

Wynne Health Group Weekly



FRAMING THE WEEK

The 118th Congress marks a significant shift in the political landscape – a Republican-controlled House, albeit a slim majority, and a Democratic majority in the Senate. Their appetite for bipartisanship is unclear. We anticipate the bulk of policymaking will take place in the regulatory arena. We continue to monitor the release of the Biden Administration’s updated regulatory agenda.

Today, the House will vote on its next Speaker. Whether Rep. Kevin McCarthy (R-CA) has the votes remains to be seen. Following a vote on the rules package for the 118th Congress, Republicans will hold votes on a [slate of messaging bills](#). It includes two bills that would limit access to abortion: (1) A measure to codify the Hyde Amendment prohibiting federal funding for abortion; and (2) the [Born-Alive Abortion Survivors Protection Act](#), which is framed as a measure to require a fetus that survives an abortion to receive emergency medical care. However, such emergency medical care is required by a 2002 law, and the new measure would “add criminal penalties against doctors and clinicians as a scare tactic to discourage women from seeking safe, legal abortion,” [explains](#) the Guttmacher Institute.

Meanwhile, the Senate is [expected](#) to adopt a number of housekeeping resolutions. January 23rd will be the first day for bill introductions.

Regulatory Update

As noted, the Biden-Harris Administration has yet to release its updated iteration of the Unified Regulatory Agenda. Once released, we will have a clearer idea of the Administration’s regulatory priorities for 2023.

Meanwhile, a [final rule](#) related to the calendar year 2020 policy and technical changes to Medicare Advantage (MA) and Part D *arrived* at the Office of Management and Budget (OMB) in late December. The final rule appears to address the unfinalized provisions related to the MA Risk Adjustment Data Validation (RADV) program and the use of extrapolation for audit recovery findings in calculating improper payments. Details on this provision – originally proposed in 2018 – are available [here](#). The Centers for Medicare & Medicaid Services (CMS) chose not to finalize the proposed changes and instead extended the comment period for these particular provisions until August 2019 ([details](#)).

Two other notable regulations *cleared* review at OMB just before the new year:

- A [proposed rule](#) entitled “Rescission of the Regulation entitled ‘Protecting Statutory Conscience Rights in Health Care; Delegations of Authority’”
- A [final rule](#) entitled “Vaccine and Mask Requirements To Mitigate the Spread of COVID-19 in Head Start Programs”

We expect to see the publication of these regulations in the *Federal Register* shortly.

THIS WEEK IN HEALTH POLICY

Mon. (1/2)

- **New Year's Day (Observed)**

Thurs. (1/5)

- **3:00pm – CMS Meeting: National Nursing Home Stakeholder Call** – The Centers for Medicare and Medicaid Services and the Centers for Disease Control and Prevention hold a National Nursing Home Stakeholder Call where long-term care providers, facility staff and resident advocates are encouraged to attend to discuss post-acute care quality reporting programs. [Details.](#)
- **3:00pm – NIH Meeting: Child Health** – The National Institutes of Health hold a meeting of the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD) Stillbirth Working Group to discuss program updates. [Details.](#)

FEATURED WHG ANALYSIS

- **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.](#)
- **WHG 2022 Midterm Election Recap** – In the Policy Hub Insight Bank [here.](#)
- **Blog on Options for CMMI to Make Prescription Drug Affordable** – On Commonwealth Fund's To the Point [here.](#)
- **WHG Roundup of Recent Reproductive Health Developments** – In the Policy Hub Insight Bank [here.](#)
- **WHG Tracker of Climate Change Provisions in the IRA** – In the Policy Hub Insight Bank [here.](#)

CONGRESSIONAL LOOKBACK

Weds. (12/14)

- **The Select Subcommittee on the Coronavirus Crisis** held a [final hearing](#) on how to prevent and prepare for future public health emergencies and formally adopted its final report. [Details.](#)

Tues. (12/13)

- **The Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Food and Nutrition, Specialty Crops, Organics, and Research** [held](#) a hearing on the economic and health impacts of “food as medicine” programs. [Details.](#)
- **The Select Committee on the Coronavirus Crisis** [released](#) its final report summarizing efforts to date and outlining recommendations for future pandemics. [Details.](#)

REGULATORY LOOKBACK

Fri. (12/16)

- **CMS** [finalized](#) the Basic Health Program (BHP) funding methodology for program year 2023. [Details.](#)

Thus (12/15)

- **The Biden Administration** [announced](#) its COVID-19 Winter Preparedness Plan. [Details.](#)

Weds. (12/14)

- **CMS** [released](#) the CY 2024 policy and technical changes to the MA and Part D programs. Comments are due February 13. [Details.](#)

- **The FNS** [announced](#) \$60.58 million in funding for round two Reach and Resiliency grants in The Emergency Food Assistance Program. [Details](#).

Tues. (12/13)

- **AHRQ** [issued](#) an RFI on creating a National Health Care System Action Alliance to Advance Patient Safety. [Details](#).
- **SAMHSA** [issued](#) a notice of proposed rulemaking (NPRM) requesting public comment on its proposal to modify regulations regarding medications for the treatment of opioid use disorder. [Details](#).

Mon. (12/12)

- **CMS** [released](#) the 2024 HHS Notice of Benefit Payment Parameters proposed rule. Comments are due February 4. [Details](#).

COMMENT & APPLICATION DEADLINES

- **January 8:** HHS [issued](#) a proposed rule to adopt updated versions of the retail pharmacy standards for electronic transactions.. [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](#).
- **January 11:** The AHRQ EPC Program requests information on strategies to address racial/ethnic and related disparities in health and healthcare at the (1) [healthcare system level](#) and (2) [patient and provider level](#). [Details](#).
- **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 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](#). [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](#).

WHG Contacts for Inquiries

Alyssa Llamas: alyssa@wynnehealth.com; (562) 207-8807
 Josh LaRosa: josh@wynnehealth.com; (703) 309-4248
 Erin Slifer: erin@wynnehealth.com; (410) 984-4552
 Billy Wynne: billy@wynnehealth.com; (202) 309-0796

