

## Impact Health Policy Weekly

### Framing the Week

We have a new Speaker of the House! Last Wednesday the House Republican Caucus elected Rep. Mike Johnson (R-LA) to be the new Speaker of the House. After weeks of drama and several failed attempts by other members, Rep. Johnson was elected Speaker with every single Republican voting in his favor. Speaker Johnson was elected to Congress in 2017, after serving two years in the Louisiana State House. He is best known for his role in contesting the results of the 2020 presidential election. He served as chair of the Republican Study Committee, and most recently was the vice chair of the House Republican Conference. He is a very conservative Republican, particularly on social issues, as he supported bills that would institute a nationwide ban on abortion and advocated in favor of overturning the Supreme Court decision that allowed same-sex couples to legally marry.

Speaker Johnson has laid out an aggressive timeline to move all the remaining FY 2024 appropriations bills off the floor before the current Continuing Resolution (CR) expires on November 17. Last week the House approved the 5<sup>th</sup> of 12 Appropriations bills and is planning to bring up three more this week. The Speaker has also suggested that to allow time to negotiate with the Senate on a final spending bill, Congress will need to pass another CR through either January 15 or April 15, whichever date can reach consensus within the Republican conference. While such a suggestion would have been met with outrage from members of the House Freedom Caucus just a month ago, several hardliners have indicated an initial willingness to agree to a short-term CR under Speaker Johnson's leadership. Finding compromise with the Senate on the timing of a CR, much less an end of the year spending package as well as a supplemental spending package to help our foreign allies will remain a very difficult task and will test Speaker Johnson's leadership within his conference.

The House will come into session on Wednesday afternoon, with a busy agenda. In addition to three appropriations bills, the House will consider several [bills](#) related to antisemitism and the war in Gaza this week, a measure that would expel New York Congressman George Santos, and dueling measures that would censure Rep. Marjorie Taylor Greene (R-GA) and Rep. Rashida Tlaib (D-MI).

The Senate is scheduled to come into session this afternoon. They will vote on several nominations, including potentially confirming Jack Lew as Ambassador to Israel. The Senate will also continue to vote on amendments, and then hopefully pass, their first minibus appropriations bill. The bill contains three of the 12 appropriations bills passed by the Appropriations Committee this summer. Finally, the Senate Appropriations Committee is scheduled to hold a [hearing](#) on Tuesday to discuss the Administration's \$105 billion national security supplemental funding request.

### Marketplace Open Enrollment

The Marketplace Open Enrollment period begins Wednesday, November 1 and runs through January 16 (since January 15 is a federal holiday). Due in part to the availability of enhanced premium tax credits, four in five HealthCare.gov customers have access to coverage for \$10 or less per month for PY 2024 after subsidies. The benchmark plan premium increased 4 percent from PY 2023, which is consistent with the increase from PY 2022 to PY 2023. Additional details on PY 2024 are available [here \(fact sheet\)](#).

Updates to the Marketplace for PY 2024 include:

- **Automatic re-enrollment process:** Certain income-based cost-sharing reduction (CSR)-eligible enrollees who would otherwise be automatically re-enrolled in a Bronze plan will be enrolled into a Silver plan, if (1) the consumer does not make an active plan selection on or before the December 15; and (2) only if a Silver plan is available in the same product type with the same provider network and with a monthly premium after subsidies than that of the Bronze plan. As in previous years, other consumers who do not actively select a plan by December 15 will be automatically re-enrolled into their 2023 plan or a suggested alternate plan for 2024.
- **Non-standardized plan option limits:** Issuers offering plans through the Marketplace will be limited to offering four non-standardized plan option per product network type, metal level, inclusion of dental and/or vision benefit coverage, and service area in plan year 2024. This change aims to streamline plan option selection and encourage consumers to select a standardized plan.
- **Optional collection of sexual orientation and gender identity data:** The new optional questions regarding sex assigned at birth, sexual orientation, and gender identity will be collected to improve the Marketplace consumer experience.
- **Cost-sharing information:** Plan summaries on HealthCare.gov will specify whether a benefit's cost-sharing is subject to the deductible or whether the consumer can access the benefit "from day 1" for primary care, specialist care, urgent care, and outpatient mental health services. During the shopping experience, consumers will be given estimates of total yearly costs (premiums, copays, co-insurance, and other out-of-pocket costs) to help understand their health care costs over the course of a year.

### Regulatory Update

The Office of Management and Budget (OMB) completed reviewing the final rule for the Medicare CY 2024 [physician fee schedule](#); and the proposed rules for the [CY 2025 Policy and Technical Changes to Medicare Advantage and Part D](#).

OMB is also reviewing:

**Medicare, Medicaid, or Both:**

- **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 CY 204 Medicare Payment Updates** – Final rules for [home health](#) and [hospital outpatient and ambulatory surgical centers](#).
- **340B Program** – Final rule on the [Hospital Outpatient Prospective Payment System: Remedy for 340B-Acquired Drugs Purchased in Cost Years 2018-2022](#).
- **Culturally Competent Care** – Proposed rule to establish culturally competent and person-centered requirements for all provider and supplier types that participate in Medicare and Medicaid programs.
- **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.

**Commercial Insurance:**

- **Annual Rulemaking for Commercial Insurers** – Proposed rules for the [CY 2025 Notice of Benefit and Payment Parameters](#)

**Other Topics:**

- **Conscience Rights in Health Care** – [Final rule](#) to safeguard the rights of federal conscience and religious nondiscrimination while protecting access to care, including abortion.
- **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**

**Mon. (10/30)**

- **9:30am – HCP LAN Summit: Payment Reform** – The Health Care Payment Learning and Action Network (HCP LAN) holds an accountable care summit that convenes health care payers, providers, patients, purchasers, and policy makers for collaborative discussions and collective action toward accelerating payment reform. [Details.](#)
- **10:30am – Washington Post Live: Technology and Cancer Care** – The Washington Post Live holds an event to assess the state of cancer and how technological advancements are reshaping cancer care. [Details.](#)
- **12:00pm – ASPE Meeting: Alzheimer’s Disease** – The Assistant Secretary for Planning and Evaluation (ASPE) holds a meeting of the Advisory Council on Alzheimer’s Research, Care, and Services to hear a panel presentation on interventions to reduce the risk of developing dementia. [Details.](#)

#### **Tue. (10/31)**

- **10:00am – Hearing: Artificial Intelligence and the Workplace** – The Senate Health, Education, Labor, and Pensions Subcommittee on Employment and Workplace Safety holds a hearing to examine artificial intelligence (AI) and the future of work. [Details.](#)
- **1:00pm – U.S. News & World Report Webinar: Health Care Burnout** – The U.S. News & World Report holds a webinar to discuss practices and policies for creating incremental and sustained impact for individual hospitals so health care workers can thrive and be well supported. [Details.](#)
- **1:00pm – NIH Meeting: Stillbirth Knowledge and Prevention** – The National Institutes of Health (NIH) holds a meeting of the Eunice Kennedy Shriver National Institute of Child Health and Human Development Stillbirth Working Group of Council to identify current knowledge on stillbirth and prevention, areas of improvement for data collection, current resources for families impacted by stillbirth, and next steps to gather data and lower the rate of stillbirth in the United States. [Details.](#)

#### **Wed. (11/1)**

- **9:00am – Washington Post Live: Future of Health Care** – The Washington Post Live holds an event titled, “The Future of America’s Health Care” to discuss ways to improve the health care system. [Details.](#) **Audrey and I plan to attend**
- **10:00am – Hearing: Climate Change** – The Senate Environment and Public Works Committee holds a hearing to examine the science of extreme event attribution, focusing on how climate change is fueling severe weather changes. [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.](#)
- **12:00pm – AHP Congressional Briefing: Health Care Workforce** – The Alliance for Health Policy (AHP) holds a Congressional Briefing to provide federal policymakers with a foundational understanding of the current health care workforce, identify key challenges that create barriers to advancing person-centered care, and explore potential opportunities for policy change. [Details.](#)

- **1:00pm – BPC Discussion: Affordable Child Care** – The Bipartisan Policy Center (BPC) holds a discussion on strategies to support rural families and child care programs through community partnerships and other innovative solutions. [Details.](#)
- **3:30pm – Hearing: VA Research** – The Senate Veterans' Affairs Committee holds a hearing to examine research at the Department of Veterans Affairs. [Details.](#)

#### Thurs. (11/2)

- **Meeting: MACPAC** – The Medicaid and CHIP Payment and Access Commission (MACPAC) holds a public meeting to discuss Medicaid and CHIP payment and policy issues. [Details.](#)
- **Meeting: MedPAC** – The Medicare Payment Advisory Commission (MedPAC) meets to discuss Medicare issues and policy questions. [Details.](#)

#### Fri. (11/3)

- **Meeting: MACPAC** – The Medicaid and CHIP Payment and Access Commission (MACPAC) holds a public meeting to discuss Medicaid and CHIP payment and policy issues. [Details.](#)
- **Meeting: MedPAC** – The Medicare Payment Advisory Commission (MedPAC) meets to discuss Medicare issues and policy questions. [Details.](#)

#### Additional Multi-Day Events

- **Oct. 30-Nov. 3 – CMS Meeting: Medicare Drug Price Negotiation Program Listening Sessions** – The Centers for Medicare and Medicaid Services (CMS) holds a series of patient-focused Listening Sessions as part of the Medicare Drug Price Negotiation Program to provide an opportunity for patients, beneficiaries, caregivers, consumer and patient organizations, and other interested parties to share input relevant to drugs selected for the first round of negotiations. CMS will host 10 Listening Sessions this fall, one for each of the 10 selected drugs. [Details.](#)
- **Oct. 31-Nov. 1 – CMS Meeting: Ground Ambulance Services** – CMS holds a meeting of the Ground Ambulance and Patient Billing (GAPB) Advisory Committee to make recommendations with respect to the disclosure of charges and fees for ground ambulance services and insurance coverage and the prevention of balance billing to consumers. [Details.](#)
- **Nov. 2-Nov. 3 – HRSA Meeting: Heritable Disorders in Newborns and Children** – The Health Resources and Services Administration (HRSA) holds a meeting of the Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC) to discuss updates on Krabbe disease, Duchenne Muscular Dystrophy, and other program updates. [Details.](#)
- **Nov. 2-Nov. 3 – CDC Meeting: Health Care Associated Infection Prevention** – The Centers for Disease Control and Prevention (CDC) holds a meeting of the Healthcare Infection Control Practices Advisory Committee (HICPAC) for updates on CDC's activities for prevention of health care-associated infection and updates from HICPAC workgroups. [Details.](#)
- **Nov. 2-Nov. 3 – NIH Meeting: Reducing Cancer Care Inequalities** – The NIH holds a meeting of the National Cancer Institute hosted by the President's Cancer Panel on reducing cancer care inequities by leveraging technology to enhance patient navigation. [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

#### Thurs. (10/26)

- **The House E&C Health Subcommittee** convened a [hearing](#) to discuss proposed nursing home staffing regulations. [Details](#).

### Regulatory Lookback

#### Fri. (10/27)

- **The Tri-Departments and OPM** issued a [proposed rule](#) on regulations governing the Federal Independent Dispute Resolution (IDR) process under the No Surprises Act. [Details](#).
- **CMS** released its CY 2024 ESRD PPS [final rule](#). [Details](#).

#### Thurs. (10/26)

- **HHS and CISA** jointly released a [cybersecurity toolkit](#) tailored for the U.S. health care and public health (HPH) sector to address the growing cybersecurity challenges faced by health care organizations. [Details](#).

#### Weds. (10/25)

- **HHS** announced almost [\\$3.7 billion in funding](#) for the Low-Income Home Energy Assistance Program (LIHEAP) to provide financial assistance to help cover the cost of energy for homes. [Details](#).
- **The USDA FNS** released a [report](#) on household food security in 2022. [Details](#).

#### Mon. (10/23)

- **HHS OIG** released a [report](#) to determine whether the ASPR Strategic National Stockpile was effective in responding to the COVID-19 pandemic. [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.](#)