

## Impact Health Policy Weekly

### Framing the Week

Happy August Recess! Both the House and Senate are in recess until after Labor Day. Prior to adjournment, both bodies managed to make progress on several key pieces of legislation summarized below. The HELP Committee was scheduled to markup healthcare workforce legislation introduced by Senator Sanders, but it was ultimately cancelled in order for the Committee to work towards a bipartisan bill. Additionally, prior to recessing both the House and Senate managed to pass [H.R. 2544, Securing the U.S. Organ Procurement and Transplantation Network Act \(summary\)](#), legislation that will remove statutory barriers and give the Health Resources and Services Administration (HRSA) the authority to expand competition for the OPTN contract.

The **House Ways and Means Committee** held a [markup](#) of two bills related to transparency and competition ([summary](#)). The legislation mirrors bills that have been discussed in other committees. Both bills were favorably forwarded to the full committee along party lines. Even though most of the provisions of the bills discussed in the markup have bipartisan support, the overall tenor of the meeting was tense, and all votes broke along party lines. Democrats criticized Republicans for rushing these bills through the legislative process and ignoring bipartisan work in this committee and in the Energy and Commerce (E&C) Committee, especially on transparency for Medicare Advantage (MA) and private equity. There is enough bipartisan agreement on transparency and site neutrality to expect a package in the House and Senate, but tension between the parties will be a significant barrier to passage.

The **Senate Finance Committee** convened a [markup](#) of the Modernizing and Ensuring PBM Accountability (MEPA) Act ([markup summary](#), [section-by-section](#), [CBO score](#), [description of the Chairman's Mark](#)). The bill was advanced out of Committee by a vote 26-1. The SFC is the sixth committee of jurisdiction to take up and advance PBM-related legislation out of committee. Impact Health Policy provides a chart [here](#) of all PBM legislation considered in the 118th Congress.

The **Senate Appropriations Committee** finished marking up all 12 of their FY 2024 appropriations bills, including the Labor-HHS bill. The House has yet to markup their version of the Labor-HHS or Commerce-Justice-Science bills in Committee, and they pulled the Agriculture Appropriations bill from the House floor late last week due to factions within the Republican party. Appropriations will be a top priority for Congress when they return in September, as the government will run out of funding at midnight on September 30.

### Regulatory Update

The Office of Management and Budget (OMB) completed the review of final fiscal year 2024 Medicare policy and payment updates for skilled nursing facilities and acute care hospitals/long-term care hospitals last week. We could see final rules this week. OMB is also 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 Enrollment and Eligibility** – [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.
- **Mandatory Medicaid and CHIP Core Set Reporting** – [Final rule](#) would establish requirements for mandatory reporting of the Core Set of Children’s Health Care Quality Measures for Medicaid and CHIP, the behavioral health measures on Adult Health Care Quality Measures for Medicaid, and the Core Set of Health Care Quality Measures for Medicaid Health Home Programs. The final rule is expected in August 2023.

### Medicaid Unwinding Data

The Centers for Medicare and Medicaid Services (CMS) released [unwinding data](#) for March and April 2023 that show how states are resuming regular eligibility operations following the end of the Medicaid continuous enrollment condition.

- **Key Takeaways:** In April 2023, more than 2 million people with Medicaid and CHIP coverage went through a full renewal process for the first time since early 2020. Within that group, nearly half were successfully reenrolled in Medicaid and CHIP. About one-third of the group lost their Medicaid and/or CHIP coverage. Of those that lost their Medicaid/CHIP coverage, 79% were for procedural reasons. Nearly 21% lost their Medicaid or CHIP coverage because the state determined they were ineligible, based on the information they submitted.
- **Monthly Data Reports:** CMS expects to release data on a monthly basis, with monthly releases expected to continue until all data is reported for months through June 2024. Full data on individuals who are transitioning from Medicaid and CHIP to Marketplace coverage is expected to be available beginning in fall 2023. Information to help interpret the reported data is available [here](#).

- [March and April 2023 Medicaid and CHIP CAA Reporting Metrics](#) – released July 2023 ([Excel](#)): State-reported data on Medicaid and CHIP eligibility renewals conducted during the reporting period and call center operations.
- **National Summary of Renewal Outcomes (March 2023; April 2023)** (PDF) – released July 2023: Summary-level information on the outcomes of Medicaid and CHIP eligibility renewals in states that had completed a full cohort of unwinding-related renewals during the reporting month.
- [April 2023 Medicaid and CHIP Unwinding Operations Snapshot](#) (PDF) – released July 2023: Data on state operations as reported in the Performance Indicator data set that examine application counts, the eligibility determination process, call center operations and total enrollment.
- **April 2023 Marketplace Medicaid Unwinding Report (Healthcare.gov, SBM)** – released July 2023 ([Excel](#)): Metrics from individual Marketplaces during the current reporting period. The report includes data for the states using HealthCare.gov and State-based Marketplaces (SBMs) that use their own eligibility and enrollment platforms.

### This Week in Health Policy

#### Mon. (7/31)

- **9:30am – ASPE Meeting: Alzheimer’s Research** – The Assistant Secretary for Planning and Evaluation holds meeting of the Advisory Council on Alzheimer’s Research, Care, and Services to present their recommendations for adoption by the full Advisory Council. The meeting will also include a presentation on the Alzheimer’s disease bypass budget from the National Institutes of Health (NIH) and other federal updates. [Details.](#)
- **11:00am – CMS Meeting: MIPS Value Pathways (MVPs)** – The Centers for Medicare and Medicaid Services (CMS) hosts an office hours session to address questions related to registration and reporting for the Quality Payment Program’s MIPS Value Pathways (MVPs). [Details.](#)
- **1:00pm – Atlantic Council Discussion: Cyber Workforce** – The Atlantic Council holds a discussion on “The National Cyber Workforce and Education Strategy: Unleashing America’s Cyber Talent.” [Details.](#)

#### Tue. (8/1)

- **3:00pm – CMS Meeting: TCET Pathway** – CMS holds a national stakeholder call to help inform the Transitional Coverage for Emerging Technologies (TCET) pathway. CMS will discuss with stakeholders the proposed timeframe for manufacturers to self-nominate, the timing for post market review, and CMS’s approach to evidence development requirements for second and third to market devices. [Details.](#)

#### Thurs. (8/3)

- **10:00am – CDC Meeting: Disease Classification Policy** – The Centers for Disease Control and Prevention (CDC) holds a meeting of the National Committee on Vital and Health Statistics (NCVHS) to discuss updates from the Workgroup on Timely and Strategic Action to Inform International Classification of Diseases (ICD-11) Policy. The purpose is to gather information and identify gaps in currently available information on the U.S. approach to support adoption and implementation of ICD-11 for morbidity. [Details.](#)
- **10:00am – HRSA Meeting: Interdisciplinary/Community-Based Linkages** – The Health Resources and Services Administration (HRSA) holds a meeting of the Advisory Committee on Interdisciplinary, Community-Based Linkages to discuss the Bureau of Health Workforce and other programs updates. [Details.](#)
- **11:00am – CDC Meeting: RSV Prevention** – The CDC holds a meeting of the Advisory Committee on Immunization Practices (ACIP) to discuss nirsevimab for prevention of respiratory syncytial virus (RSV). A recommendation vote and a Vaccines for Children vote are also scheduled for the meeting. [Details.](#)
- **1:00pm – NIH Meeting: Sleep/Circadian Research** – The NIH holds a meeting of the National Heart, Lung, and Blood Institute to update the Advisory Board and stakeholders on the progress of sleep and circadian research activities across NIH. [Details.](#)

#### Fri. (8/4)

- **12:00pm – KFF Discussion: Weight Loss Drugs** – KFF holds a “Health Wonk Shop” discussion about the questions surrounding what a new generation of weight loss drugs means for patients and payers, including the costs involved and broader implications for obesity rates and for national health spending. [Details.](#)

#### Additional Multi-Day Events

- **August 3-August 4 – HHS Meeting: Human Trafficking Prevention** – The Department of Health and Human Services (HHS) hosts a National Human Trafficking Prevention Summit to bring together leaders across federal, state, local and other private sector entities to discuss best practices to prevent human trafficking. [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 118<sup>th</sup> 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

### Weds. (7/26)

- **The SFC** convened a [markup](#) of the Modernizing and Ensuring PBM Accountability (MEPA) Act. [Details.](#)
- **The House W&M Committee** held a [markup](#) of two bills related to transparency and competition. [Details.](#)

### Tues. (7/25)

- **The House W&M Committee** introduced [H.R. 4822](#), the Health Care Price Transparency Act of 2023. [Details.](#)

### Mon. (7/24)

- **Several Senators** [released](#) legislation aimed various PBM practices. [Details.](#)

## Regulatory Lookback

### Fri. (7/28)

- **CMS** released the FY 2024 Hospice payment rate update [final rule](#). [Details.](#)
- **HRSA** announced it has allocated nearly [\\$11 million to 15 recipients](#) to enhance the health workforce by establishing new medical residency programs in rural communities. [Details.](#)

### Thurs. (7/27)

- **CMS** released the FY 2024 IRF PPS [final rule](#). [Details.](#)
- **CMS** released the FY 2024 IPF PPS [final rule](#). [Details.](#)

### Tues. (7/25)

- **The Departments of the Treasury, DOL, and HHS** released [proposed rules](#) intended to strengthen parity requirements for mental health and substance use disorder (SUD) benefits. [Details.](#)

### Mon. (7/24)

- **The USDA** [announced a series](#) of investments in urban agriculture and food access. [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.](#)