

Impact Health Policy Weekly

Framing the Week

In the last week before August recess, both the House and Senate are trying to make progress on several legislative fronts including moving a workforce bill in Senate HELP, PBM Legislation in the Senate Finance Committee, Senate Appropriations bills, and potentially a health care package in the House Ways and Means Committee. Additionally, [H.R. 2544](#), Securing the U.S. Organ Procurement and Transplantation Network Act is expected to go to the floor this week. The floor vote follows a hearing last Thursday in the Senate Finance Committee that featured this legislation ([summary](#)).

Legislative Activity

On Wednesday, the **Senate HELP Committee** is poised to take up Chairman Sander's sweeping \$20 billion workforce bill ([summary/press release/section by section /text](#)) that would reauthorize the Community Health Center Fund, the National Health Service Corps (NHSC), Teaching Health Center Graduate Medical Education (THCGME), as well as fund an additional 10,000 Medicare Graduate Medical Education slots, and fund programs aimed at increasing the nursing, dental, and behavioral workforce. Senator Sanders' bill follows the introduction of HELP Committee Ranking Member Bill Cassidy's own [bill](#), which is a much slimmer bill that mirrors legislation the House Energy & Commerce Committee unanimously passed in May as part of the PATIENT Act. The two parties are very far apart in their approach to reauthorize legislation that is set to expire on September 30.

On Thursday the **Senate Finance Committee** will be the next Congressional Committee to markup pharmacy benefit manager legislation ([summary](#)). The Senate HELP Committee, Senate Commerce Committee, the House Education and the Workforce Committee, and the House Energy & Commerce Committee have all passed up their own legislation focused on increasing transparency of prescription drug costs and rebates and PBM practices. The **House Ways and Means Committee** could potentially unveil their own health focused package this week, that would include PBM reform, and quickly move it through the Committee. Ultimately all these bills will likely be combined into a single health package, including the workforce and PAHPA reauthorization bills. Timing and likelihood of enactment, however, remains undetermined.

Appropriations Markups continue this week as well. The **Senate Appropriations Committee** is scheduled to mark up their Labor-HHS bill on Thursday. The current agreed upon allocation for Labor-HHS in the Senate is a 6% cut, not as drastic as the 30% cut the House Appropriations Committee passed. However, Senate Appropriations Committee Chair Patty Murray (D-WA) and Vice Chair Susan Collins (R-ME) reached agreement to tack on nearly \$14 billion in additional fiscal 2024 spending to Senate appropriations bills. This will be done through emergency spending. Labor-HHS will get an

additional \$2 billion through this mechanism. The House Labor-HHS bill passed Subcommittee over a week ago but it has yet to be scheduled for full Committee markup.

Regulatory Update

The Office of Management and Budget (OMB) is reviewing a slew of rules, though we are unlikely to see any drop this week. No new rules have cleared OMB review. OMB is reviewing the following:

- **Minimum staffing standards for long-term care facilities** – [Proposed rule](#) would address staffing requirements at long-term care facilities, including nursing homes. Industry pushback has delayed the release of the rule, initially intended for June. Stakeholders are meeting with OMB in early September, meaning we are unlikely to see the proposal until the fall.
- **Medicaid and CHIP** – [Final rules](#) intended to simplify the processes for eligible individuals to enroll and retain eligibility in Medicaid, CHIP and the Basic Health Program. The first final rule expected in September 2023 will remove barriers and facilitate enrollment of new applicants, particularly those dually eligible for Medicare and Medicaid. The second final rule expected in February 2024 will implement changes to align enrollment and renewal requirements for most individuals in Medicaid and promote maintenance of coverage.
- **Fiscal year 2024 Medicare payment final rule** – Policy and payment updates for acute care hospitals, inpatient psychiatric facilities, skilled nursing facilities, inpatient rehabilitation facilities, and hospice. Final action is not expected until November.

This Week in Health Policy

Mon. (7/24)

- **11:00am – USCCR Meeting: Social Status of Black Men/Boys** – The U.S. Commission on Civil Rights (USCCR) holds a summit of the Commission on the Social Status of Black Men and Boys focused on policy initiatives that address systemic issues affecting the Black community. [Details.](#)
- **1:00pm – Briefing: State of Homelessness** – The Center on Budget and Policy Priorities, the National Low Income Housing Coalition, and the National Alliance to End Homelessness hold a media briefing to discuss the national state of homelessness. [Details.](#)

Tue. (7/25)

- **12:00pm – Urban Institute Discussion: Long COVID** – The Urban Institute holds a discussion titled “Early Insights on Long COVID, Chronic Illness, and Economic Well-Being.” [Details.](#)
- **2:00pm – Brookings Discussion: Armed Forces Mental Health** – The Brookings Institute holds a discussion with Rep. Adam Smith (D-WA) on the importance of addressing mental health in the armed forces. [Details.](#)

- **3:00pm – Hearing: AI Regulation** – The Senate Judiciary Subcommittee on Privacy, Technology, and the Law holds an oversight hearing to examine artificial intelligence, focusing on principles for regulation. [Details.](#)

Wed. (7/26)

- **9:00am – Markup: Cybersecurity** – The Senate Homeland Security and Governmental Affairs Committee holds a business meeting to consider several cybersecurity related bills, among others. [Details.](#)
- **10:00am – Hearing: Migrant Children** – The House Energy and Commerce Subcommittee on Oversight and Investigations holds a hearing to examine the Department of Health and Human Services (HHS) Office of Refugee Resettlement (OCR) with HHS Secretary Xavier Becerra. [Details.](#)
- **10:15am – Hearing: Pandemic School Closures** – The House Education and The Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education holds a hearing to examine the impact of pandemic school closures on students. [Details.](#)
- **10:30am – Markup: Primary Care Health Care Workforce** – The Senate Health, Education, Labor, and Pensions Committee holds a business meeting to consider its legislation to fund and expand the health care workforce ([Impact Health Policy Summary](#)). [Details.](#)
- **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.](#)
- **2:00pm – Markup: PBM Legislation** – The Senate Finance Committee will hold a markup of legislative proposals to modernize and enhance federal prescription drug programs. [Details.](#)
- **2:30pm – Hearing: Native Priorities for Farm Bill** – The Senate Committee on Indian Affairs holds a hearing to examine Native Priorities for the 2023 Farm Bill Reauthorization. [Details.](#)
- **3:00pm – Hearing: PACT Act Implementation** – The Senate Committee on Veterans' Affairs holds a hearing to examine implementing The Sergeant First Class (SFC) Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act. [Details.](#)

Thurs. (7/27)

- **10:00am – Hearing: Economic Impact of Diabetes** – The Senate Joint Economic Committee holds a hearing to examine the economic impact of diabetes and diabetes-related health complications, including the role of health and nutrition programs in diabetes prevention and pharmaceutical interventions. [Details.](#)
- **10:00am – Hearing: National Drug Control Policy** – The House Oversight and Accountability Health Care and Financial Services Subcommittee holds a hearing titled “Oversight and Reauthorization of the Office of National Drug Control Policy.” [Details.](#)
- **10:00am – Hearing: VA Disability Care** – The House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs holds an oversight hearing to examine VA disability exams. [Details.](#)
- **10:00am – Hearing: DEA Oversight** – The House Judiciary Subcommittee on Crime and Federal Government Surveillance holds a hearing to examine the Drug Enforcement Administration (DEA) operations, including its handling of the fentanyl and opioid crisis. [Details.](#)

- **10:15am – Hearing: Increasing Value for Students** – The House Education and the Workforce Subcommittee on Higher Education and Workforce Development holds titled “Lowering Costs and Increasing Value for Students, Institutions, and Taxpayers.” [Details.](#)
- **10:30am – Markup: Labor, HHS Appropriations** – The Senate Appropriations Committee holds a markup of the Labor, Health and Human Services (HHS), Education, and Related Agencies Appropriations Act, among others. [Details.](#)
- **12:00pm – BPC Discussion: Youth Mental Health** – The Bipartisan Policy Center (BPC) holds a discussion on how federal policymakers can better support youth mental health and well-being. [Details.](#)
- **2:00pm – Hearing: COVID-19 Vaccine Mandates** – The House Oversight and Accountability Select Subcommittee on the Coronavirus Pandemic holds a hearing to examine the science and impact of COVID-19 vaccine mandates. [Details.](#)
- **2:00pm – Hearing: FDA Hemp/CBD Regulation** – The House Oversight and Accountability Health Care and Financial Services Subcommittee holds a hearing titled “Hemp in the Modern World: The Yearslong Wait for FDA Action.” [Details.](#)
- **3:00pm – LAN Discussion: State Transformation Collaboration Blueprint** – The Health Care Payment and Learning Network (LAN) holds the final session of its three-part LAN Spring Series to hear from stakeholders on state-level approaches to further value-based care, including from the Center for Medicare and Medicaid Innovation (CMMI) leadership. LAN will preview the Multi-Payer Alignment Blueprint. [Details.](#)

Fri. (7/28)

- **1:00pm – BPC Discussion: Homelessness** – The Bipartisan Policy Center (BPC) holds a discussion to showcase innovative approaches for meeting the needs of unhoused people, and how to scale up promising interventions, including how the federal government can support successful programs. [Details.](#)

Featured Analysis

- **Impact Regulatory Outlook: 2023 Unified Agenda** – In the Policy Hub Insight Bank [here.](#)
- **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. (7/20)

- **The Senate HELP Committee** advanced the [Pandemic and All-Hazards Preparedness and Response Act \(PAHPARA\)](#) by a vote of 17-3. [Details.](#)

- **The Senate Finance Subcommittee on Health Care** convened a [hearing](#) yesterday on the current status of the Organ Procurement and Transplant System (OPTN). [Details.](#)

Weds. (7/19)

- **The House E&C Committee** convened a [markup](#) of 15 bills advanced out of the Health Subcommittee last week. [Details.](#)
- **The Senate HELP Chair Sanders** unveiled a sweeping piece of [legislation](#) to overhaul the nation's primary care health system. [Details.](#)
- **The House Committee on Small Business Subcommittee on Oversight, Investigation, and Regulations** held a [hearing](#) on overregulation in health care and its impact on small provider businesses. [Details.](#)

Tues. (7/18)

- **The E&C Health Subcommittee** convened a [hearing](#) to examine Medicare coverage of innovative drugs, medical devices, and technology. [Details.](#)

Regulatory Lookback

Fri. (7/21)

- **AHRQ EHC** is [requesting public comments](#) on draft key questions related to the management of suicidal thoughts in youth. [Details.](#)
- **CMS** is seeking [nominations](#) for a Technical Expert Panel (TEP) to support the maintenance and evolution of the Overall Hospital [Quality](#) Star Ratings methodology. [Details.](#)

Thurs. (7/20)

- **CMS** provided an [update](#) making clear that the agency is taking enforcement actions, as necessary, to ensure states' compliance with [federal renewal requirements](#). [Details.](#)
- **HHS OIG** released a [report](#) showing high rates of prior authorization denials in Medicaid managed care. [Details.](#)

Weds. (7/19)

- **HHS OIG** released a [report](#) showing that allocations of the Provider Relief Fund (PRF) different with respect to the race and ethnicity of the populations served. [Details.](#)
- **The DOJ and FTC** jointly released a [draft update](#) of the Merger Guidelines, which outline and guide their review of mergers and acquisitions to ensure compliance with federal antitrust laws. [Details.](#)

Tues. (7/18)

- **The CDC** is set to launch the [Bridge Access Program for COVID-19 Vaccines](#) in the fall of 2023. [Details.](#)

Mon. (7/17)

- **The FTC** announced the [withdrawal](#) of two antitrust policy statements related to enforcement in health care markets. [Details.](#)

- CMS announced a [meeting](#) of the Advisory Panel on Hospital Outpatient Payment (HOP Panel) for August 21 and 22, 2023. [Details](#).

Comment & Application Deadlines

- **August 5:** SAMHSA announced a new [Harm Reduction Framework Draft](#) available to the public for comment. [Details](#).
- August 17: CMMI issued an [RFI](#) to inform the development of an episode-based payment model focused on improving beneficiary care and lowering Medicare expenditures. [Details](#).
- **August 23:** The FDA issued [draft guidance](#) entitled: “Psychedelic Drugs: Considerations for Clinical Investigations. [Details](#).
- **August 25:** CMS released the CY 2024 ESRD PPS [proposed rule](#). [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 5:** CMS issued a [proposed rule](#) that describes the agency’s proposed actions to remedy the payment for 340B drugs for calendar years (CYs) 2018 through 2022. [Details](#).
- **September 5:** The CFPB and HHS issued an [RFI](#) on high-cost specialty financial products used to pay for health care. [Details](#).
- **September 6:** The FDA [issued](#) a proposed rule to establish tobacco product manufacturing practice (TPMP) requirements. [Details](#).
- **September 11:** HHS released a [proposed rule](#) to ensure short-term, limited duration insurance (STLDI) and fixed indemnity benefits coverage do not undermine consumer protections and requirements under the ACA. [Details](#).
- **September 11:** CMS released the CY 2024 MPFS [proposed rule](#). [Details](#).
- **September 11:** CMS released the CY 2024 OPPS [proposed rule](#). [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](#).