

[This Week in Health Policy](#), [Congressional Lookback](#), [Regulatory Lookback](#), [Comment & Application Deadlines](#)

### ***Wynne Health Group Weekly***



#### **FRAMING THE WEEK**

The Wynne Health Group is excited to share that we will be announcing our new CEO, along with a new name and brand that reflects our mission-driven direction, on Thursday! Stay tuned for some exciting announcements.

**To celebrate these exciting developments and introduce you to our new CEO, we're hosting a happy hour reception on Wednesday, June 7, from 5-7pm at [Bar Deco](#) in Washington. You are cordially invited.** We hope you will stop by for some drinks, apps, and good cheer. Please RSVP by emailing [billy@wynnehealth.com](mailto:billy@wynnehealth.com) if you plan to attend.

#### ***Congressional Update***

**Debt Ceiling Deal Reached:** Over the weekend President Biden and House Speaker Kevin McCarthy (R-CA) reached a deal to lift the nation's debt ceiling and avoid a potential economic disaster. The House Memorial Day recess was cancelled, and staffers spent the weekend putting the agreement into legislative text. The agreement will lift the debt ceiling for two years, thereby avoiding another potential crisis during an election year. Spending levels during those two years will be frozen at fiscal year (FY) 2023 levels for non-defense discretionary programs, with some adjustments for veteran's benefits and other priorities. Defense spending will be funded at the President's FY 24 request, which is a 3% increase. There are spending recommendations for an additional three years, but they are nonbinding. Also included in the deal is a provision to raise the age for work requirements for able bodied adults to receive SNAP benefits from 49 to 54, however it expands benefits for veterans, people who are homeless, and young adults transitioning out of foster care. These changes will sunset in 2030. There are no changes to Medicaid and Social Security benefits included in the deal.

The most conservative faction of the Republican Party and the most progressive Democrats have both expressed concerns with the package, leaving the fate of the bill somewhat uncertain. The first test will come when the House Rules Committee takes up the bill this afternoon. If it passes the Rules Committee, Speaker McCarthy hopes to bring it to the floor sometime tomorrow. Both McCarthy and Democratic Leader Hakeem Jeffries (D-NY) will need to deliver favorable votes from a sizeable portion of their parties to pass the bill. The Senate will need to pass the bill and get it to the President before next Monday, which is the "X" date when the government will run out of funds.

**Energy & Commerce Committee Action:** Last Wednesday, the House Energy & Commerce (E&C) Committee marked up several bipartisan bills focused on lowering health care costs, strengthening pharmacy benefit managers (PBMs) oversight, and bringing price transparency to patients ([details](#)). The largest of the bills, the PATIENT Act is a renamed version of the Transparent PRICE Act and promotes transparency across various health systems, including hospitals, insurers, and pharmacy benefit managers (PBMs). It also aligns payment rates for drug administration and hospital outpatient departments with the Physician Fee Schedule rate, meaning that Medicare would pay outpatient hospital departments the same rate as independent physician offices for administering the same

intravenous or injected medication. Additionally, the bill cancels \$16 billion in cuts to Medicaid Disproportionate Share Hospital (DSH) payments, which would help safety net providers serve vulnerable communities.

**House Progress on Appropriations Bills Halts:** Also last week, the House Appropriations Committee cancelled the full Committee markup of the four bills that passed through Subcommittee, including the Military Construction-VA, Agriculture, Homeland Security and Legislative Subcommittees. Appropriations Committee Chair Kay Granger (R-TX) cited the ongoing debt ceiling negotiations as a reason for the cancellation, however Ranking Member Rosa DeLauro (D-CT) [questioned](#) whether the Republicans had the votes to pass the measures. With an agreement on FY 24 spending levels, the Committees should be able to move through bills in a bipartisan manner. The Senate Appropriations Committee has stated they will start marking up their bills in June.

### Regulatory Update

The Office of Management and Budget (OMB) recently completed review of the [final rule](#) that is [expected to end](#) COVID-19 vaccination requirements for staff at Medicare- and Medicaid- participating providers and suppliers. OMB is also reviewing a number of rules.

- **340B Drug Pricing Program** – [Proposed rule](#) regarding potential remedies for safety-net hospitals affecting cost years 2018-2022. In *American Hospital Association v. Becerra*, the Supreme Court ruled in favor of safety-net hospitals that challenged Medicare reimbursement cuts for prescription drugs provided in outpatient settings.
- **Calendar year 2024 Medicare payment policies** – specifically, proposed updates to the [Physician Fee Schedule](#) and payment and policy updates for [hospital outpatient departments and ambulatory surgical centers](#), [home health agencies](#), and [end-stage renal disease facilities](#);
- **TCET Pathway** – [Proposed rule](#) that would establish criteria for an alternative coverage pathways to provide transitional coverage for emerging technologies (TCET) under Medicare; and
- **Short-Term Plans** – [Proposed rule](#) that would ensure short-term limited duration insurance includes protections for people with pre-existing conditions and other ACA protections.

## **THIS WEEK IN HEALTH POLICY**

### **Mon. (5/29)**

- **Memorial Day**

### **Wed. (5/31)**

- **10:00am – Hearing: Child Care Crisis** – The Senate Health, Education, Labor, and Pensions Committee holds a hearing to examine the child care crisis, focusing on meeting the needs of working families and childcare workers. [Details.](#)
- **10:00am – Hearing: Immigration Reform** – The Senate Judiciary Committee holds a hearing titled “From Farm to Table: Immigrant Workers Get the Job Done.” [Details.](#)
- **10:30am – Hearing: Debt Limit** – The Senate Budget Committee holds a hearing to examine the debt limit. [Details.](#)
- **1:00pm – NIH Meeting: Neurological Disorders** – The National Institutes of Health (NIH) holds a meeting of the National Institute of Neurological Disorders and Stroke to discuss program developments. [Details.](#)
- **2:00pm – BPC Discussion: Behavioral Health and Primary Care Integration** – The Bipartisan Policy Center (BPC) holds a discussion focused on its new [report](#) on integrating primary care and behavioral health services in rural areas by leveraging the Rural Health Clinics and Federally

Qualified Health Centers. The panel will feature rural providers and practitioners and will focus on overcoming challenges facing rural America. [Details](#).

#### **Thurs. (6/1)**

- **12:00pm – HA Discussion: Policy Spotlight on Director of Health Analysis at CBO** – Health Affairs holds a Policy Spotlight discussion featuring Carrie Colla, the outgoing Director of Health Analysis and the Congressional Budget Office (CBO). The Health Analysis division focuses on federal programs and policies that include Medicare, Medicaid, and subsidies provided through health insurance exchanges. Its latest [report](#) projects health insurance coverage over the next ten years. [Details](#).

#### **Additional Multi-Day Events**

- **May 30-Jun 1 – CMS Meeting: CMMS Coding Revisions** – The Centers for Medicare and Medicaid Services (CMS) holds a meeting to consider revision to the Health Care Common Procedure Coding System (HCPCS) for non-drug and non-biological products. [Details](#).
- **May 30-Jun 1 – 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](#).

#### **FEATURED WHG ANALYSIS**

- **WHG Updated Chart: PBM Legislation Under Consideration** – In the Policy Hub Insight Bank [here](#).
- **WHG Tracker of COVID-19 PHE Flexibilities** – In the Policy Hub Insight Bank [here](#)
- **WHG Health Policy Guide to the 118<sup>th</sup> Congress** – In the Policy Hub Insight Bank [here](#).
- **WHG Roundup of Surprise Billing and Transparency Updates**– In the Policy Hub Insight Bank [here](#).

#### **CONGRESSIONAL LOOKBACK**

##### **Weds. (5/24)**

- **The E&C Committee [convened](#)** a markup of bipartisan bills focused on lowering health care costs, strengthening PBM oversight, and bringing price transparency to patients. [Details](#).

##### **Tues. (5/23)**

- **The House O&A Committee [convened](#)** a hearing to examine the role of PBMs in contributing to the increase of prescription drug costs. [Details](#).

#### **REGULATORY LOOKBACK**

##### **Fri. (5/26)**

- **SAMHSA [awarded](#)** \$9.3 million in grants to 13 communities to establish or enhance mobile crisis response teams. [Details](#).
- **The Senate HSGAC [urged](#)** the FDA to take immediate action to address the severe shortage of cancer drugs. [Details](#).

##### **Thurs. (5/25)**

- **The DOJ [announced](#)** the release of the National Protocol for Intimate Partner Violence (IPV) Medical Forensic Examinations. [Details](#).
- **The NIH [released](#)** preliminary findings from research on long COVID. [Details](#).

### **Weds. (5/24)**

- **CMS issued** a proposed rule to implement new policies in the Medicaid Drug Rebate Program (MDRP) to increase transparency. [Details](#).
- **CMS opened** a public comment opportunity related to Medicaid HCBS quality measure development. Comments are due June 5. [Details](#).

### **Tues. (5/23)**

- **The Biden Administration released** a fact sheet on actions to protect youth mental health, safety, and privacy online. [Details](#).
- **CMS released** a set of FAQ son waivers, flexibilities, and the end of the COVID-19 PHE that expired May 11, 2023. [Details](#).

### **Mon. (5/22)**

- **HHS announced** \$65 million in grants to help health centers address the maternal health crisis plus a partnership with Baby2Baby to support families with newborn babies. [Details](#).

### **COMMENT & APPLICATION DEADLINES**

- **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 5:** The USPSTF [is requesting](#) comment on a draft recommendation statement, draft evidence review, and draft modeling report on screening for breast cancer. [Details](#).
- **June 5:** CMS [opened](#) a public comment opportunity related to Medicaid HCBS quality measure development. [Details](#)
- **June 9:** CMS [released](#) the FY 2024 IPPS and LTCH PPS proposed rule. [Details](#).
- **June 9:** The House Agriculture Committee leadership [launched](#) an online portal to gather feedback about the Farm Bill from non-committee members and the public. [Details](#).
- **June 16:** HHS OCR [released](#) a proposed rule to modify HIPAA Privacy Rule to better protect sensitive information related to reproductive health care. [Details](#).
- **June 20:** HHS ONC [issued](#) a proposed rule to revise and enhance the ONCE Health IT Certification Program. [Details](#).
- **June 23:** CMS [released](#) a proposed rule to revise the definition of “lawfully present” in order to expand eligibility for health insurance coverage through the Exchange, Medicaid, and Basic Health Program to recipients of the Deferred Action for Childhood Arrivals (DACA) program. [Details](#).
- **June 30:** The NIH [issued](#) an RFI inviting input on research opportunities and best practices for Food is Medicine research program. [Details](#)
- **July 3:** CMS [released](#) a proposed rule aimed at strengthening access to and quality of care across Medicaid services. [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](#).
- **September 29:** The CDC [issued](#) a request for nominations for members to serve on the Healthcare Infection Control Practices Advisory Committee (HIPAC). [Details](#).

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