health IT Advisory Committee to discuss recommendations on interoperability, privacy and security, patient access, and the use of technologies that support public health. [Details](#).
- **2:00pm – HA Discussion: Health Policy** – Health Affairs holds a discussion featuring Benjamin Sommers, the Deputy Assistant Secretary in the Office of Health Policy at the US Department of Health and Human Services (HHS) to discuss policy coordination, research, evaluation and economic analysis. [Details](#).

Fri. (1/20)

- **11:40am – NIH Meeting: Complementary and Integrative Health** – The National Institutes of Health (NIH) holds a meeting of the National Advisory Council for Complimentary and Integrative Health (NACCIH) to discuss research updates. [Details.](#)

Additional Multi-Day Events

- **January 17-January 18 – HHS Meeting: Ambulance and Patient Billing** – Health and Human Services Department (HHS) holds a meeting of the Ground Ambulance and Patient Billing Advisory Committee to discuss an overview of the ground ambulance industry and the No Surprises Act. [Details.](#)
- **January 19-January 20 – HRSA Meeting: Community-Based Linkages** – The Health Resources and Services Administration holds a meeting of the Advisory Committee on Interdisciplinary, Community-Based Linkages to discuss program updates. [Details.](#)
- **January 19-January 20 – NIH Meeting: Health Research** – The National Institutes of Health (NIH) holds a meeting of the Office of the Director to discuss NIH program updates and strategic plans. [Details.](#)

FEATURED WHG ANALYSIS

- **WHG Roundup of Surprise Billing and Transparency Updates**– In the Policy Hub Insight Bank [here.](#)
- **WHG Maternal Health Policy Update: November – December 2022** – In the Policy Hub Insight Bank [here.](#)
- **Blog on Which Issues Warrant Consideration in a Year-End Spending Package** – On Commonwealth Fund's To the Point [here.](#)
- **Blog on What Recent State Elections Mean for Health Care** – On Health Affairs Forefront [here.](#)

CONGRESSIONAL LOOKBACK

Fri. (1/13)

- **MedPAC convened** virtually for Day Two of its January 2023 public meeting and held sessions on high-cost Part B drugs and the Part D program. All WHG session summaries are available on Policy Hub [here.](#)

Thurs. (1/12)

- **MedPAC convened** virtually for Day One of its January 2023 public meeting and held sessions on payment adequacy and sessions were also held on Medicare Advantage, behavioral health, and telehealth. All WHG session summaries are available on Policy Hub [here.](#)

REGULATORY LOOKBACK

Thurs. (1/12)

- **HHS and other agencies** jointly [issued](#) a proposed rule to restore protections against religious discrimination for beneficiaries and prospective beneficiaries of federally funded services and programs. Comments are due March 14. [Details.](#)
- **The USPSTF released** a draft research plan for its review of vitamin D, calcium, or combined supplementation to prevent falls and fractures in community-dwelling adults. [Details.](#)

Weds. (1/11)

- **CMS** [announced](#) key dates for the first of the Medicare Drug Price Negotiation Program, pursuant to the Inflation Reduction Act. [Details.](#)
- **The GAO** [released](#) a report on abuse and neglect among hospitals, nursing homes, and hospices. [Details.](#)

Mon. (1/9)

- **The FTC** [released](#) a proposed rule that would prohibit employers from imposing non-compete clauses on workers. [Details.](#)
- **The GAO** [issued](#) a request for nominations for appointments to MedPAC. Nominations are due February 23. [Details.](#)

COMMENT & APPLICATION DEADLINES

- **January 24:** HHS [issued](#) an NRPM to revise the current 340B administrative dispute resolution final rule. [Details.](#)
- **January 30:** CMS [issued](#) an RFI seeking feedback on issues related to the Essential Health Benefits. [Details.](#)
- **February 3:** HHS [released](#) an RFI seeking perspectives regarding the design, implementation, and evaluation of the Healthy Start Program. [Details.](#)
- **February 4:** CMS [released](#) the 2024 HHS Notice of Benefit Payment Parameters proposed rule. [Details.](#)
- **February 9:** The CDC [released](#) a grant opportunity for research programs to assess the effectiveness of programs, policies, or practices that affect SDOH. [Details.](#)
- **February 12:** CMS [issued](#) a request for nominations to fill vacancies on the Advisory Panel on Hospital Outpatient Payment. [Details.](#)
- **February 13:** CMS [released](#) the CY 2024 policy and technical changes to the MA and Part D programs. [Details.](#)
- **February 13:** HHS [issued](#) a request for public comment on new indicator targets for the National Action Plan to Prevent Health Care-Associated Infections. [Details.](#)
- **February 23:** The GAO [issued](#) a request for nominations for appointments to MedPAC. [Details.](#)
- **March 6:** FNS [announced](#) \$60.58 million in funding for round two Reach and Resiliency grants in The Emergency Food Assistance Program (TEFAP). [Details.](#)
- **March 9:** The FDA [issued](#) a proposed rule to establish a new annual reporting requirement for investigational new drug applications. [Details.](#)
- **March 9:** The FDA [issued](#) draft guidance on content of human factors information in medical device marketing submissions. [Details.](#)
- **March 13:** CMS [released](#) a proposed rule to improve the electronic exchange of health care data and streamline prior authorization. [Details.](#)
- **March 14:** HHS and other agencies jointly [issued](#) a proposed rule to restore protections against religious discrimination for beneficiaries and prospective beneficiaries of federally funded services and programs. [Details.](#)
- **March 15:** The USPSTF [issued](#) a request for nominations to serve as members of the Task Force. [Details.](#)

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