

Wynne Health Group Weekly



FRAMING THE WEEK

This week House Speaker Kevin McCarthy will be working to pass *The Limit, Save Grow Act*, the House Republicans' plan that raises the debt limit through May of 2024 while also cutting discretionary federal spending by approximately 22% down to FY 2022 levels ([text/summary/section by section](#)), rescinding unspent COVID-19 funds, and imposing controversial policies such as requiring Medicaid recipients to work 80 hours a month. Speaker McCarthy has presented a united party front on the package, but no more than 4 Republicans can vote against the bill for it to pass. President Biden called the bill the "MAGA Economic Agenda" and Senate Democrats have called it a nonstarter. The House Appropriations Committee is expected to use the proposed \$1.5 trillion figure as their spending cap for FY 2024 appropriations bills, which are likely to be marked up starting next month. House Democrats released a [memo](#) breaking down the deep spending cuts included in the Republican plan.

Hearings

House Labor-HHS Appropriations: On Wednesday HRSA Administrator Carole Johnson will be testifying in an Oversight [hearing](#) titled "Provider Relief Fund and Healthcare Workforce Shortages."

House Ways & Means: On Wednesday, the House Ways and Means Committee will hold a [hearing](#) next on Tax-Exempt Hospitals and the Community Benefit Standards.

House Energy & Commerce Committee: On Wednesday, CMS Administrator Chiquita Brooks-LaSure will testify before the House Energy and Commerce Subcommittee on Health in a [legislative hearing](#) on "solutions to increase transparency and competition in health care." The subcommittee will discuss legislative proposals on Medicare payment reforms, Medicaid disproportionate share hospital (DSH) payments, prescription drug pricing, and price and transparency ownership. A second panel of [TBD on witnesses] will also participate in the hearing. The bills under discussion are below:

Medicare

- [H.R. ____](#), To require the Secretary of Health and Human Services to consider, within the annual rulemaking process, the effect of regulatory changes to certain Medicare payment systems on provider and payer consolidation, and for other purposes
- [H.R. ____](#), To amend title XVIII of the Social Security Act to provide for parity in Medicare payments for hospital outpatient department services furnished off-campus
- [H.R. ____](#), To amend title XVIII of the Social Security Act to require payment for all hospital-owned physician offices located off-campus be paid in accordance with the applicable payment system for the items and services furnished
- [H.R. ____](#), To amend XVIII of the Social Security Act to provide for site neutral payments under the Medicare program for certain services furnished in ambulatory settings

- [H.R. ____](#), To amend titles XI and XVIII of the Social Security Act to require each outpatient department of a provider to include a unique identification number on claims for services, and to require hospitals with an outpatient department of a provider to submit to the Centers for Medicare & Medicaid Services an attestation with respect to each outpatient department
- [H.R. ____](#), To phase out certain services designated as inpatient-only services under the Medicare program.
- [H.R. 977](#), the Patient Access to Higher Quality Health Care Act of 2023 to remove the ACA ban on the creation and expansion of physician-owned hospitals (POHs) and allow these hospitals to participate in Medicare and Medicaid.

Medicaid

- [H.R. 1613](#), the Drug Price Transparency in Medicaid Act of 2023, which bans spread pricing in Medicaid;
- [H.R. 2666](#), the Medicaid VBPs for Patients (MVP) Act, which supports the use of value-based purchasing of prescription drugs in the Medicaid program.
- [H.R. 2665](#), the Supporting Safety Net Hospitals Act to delay pending cuts to Medicaid Disproportionate Share Hospital (DSH) payments to 2026.

Commercial Insurance

- [H.R. ____](#), which would establish patient protections with respect to highly rebated drugs by limiting the cost sharing for such drugs.

Price Transparency

- [H.R. ____](#), which would increase transparency and oversight of the 340B drug discount program.
- [H.R. 2679](#), the PBM Accountability Act, which increases PBM transparency by requiring them to submit annual reports to plan sponsors on information related to PBM practices.
- [H.R. 2691](#), the Transparent PRICE Act **which** will require hospitals to publish a list of standard charges of items and services.
- [H.R. ____](#), To amend title XVIII of the Social Security Act to increase price transparency of diagnostic laboratory tests

Ownership Transparency

- [H.R. ____](#), To amend title XI of the Social Security Act to increase transparency of certain health-related ownership information.
- [H.R. ____](#), To amend title XVIII of the Social Security Act to require Medicare Advantage plans to report to HHS, among other things, the number of claims per year by a specified provider; the average per-enrollee number of qualifying diagnoses; the average risk score for enrolled individuals; the number of prior authorization requests for an item or service submitted per year; and the average premium for the plan as well as the amount expended and the average medical loss ratio.

House Energy & Commerce Committee: On Thursday, the House Energy and Commerce Subcommittee on Innovation, Data, and Commerce will hold a [hearing](#) to discuss a national data privacy standard. In the hearing announcement, Chair of the full committee Cathy McMorris Rodgers(R-WA) and Chair of the subcommittee Gus Bilirakis (R-FL) noted that a patchwork of different laws govern how information can be collected and used across a variety of sectors, including health care. This hearing will likely build off of work the committee did last year when it passed the [American Data Privacy and Protection Act](#), which has not been reintroduced yet this Congress.

Regulatory Update

The Centers for Medicare and Medicaid Services (CMS) is expected to release a [proposed rule](#) that would make Deferred Action for Childhood Arrivals (DACA) recipients eligible for Medicaid and ACA Marketplace coverage. The proposed rule, to be introduced shortly, would amend the definition of "lawful presence", for purposes of Medicaid and ACA Marketplace coverage to include DACA recipients. If finalized, for the first time the proposed rule would allow DACA recipients to apply for coverage through the Marketplace, where they may qualify for financial assistance based on income, and through their state Medicaid agency. The Office of Management and Budget (OMB) completed the review of the proposed rule last Wednesday.

OMB has started to review calendar year 2024 Medicare payment policies. Specifically, OMB is review proposed updates to the [CY 2024 Physician Fee Schedule](#) and the [CY 2024 End-Stage Renal Disease Prospective Payment System and Quality Incentive Program](#).

THIS WEEK IN HEALTH POLICY

Mon. (4/24)

- **2:00pm – HRSA Meeting: Medicaid Coverage of Doula Services**– The Health Resources and Services Administration (HRSA) holds an Engaging Research Innovations & Challenges (EnRich) webinar hosted by the Maternal and Child Health Bureau (MCHB) to discuss the benefits of doula support as well as funding mechanisms to expand access to doula care, including Medicaid reimbursement. [Details](#).

Tue. (4/25)

- **9:00am – SAMHSA Meeting: Women and Children’s Mental Health** – The Substance Abuse and Mental Health Services Administration (SAMHSA) holds a meeting of the Advisory Committee for Women’s Services (ACWS) to discuss the mental health and substance use needs of the women and girls population, and proprieties regarding the impact of COVID-19 on the behavioral health needs of women and children. [Registration](#). [Details](#).
- **9:00am – SAMHSA Meeting: Mental Health Services** – SAMHSA holds a meeting of the Center for Mental Health Services National Advisory Council (CMHS NAC) to discuss Certified Community Behavioral Health Clinic, School Based Mental Health Services, and Black Youth Suicide Prevention Activities. [Registration](#). [Details](#).
- **9:00am – SAMHSA Meeting: Substance Abuse Prevention** – SAMHSA holds a meeting of the Center for Substance Abuse Prevention National Advisory Council (CSAP NAC) to discuss substance use prevention priorities and CSAP program developments. [Registration](#). [Details](#).
- **9:00am – SAMHSA Meeting: Substance Abuse Treatment** – SAMHSA holds a meeting of the Center for Substance Abuse Treatment National Advisory Council (CSAT NAC) to discuss recent policy changes impacting substance use disorder care and other program updates. [Registration](#). [Details](#).
- **9:00am – SAMHSA Meeting: Native American Substance Abuse** – SAMHSA holds a meeting of the Tribal Technical Advisory Committee to discuss behavioral health and substance use resources for Native Americans and other program updates. [Details](#).
- **10:00am – FDA Meeting: Long COVID Drug Development** – The Food and Drug Administration (FDA) holds a meeting to allow the FDA to obtain patient perspectives on the impact of Long COVID on daily life, patient views on treatment approaches, and decision factors considered when selecting treatment. [Details](#).
- **10:00am – NIST Meeting: Artificial Intelligence** – The National Institute of Standards and Technology holds a meeting of the National Artificial Intelligence Advisory Committee to discuss the Committee’s effort to develop its year one report that will be presented to the President. [Details](#).

- **12:00pm – KFF Webinar: Medicaid Work Requirements** – The Kaiser Family Foundation holds a webinar to discuss work and reporting requirements on public programs such as Medicaid, their effects on enrollment and employment, and what can be expected on the state and federal levels regarding the future of Medicaid work requirements. [Details.](#)
- **1:00pm – CMS Meeting: National Stakeholder Call** – The Centers for Medicare and Medicaid Services holds a meeting with CMS Administrator, Chiquita Brooks-LaSure to provide an update on CMS' accomplishments and cross-cutting initiatives to advance CMS' Strategic Plan, while providing an opportunity for stakeholders to learn more about how they can partner with CMS. [Details.](#)
- **3:30pm – CMS Meeting: Ending of the PHE** – CMS holds a meeting to help providers, facilities and people with Medicare prepare for the end of the COVID-19 Public Health Emergency (PHE). [Details.](#)

Wed. (4/26)

- **9:00am – ASTHO Discussion: Health Equity Summit** – The Association of State and Territorial Health Officials (ASTHO) holds a health equity summit designed for public health professionals, health equity leaders, and community partners to discuss health inequities' root causes and move towards justice. [Details.](#)
- **9:00am – SAMHSA Meeting: HHS Substance Abuse and Mental Health Updates** – SAMHSA holds a meeting of the four National Advisory Councils: the SAMHSA National Advisory Council, the Center for Mental Health Services NAC, the Center for Substance Abuse Prevention NAC, the Center for Substance Abuse Treatment NAC; and the two SAMHSA Advisory Committees: Advisory Committee for Women's Services and the Tribal Technical Advisory Committee to discuss the children's mental health crisis and how to improve the mental health and substance use disorder services during a public health emergency.. [Registration.](#) [Details.](#)
- **10:00am – Hearing: Transparency and Competition to Lower Health Care Costs** – The House Committee on Energy and Commerce Subcommittee on Health holds a hearing to examine legislative solutions to help empower patients through price transparency and lower costs across the system. CMS Administrator Chiquita Brooks-LaSure will be testifying. [Details.](#)
- **10:00am – Hearing: Provider Relief Funds and Health Care Workforce Shortages** – The House Appropriations Subcommittee on Labor, Health and Human Services, Education holds a hearing to examine the provider relief fund and health care workforce shortages. HRSA Administrator, Ms. Carole Johnson, will be testifying. [Details.](#)
- **10:00am – Hearing: Reproductive Rights** – The Senate Committee on the Judiciary holds a hearing to examine reproductive rights in a post-Dobbs America. [Details.](#)
- **10:15am – Hearing: Health Costs of Climate Change** – The Senate Committee on the Budget holds a hearing to examine the health costs of climate change. [Details.](#)
- **10:15am – Hearing: Reducing Health Care Costs** – The House Committee on Education and the Workforce Subcommittee on Health, Employment, Labor and Pensions holds a hearing titled "Reducing Health Care Costs for Working Americans and their Families". [Details.](#)
- **12:05pm – FDA Town Hall: COVID-19 Transition Guidances for Medical Devices** – FDA holds a town hall for test developers to discuss the transition plan for medical devices from certain policies adopted during the PHE to normal operations. Includes FDA's recommendations for developing a transition implementation plan for in vitro diagnostics (IVDs) with an emergency use authorization (EUA). [Details.](#)
- **2:00pm – Hearing: Tax-Exempt Hospitals** – The House Committee on Ways and Means Oversight Subcommittee holds a hearing to examine tax-exempt hospitals and the community benefit standard. [Details.](#)
- **3:00pm – Hearing: Unaccompanied Alien Children** – The House Judiciary Immigration Integrity, Security, and Enforcement Subcommittee holds a hearing on "The Biden Border Crisis: Exploitation of Unaccompanied Alien Children." [Details.](#)

Thurs. (4/27)

- **10:00am – SAMHSA Meeting: National Advisory Council** – SAMHSA holds a meeting of the National Advisory Council (NAC) to discuss mental health and substance use policy laboratory initiative, children’s mental health crisis, trauma informed care, among other program updates. [Registration](#). [Details](#).
- **1:00pm – U.S. News & World Report Discussion: COVID-19 and Pediatric Health Care** – The U.S. News & World Report holds a webinar to discuss the simultaneous impact of COVID-19, flu and respiratory syncytial virus as part of the Transforming Pediatric Health care series. [Details](#).
- **2:00pm – Hearing: National Data Privacy Standard** – The House Committee on Energy and Commerce Subcommittee on Innovation, Data, and Commerce holds a hearing to examine a national data privacy standard to protect American’s data privacy. [Details](#).
- **2:30pm – Hearing: Biosafety Research** – The House Committee on Energy and Commerce Subcommittee on Oversight and Investigations holds a hearing to examine how virus research can be conducted more safely. This hearing is part of the Committee’s ongoing investigations into the origins of COVID-19. [Details](#).

Fri. (4/28)

- **11:00am – FDA Meeting: Oncologic Drugs Advisory Committee** – FDA holds a meeting of the Oncologic Drugs Advisory Committee to discuss supplemental new drug application for LYNPARZA, submitted by AstraZeneca Pharmaceuticals LP. The proposed indication for this product is in combination with abiraterone and prednisone for the treatment of adult patients with metastatic castration-resistant prostate cancer (mCRPC). [Details](#).

Additional Multi-Day Events

- **April 26-April 28 – HRSA Meeting: Maternal, Infant, and Early Childhood Home Visiting Program** – The Health Resources and Services Administration (HRSA) hold a meeting of the National Advisory Committee on Rural Health and Human Services (NACRHHS) to discuss the Maternal, Infant, and Early Childhood Home Visiting Program. [Details](#).
- **April 25-April 27 – HITAC Meeting: Health Data, Technology, and Interoperability Proposed Rule** – The Health Information Technology Advisory Committee (HITAC) holds a meeting of the HTI-1 Proposed Rule Task Force 2023 to evaluate and provide draft recommendations to the HITAC on the Health Data, Technology, and Interoperability: Certification Program Updates, Algorithm Transparency, and Information Sharing (HTI-1) Proposed Rule. [Details](#).
 - **10:30am on April 25: Group 1** – Information Blocking. [Details](#).
 - **10:30am on April 26: Group 2** – ONC Health IT Certification Updates – New and Revised Certification Criteria. [Details](#).
 - **10:30am on April 27: Group 3** – ONC Health IT Certification Program Updates – Insights Condition, Standards Updates, and RFIs. [Details](#).

FEATURED WHG ANALYSIS

- **WHG Tracker of COVID-19 PHE Flexibilities** – In the Policy Hub Insight Bank [here](#)
- **WHG Health Policy Guide to the 118th Congress** – In the Policy Hub Insight Bank [here](#).
- **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](#).

CONGRESSIONAL LOOKBACK

Thurs. (4/20)

- **The SFC** [released](#) a bipartisan framework for PBM legislation. [Details](#).
- **The Senate Appropriations Subcommittee** [held](#) a hearing with the FDA Commissioner to discussed the FY 2024 budget request for the FDA. [Details](#).
- **The E&C Health Subcommittee** [held](#) a hearing to discuss health care workforce programs and other programs up for bipartisan reauthorization. [Details](#).

Weds. (4/19)

- **The E&C Committee** [announced](#) a hearing to examine legislative solutions to increase transparency and competition. [Details](#).
- **The Labor-HHS Appropriations Subcommittee** [convened](#) a hearing to question agency leaders about President Biden’s fiscal year (FY) 2024 request for the CDC, ASPR, and NIH. [Details](#).
- **The Senate Committee on Agriculture, Nutrition and Forestry** [held](#) a hearing entitled, “SNAP and Other Nutrition Assistance in the Farm Bill.” [Details](#).

REGULATORY LOOKBACK

Fri. (4/21)

- **CMS** [issued](#) two ICRs to assist in the implementation of the Medicare Drug Price Negotiation Program. [Details](#).

Thurs. (4/20)

- **President Biden** [issued](#) an Executive Order on increasing access to high quality care and supporting caregivers. [Details](#).

Weds. (4/19)

- **CMS** [released](#) the 2024 HHS Notice of Benefit Payment Parameters final rule. [Details](#).
- **HHS** [announced](#) the ‘HHS Bridge Access Program For COVID-19 Vaccines and Treatments’. [Details](#).
- **CMS OMH** [released](#) MA data showing racial, ethnic and gender differences in health care in reporting year 2022. [Details](#).

Tues. (4/18)

- **HHS** [released](#) new resources to help address cybersecurity concerns in the Health care and Public Health (HPH) Sector. [Details](#).
- **HHS** announced its intent to amend the declaration under the PREP Act for medical countermeasures against COVID-19. [Details](#).
- **The FNS** [announced](#) that there will be a series of grant opportunities to innovate and modernize SNAP. [Details](#).

Mon. (4/17)

- **HHS Secretary Becerra** [hosted](#) a roundtable discussion with the HHS’ Center for Faith-Based and Neighborhood Partnerships focused on disparities in Black maternal and infant health. [Details](#).
- **CMS** [released](#) guidance for the new Medicaid Reentry Section 1115 Demonstration Opportunity, which will allow states to cover a package of pre-release services for individuals who are incarcerated up to 90 days prior to their release. [Details](#).

COMMENT & APPLICATION DEADLINES

- **April 24:** The FCC released both a [proposed rule](#) and a [final rule](#) for the Rural Health Care Program. [Details](#).
- **April 25:** CMS [issued](#) a proposed rule to implement requirements under section 203 of the Consolidated Appropriations Act, 2021 (CAA), which relate to Medicaid shortfall and third-party payments. [Details](#).

- **April 27:** HRSA [announced](#) a funding opportunity through its Nurse Education, Practice, Quality and Retention (NEPQR)-Pathway to Registered Nurse Program (PRNP). [Details.](#)
- **April 28:** CMS [issued](#) a proposed rule that seeks to further clarify the treatment of inpatient days associated with Medicaid Section 1115 demonstrations in the calculation of Medicare disproportionate share hospital (DSH) payments. [Details.](#)
- **May 1:** The NIH [announced](#) a number of grants to address health disparities and advance health equity. Applications are due May 1. [Details.](#)
- **May 1:** The NTIA [issued](#) a request for comments on the Digital Equity Act of 2021 Program. [Details.](#)
- **May 8:** SAMHSA [released](#) grant opportunity for cooperative agreements to implement the Zero Suicide intervention and prevention model in health systems. [Details.](#)
- **May 22:** The AHRQ [issued](#) a request for nominations for new members of the National Advisory Council for Healthcare Research and Quality. [Details.](#)
- **May 24:** The FNS [released](#) a proposed rule to support online ordering in WIC. [Details.](#)
- **May 26:** The AHRQ [issued](#) a request for nominations for new members of the National Advisory Council for Healthcare Research and Quality. [Details.](#)
- **May 30:** CMS [released](#) the FY 2024 hospice payment rate update proposed rule. [Details.](#)
- **June 2:** CMS [released](#) the FY 2024 IRF PPS proposed rule. [Details.](#)
- **June 9:** CMS [released](#) the FY 2024 IPPS and LTCH PPS proposed rule. [Details.](#)
- **June 16:** HHS OCR [released](#) a proposed rule to modify HIPAA Privacy Rule to better protect sensitive information related to reproductive health care. Comments are due June 16. [Details.](#)
- **June 20:** HHS ONC [issued](#) a proposed rule to revise and enhance the ONCE Health IT Certification Program. Comments are due June 20. [Details.](#)
- **June 30:** The NIH [issued](#) an RFI inviting input on research opportunities and best practices for Food is Medicine research program. [Details](#)
- **August 28:** The FDA [issued](#) an RFI to assess whether in-home disposal products can mitigate the risk of nonmedical use or overdose of opioid analgesics. Submissions are due August 28. [Details.](#)
- **September 6:** The FDA [issued](#) a proposed rule to establish tobacco product manufacturing practice (TPMP) requirements. [Details.](#)

WHG Contacts for Inquiries

Alyson Lewis: alyson@wynnehealth.com (202) 441-5671
 Alyssa Llamas: alyssa@wynnehealth.com; (562) 207-8807
 Erin Slifer: erin@wynnehealth.com; (410) 984-4552
 Billy Wynne: billy@wynnehealth.com; (202) 309-0796

