

Impact Health Policy Weekly

Framing the Week

Happy 4th of July! Congress is on recess this week for Independence Day holiday and Capitol Hill is very quiet. We expect a flurry of activity next week when Congress returns for what is sure to be a busy three-week work period before the August recess. In the meantime, there has been a lot of activity on the regulatory front.

Rulemaking

We may soon see the short-term limited duration insurance [proposed rule](#), which was cleared by the Office of Management and Budget (OMB) last week. The proposed rule is expected to reverse Trump-era policies that expanded the availability of short-term plans from three months to 36 months. Short-term plans are not required to comply with ACA protections, such as coverage for pre-existing conditions.

The Centers for Medicare and Medicaid Services (CMS) has begun releasing proposed updated to calendar year 2024 Medicare payment policies. So far, the agency has released proposed rules for home health agencies ([client summary](#)) and end-stage renal disease facilities ([client summary](#)). Proposed updates to the [Physician Fee Schedule](#) and [hospital outpatient departments and ambulatory surgical centers](#) are currently pending review at OMB.

A [final rule](#) intended to streamline the eligibility and enrollment process for Medicaid and CHIP recently arrived at OMB for review. In recent [guidance](#) on possible FMAP reductions for noncompliance with reporting requirements, CMS indicated that the agency would use timeliness standards established in forthcoming rulemaking to assess timeliness of monthly reports on activities related to eligibility redeterminations ([client summary](#)). The proposed rule seeks to revise timeliness standards to ensure applicants and beneficiaries have adequate time to furnish all requested information and states complete determinations and redeterminations within a reasonable timeframe at regular renewals and in response to a change in circumstances ([client summary](#)). CMS will review state-reported data on activities during the months that fall between July 1, 2023 and June 30, 2024 for purposes of the possible FMAP reduction for failure to comply with reporting requirements.

Additionally, OMB reviewing is the following:

- **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.

This Week in Health Policy

Tue. (7/4)

- Independence Day

Additional Multi-Day Events

- **July 6-July 7 – HHS Meeting: Asian American, Native Hawaiian, and Pacific Islander Health Equity** – The Department of Health and Human Services (HHS) holds a meeting of the President’s Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders to discuss full and draft recommendations by the Commission’s subcommittees. These subcommittees are: Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination; Data Disaggregation; Language Access; Economic Equity; Health Equity; and Immigration and Citizenship Status. Only the July 6 meeting is available for livestream. [Details.](#)
- **July 6-July 7 – HHS Meeting: Blood Products Surge Capacity** – HHS holds a meeting of the Advisory Committee on Blood and Tissue Safety and Availability to discuss and vote on a recommendation related to surge capacity for blood and blood products. [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.](#)

Regulatory Lookback

Fri. (6/23)

- CMS released [revised guidance](#) for the Medicare Drug Price Negotiation Program for the initial price applicability year 2026. [Details.](#)
- CMS issued the CY 2024 Home Health PPS [proposed rule.](#) [Details.](#)
- CMS released [guidance](#) explaining how the agency will apply the FMAP reduction to states that fail to meet reporting requirements. [Details.](#)

Thurs. (6/29)

- The FTC issued a [notice of proposed rulemaking](#) to modify the premerger notification form and rules under the Hart-Scott-Rodino Act. [Details.](#)

- **SAMHSA** announced \$31.5 million in [grant awards](#) to support behavioral health in children, youth, and young adults. [Details.](#)
- **HHS** released the “[Physical Activity Guidelines for Americans Midcourse Report: Implementation Strategies for Older Adults.](#)” [Details.](#)
- **HHS OASH** issued an [RFI](#) inviting input on the Draft HHS 2023 Framework to Support and Accelerate Smoking Cessation. Comments are due July 30. [Details.](#)

Weds. (6/28)

- **CMMI** hosted a [webinar](#) to discuss the new Making Care Primary (MCP) model. [Details.](#)
- **CMS** issued [guidance](#) on new requirements for state Medicaid and CHIP programs to cover, without cost sharing, adult vaccines approved by the FDA and recommended by ACIP. [Details.](#)
- **SAMHSA** released the [results](#) of the Mental and Substance Use Disorders Prevalence Study (MDPS). [Details.](#)
- **HHS OIG** released a [final rule](#) establishing the civil monetary penalties (CMPs) for information blocking that were created by the 21st Century Cures Act. [Details.](#)

Tues. (6/27)

- **CMS** recently opened a [public comment opportunity](#) related to cost measures for potential use in the Merit-Based Incentive Payment System (MIPS). Comments are due July 21. [Details.](#)
- **HHS** hosted a [Pride Summit](#) to celebrate Pride month and discuss support for the LGBTQI+ community. [Details.](#)
- **The NIH** released [findings](#) from a study aimed at understanding how the impacts of trauma can pass from one generation to the next. [Details.](#)
- **The Biden-Harris Administration** awarded \$50 million to establish the [Persistent Poverty Initiative](#), a program aimed at addressing the long-lasting effects of poverty on cancer outcomes. [Details.](#)

Mon. (6/26)

- **CMS** released the CY 2024 ESRD PPS [proposed rule](#). Comments are due August 25. [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.](#)
- **July 21:** CMS recently opened a [public comment opportunity](#) related to cost measures for potential use in the Merit-Based Incentive Payment System (MIPS). [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 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.](#)