

Impact Health Policy Weekly

Framing the Week

With Congress in recess for the next two weeks, we look ahead to what is underway on the administrative front, including the phase-down of federal Medicaid matching funds on July 1 during the unwinding of the continuous enrollment condition and regulatory activity.

Medicaid

On July 1, the temporary increase in the Federal Medical Assistance Percentage (FMAP) will phase down from 5 percentage points to 2.5 percentage points. The next and final phasedown is 1.5 percentage points, October 1 through December 31. The phase-down of federal Medicaid matching funds provides an economic incentive for states to rapidly conduct redeterminations, though the Biden Administration has strongly encouraged states to use the maximum time allowed – 12 months to initiate, and 14 months to complete, a renewal.

In response to early reports of [high Medicaid procedural disenrollment rates](#), Health and Human Services (HHS) Secretary Xavier Becerra is [urging governors](#) to adopt all available flexibilities to minimize terminations for procedural reasons during the COVID-19 unwinding period ([press release](#)). Earlier this month, HHS announced [several new flexibilities and strategies](#) to increase *ex parte* renewal rates, support enrollees with renewal form submission or completion, and facilitate reinstatement of eligible individuals disenrolled for procedural reasons. States may seek approval of a [temporary 1902\(e\)\(14\)\(A\) waiver](#) to implement the new flexibilities and other available strategies. A chart of unwinding strategies approved under this authority by state is available [here](#).

Rulemaking

The Biden Administration recently released its [Spring 2023 Unified Agenda](#), which outlines the Administration's plans to issue regulations in the near and long term. The Office of Management and Budget (OMB) completed review of the proposed Medicare payment and policy updates for [end-stage renal disease facilities](#) in calendar year 2024. OMB is also reviewing a slew of rules:

- **Medicare**
 - **Calendar year 2024 Medicare payment policies** – Proposed updates to the [Physician Fee Schedule](#) and payment and policy updates for [hospital outpatient departments and ambulatory surgical centers](#), and [home health agencies](#), and
 - **Episode-based Payment Model** – [Request for information](#) on an episode-based payment model
- **Minimum staffing standards for long-term care facilities** – [Proposed rule](#) would address staffing requirements at long-term care facilities, including nursing homes.
- **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.
- **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. (6/26)

- **1:00pm – Brookings Institution Discussion: LGBTQ+ Data Gaps** – The Brookings Institution holds a discussion on the implications of data gaps related to one's sexual orientation and gender identity (SOGI), how to appropriately ask SOGI questions on federal surveys, and what research and policy needs to be done to sustain and improve the lives of LGBTQ+ Americans. [Details.](#)

Tue. (6/27)

- **1:30pm – HHS Meeting: Sports, Fitness and Nutrition** – The Department of Health and Human Services (HHS) holds a meeting of the President's Council on Sports, Fitness and Nutrition (PCSFN) to discuss implementing the National Strategy on Hunger, Nutrition, and Health, raise awareness about the importance of mental health as it pertains to physical fitness and nutrition, and the launch of the Physical Activity Guidelines Midcourse Report: Implementation Strategies for Older Adults. [Details.](#)
- **2:00pm – CMS Webinar: Making Care Primary Model Overview** – The Centers for Medicare and Medicaid Services (CMS) hold a webinar to provide an overview of the Making Care Primary (MCP) Model. The MCP team will discuss the goals of the Model in addition to eligibility, participant types, care delivery requirements, and payment structure. The forum will also provide guidance on the application process, timeline, and resources available. [Details.](#)
- **2:00pm – AHRQ Webinar: Workplace Violence** – The Agency for Healthcare Research and Quality (AHRQ) National Action Alliance to Advance Patient Safety holds a webinar on the need to prevent violence in health care settings. [Details.](#)
- **2:00pm – NIST Meeting: AI Issues** – The National Institute of Standards and Technology holds a meeting of the National Artificial Intelligence Advisory Committee to discuss the Committee's year two efforts. [Details.](#)

Wed. (6/28)

- **10:30am – HITAC Meeting: Pharmacy Interoperability** – The Health Information Technology Advisory Committee (HITAC) holds a meeting of the Pharmacy Interoperability and Emerging Therapeutics Task Force to discuss program updates. [Details.](#)
- **11:00am – BPC Discussion: Divided Government** – The Bipartisan Policy Center (BPC) holds a discussion on how Republicans can work with the White House to achieve bipartisan legislative victories. [Details.](#)
- **1:00pm – CDC Town Hall: Preparedness and Response Centers** – The Centers for Disease Control and Prevention (CDC) holds a town hall meeting regarding the history and future of CDC-funded public health preparedness and response centers. [Details.](#)
- **2:00pm – NASI Meeting: Social Insurance During COVID-19** – The National Academy of Social Insurance holds a meeting of its COVID-19 Task Force Policy Translation Working Group on "Social Insurance During the Pandemic: Successes, Shortcomings, and Policy Options for the Future." [Details.](#)

Thurs. (6/29)

- **9:00am – Washington Post Discussion: Racial and Social Inequality in Health Care** – The Washington Post hosts a discussion with HHS Assistant Secretary for Health Rachel Levine and other experts about the medical toll of racial inequality and ways to address disparities in health care. [Details.](#)

Featured Analysis

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

Congressional Lookback

Thurs. (6/22)

- The House E&C Subcommittee on Oversight and Reform convened a [hearing](#) to assess the implementation and effectiveness of MACRA. [Details](#).

Wed. (6/21)

- **The E&C Health Subcommittee** convened a [hearing](#) to discuss the reauthorization of the SUPPORT Act. [Details](#).
- **The House Education and Workforce Subcommittee** held a [hearing](#) to gather input from stakeholders to inform legislative solutions to address consolidation and lack of transparency in the health care market. [Details](#).

Regulatory Lookback

Fri. (6/23)

- **CMS** launched [the School-Based Services \(SBS\) Technical Assistance \(TA\) Center](#). [Details](#).
- **The FDA** issued [draft guidance](#) entitled: “Psychedelic Drugs: Considerations for Clinical Investigations. Comments are due August 23. [Details](#).
- **AHRQ** is requesting [supplemental evidence](#) and data for systematic reviews that help answer research questions pertaining to *Nonpharmacologic Treatment for Maternal Mental Health Conditions*. Submissions are due July 15. [Details](#).
- **The GAO** released a [report](#) on factors that impact behavioral health services at several Critical Access Hospitals (CAHs). [Details](#).
- **The USDA** announced that the Biden-Harris Administration is providing [\\$2.7 billion](#) through the Commodity Credit Corporation for farmers, school meals, and emergency food operations.

Thurs. (6/22)

- **CMS** released a [notice with comment](#) to establish the TCET pathway. Comments are due August 26. [Details](#).
- **SAMHSA** issued an [advisory](#): *Identification and Management of Mental Health Symptoms and Conditions Associated with Long COVID*. [Details](#).
- **The Biden Administration** announced a [partnership](#) between HHS and upstream to expand access to contraceptive care in the United States. [Details](#).
- **The FCC** announced an important [update](#) to its Mapping Broadband Health in America platform by incorporating maternal health data. [Details](#).

Tues. (6/20)

- **The USPSTF** released a set of [final recommendation statements](#) on screening for anxiety disorders, depression and suicide risk in adults. [Details](#).

Comment & Application Deadlines

- **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](#).
- **July 12:** The AHRQ issued requests for supplemental evidence and data submission to inform two Evidence-based Practice Centers (EPC) Program reviews: [Evaluation of Dietary Protein Intake Requirements](#) and [The Effect of Protein Intake on Health](#). [Details](#).
- **July 15:** AHRQ is requesting [supplemental evidence](#) and data for systematic reviews that help answer research questions pertaining to *Nonpharmacologic Treatment for Maternal Mental Health Conditions*. [Details](#).
- **August 23:** The FDA issued [draft guidance](#) entitled: “Psychedelic Drugs: Considerations for Clinical Investigations. [Details](#).
- **August 26:** CMS released a [notice with comment](#) to establish the TCET pathway. [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](#).
- **November 17:** The FDA [issued](#) a proposed rule to amend its prescription drug labeling regulations to require the inclusion Patient Medication Information (PMI). [Details](#).