

## Impact Health Policy Weekly

### Framing the Week

We are now in week three without a functioning House of Representatives. Last week was another drama filled week as Rep. Jim Jordan (R-OH) lost three floor votes in his bid to become Speaker. Following the third failed vote on Friday, Rep. Jordan lost an internal conference vote that was intended to show confidence in him remaining as his party's speaker designee, leaving the conference without a leader. Last week the conference also voted against temporarily expanding Speaker Pro Tem Patrick McHenry's (R-NC) powers to enable him to serve as Speaker through the end of the current Continuing Resolution (CR). This evening the conference will meet again to discuss the candidacies of nine members who have expressed interest in running for the position of Speaker, including Republican Whip Tom Emmer (R-MO). Tomorrow they will start to vote with the hope that they can coalesce around one unity candidate, but at this point, there is no clear direction forward.

With under a month to go before the CR expires and the government runs out of funding, the Senate has had their own difficulties passing appropriations bills. Majority Leader Schumer (D-NY) had hoped to pass the first "minibus" last week but was not able to achieve agreement on the amendment process. Senate Appropriations Committee Ranking Member Susan Collins (R-ME) stated last week that she has hope that the "last hurdle" can be overcome, and the bill will proceed this week.

Adding to the pressure, President Biden submitted an emergency funding supplemental request to Congress last week that includes \$61 billion for Ukraine, \$14 billion for Israel, \$14 billion for border operations, \$10 billion in humanitarian aid and \$2 billion for Indo-Pacific security assistance. The foreign aid request is supported by both Majority Leader Schumer and Minority Leader Mitch McConnell (R-KY). The Administration is expected to request an additional emergency spending package this week focused on domestic priorities including childcare, broadband and disaster needs. The second package, however, will face stiffer opposition in the Senate. Action in the House on funding bills or any other legislation is on hold until a Speaker is confirmed.

### Hearings

- The **House Energy & Commerce Subcommittee on Health** is scheduled to have a [hearing](#) on Wednesday titled "Supporting Access to Long-Term Services and Supports: An Examination of the Impacts of Proposed Regulations on Workforce and Access to Care." The hearing examines the impacts of the Administration's proposed nursing home ratio regulations.
- On Wednesday the **Senate Aging Committee** is scheduled to hold a [hearing](#) on access to therapies for people with progressive diseases like Alzheimer's and ALS.

- The **Senate HELP Committee** will have a field [hearing](#) in New Brunswick, New Jersey on Friday titled, “Overworked and Undervalued: Is the Severe Hospital Staffing Crisis Endangering the Well-Being of Patients and Nurses?”

### Regulatory Update

The Office of Management and Budget (OMB) is reviewing the following rules:

- **CMS Enforcement of State Compliance with Medicaid Reporting and Renewal Requirements** –The [interim final rule](#) would establish rules regarding CMS enforcement of states’ compliance with reporting requirements and renewal requirements during the period that begins on July 1, 2023 and ends on June 30, 2024. The interim final rule may codify [existing guidance](#) and provide more details on how CMS may enforce the requirements. The interim final rule was not included in the Spring 2023 Unified Agenda.
- **Annual Rulemaking for Commercial Insurers** – Proposed rules for the [CY 2025 Policy and Technical Changes to Medicare Advantage and Part D](#) (expected in October 2023) and [CY 2025 Notice of Benefit and Payment Parameters](#) (expected in November 2023)
- **Annual CY 204 Medicare Payment Updates** – Final rules for [home health](#), [hospital outpatient and ambulatory surgical centers](#), [end-stage renal disease](#), and the [physician fee schedule](#).
- **340B Program** – Final rule on the [Hospital Outpatient Prospective Payment System: Remedy for 340B-Acquired Drugs Purchased in Cost Years 2018-2022](#).
- **Surprise Billing Regulations** – A [proposed rule](#) to amend requirements for the independent dispute resolution (IDR) process.
- **Conscience Rights in Health Care** – [Final rule](#) to safeguard the rights of federal conscience and religious nondiscrimination while protecting access to care, including abortion.
- **Skilled Nursing Facilities** – [Final rule](#) to require the disclosure of certain ownership, managerial, and other information regarding Medicare skilled nursing facilities (SNFs) and Medicaid nursing facilities. Interestingly, the Unified Agenda forecasted action in February 2026.
- **Health Data Interoperability** – [Final rule](#) to implement certain provisions of the 21<sup>st</sup> Century Cures Act and make several enhancements to the ONC Health IT Certification Program to advance interoperability, improve transparency, and support the access, exchange, and use of electronic health information.

## This Week in Health Policy

### Tue. (10/24)

- **9:00am – NIH Meeting: Heart, Lung, and Blood** – The National Institutes of Health (NIH) National Heart, Lung, and Blood Institute holds a meeting of the Advisory Council to discuss program policies and updates. [Details.](#)
- **2:00pm – CMS Meeting: MCP Office Hours** – The Centers for Medicare and Medicaid Services (CMS) Innovation Center holds an Office Hours webinar to answer questions about the forthcoming Making Care Primary (MCP) Model. [Details.](#)
- **3:00pm – Congressional Briefing: Mental Health Parity** – The Residential Eating Disorders Consortium (REDC) holds a Congressional briefing to provide an overview of the recent Mental Health Parity and Addiction Equity Act Report to Congress, including proposed regulations and the work that remains to be done by those impacted by eating disorders. [Details.](#)

### Wed. (10/25)

- **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.](#)

### Thurs. (10/26)

- **10:00am – Hearing: Rare, Progressive, and Serious Diseases** – The Senate Special Committee on Aging holds a hearing titled, “Unlocking Hope: Access to Therapies for People with Rare, Progressive, and Serious Disease.” [Details.](#)
- **12:00pm – NASHP Webinar: AHEAD Model** – The National Academy for State Health Policy (NASHP) holds a webinar titled, “Considering the AHEAD Model: Lessons from States on Hospital Global Budgets and Investing in Primary Care.” [Details](#)
- **12:00pm – NIH Meeting: HIV Strategic Plan for Research** – NIH holds a meeting of the Office of Aids Research Advisory Council to discuss Clinical Guideline Working Group updates and other program updates. [Details.](#)
- **1:30pm – HHS Meeting: Strategy on Hunger, Nutrition, and Health** – The Department of Health and Human Services (HHS) holds a meeting of the President's Council on Sports, Fitness & Nutrition for updates on efforts to address the implementation of the National Strategy on Hunger, Nutrition, and Health, and discuss the promotion of partnership opportunities and community engagement and messaging around healthy eating and physical activity. [Details.](#)
- **2:00pm – ACS Discussion: Oncology Patient Navigators** – The American Cancer Society (ACS) holds a webinar to discuss ensuring a workforce development path forward for professional and clinical/licensed navigators to advance their oncology careers. [Details.](#)
- **2:00pm – IHPP Briefing: Lower Prices in the Commercial Sector** – Impact Health Policy Partners (IHPP) holds a briefing titled, “State Health Policy Options to Lower Health Care Prices in the Commercial Sector.” [Details.](#)

### Fri. (10/27)

- **9:00am – Field Hearing: Hospital Staffing** – The Senate Health, Education, Labor & Pensions (HELP) Committee holds a hearing titled, “Overworked and Undervalued: Is the Severe Hospital Staffing Crisis Endangering the Well-Being of Patients and Nurses?” [Details](#).

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

- **Oct. 24-Oct. 25 – HRSA Meeting: HIV/Hepatitis C Co-Infection Issues** – The Health Resources and Services Administration (HRSA) holds a meeting of the Centers for Disease Control and Prevention (CDC)/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment to discuss issues related to reducing barriers and improving outcomes in HIV and Hepatitis C co-infection, payment models for addressing social determinants of health, and incorporating stigma reduction in HIV care and treatment. [Details](#).
- **Oct. 25-Oct. 26 – HHS Meeting: Asian/Native/Hawaiian/Pacific Islander Equity** – 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 six Subcommittees on ways to advance equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander communities. [Details](#).

#### **Featured Analysis**

- **Impact Artificial Intelligence Policy Round Up** – In the Policy Hub Insight Bank [here](#).
- **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](#).

#### **Congressional Lookback**

##### **Fri. (10/20)**

- **The House E&C Health Subcommittee** convened a [hearing](#) to discuss a wide array of proposals to increase physician payment, increase access to care, and reduce administrative burden. [Details](#).

##### **Weds. (10/18)**

- **The SFC** convened a [hearing](#) to examine Medicare Advantage (MA) marketing practices and enrollment. [Details](#).
- **The Senate Budget Committee** convened a [hearing](#) to examine ways to improve health care delivery and reduce federal health care spending in the budget. [Details](#).

#### **Regulatory Lookback**

**Weds. (10/18)**

- HHS OCR released [two patient resources](#) to explain the privacy and security risks to patient's PHI when using telehealth services and strategies to mitigate potential risks. [Details.](#)

**Mon. (10/16)**

- CMS announced [2024 premiums, deductibles, and coinsurance amounts](#) for Medicare Parts A and B in the Federal Register. [Details.](#)

**Comment & Application Deadlines**

- **November 3:** AHRQ issued a [request](#) for supplemental evidence and data submissions (SEADs) to inform its review on Mental Health and Occupational Stress in the Emergency Medical Service and 911 Workforce. [Details.](#)
- **November 10:** The CDC is seeking [nominations](#) for membership on the Advisory Committee on Breast Cancer in Young Women (ACBCYW). [Details.](#)
- **November 13:** HHS issued a [proposed rule](#) to amend the regulations at section 504 which protect against discrimination based on disability by recipients of financial assistance through HHS programs or activities. [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.](#)
- **November 26:** The FDA announced the creation of the [Digital Health Advisory Committee.](#) [Details.](#)
- **November 30:** CMMI released a [Request for Application](#) detailing payment, care delivery, quality, and other policies for the Making Care Primary (MCP) Model. [Details.](#)
- **December 2:** The FDA issued a [proposed rule](#) to make explicit that LDTs are devices. [Details.](#)
- **December 4:** CMS released [new Medicaid information](#) and questions for public comment on mental health parity. [Details.](#)
- **December 4: The Tri-Departments** issued an [RFI](#) regarding commercial coverage of over-the-counter (OTC) preventive products. [Details.](#)
- **December 11:** The FDA announced the creation of the [Digital Health Advisory Committee.](#) [Details.](#)
- **January 12:** The USDA announced [two new grant opportunities](#) and a training and technical assistance partnership to help schools continue to invest in nutritious school meals. [Details.](#)
- **March 6:** CMMI announced the [State Advancing AHEAD Model](#) to address unsustainable health care cost growth, poor population health, and disparities in health outcomes. [Details.](#)