

## Impact Health Policy Weekly

### Framing the Week

With a short 5 days to go before the government runs out of funding, this week Congress will be working to pass a Continuing Resolution (CR) to avoid a shutdown. True to form for this Congress, however, it won't be easy. On Saturday House Republicans released their proposed text for a second CR, which is a laddered concept, meaning the Military Construction-VA, Agriculture, Energy-Water and Transportation-HUD bills are extended to Jan. 19, and all other agencies would be extended to Feb. 2. The draft CR further includes an extension until January 19, for key health programs that would otherwise expire at the end of this CR, including community health centers, the National Health Service Corps, teaching health centers and graduate medical education programs. The stopgap measure also includes a delay of the Medicaid disproportionate share hospital (DSH) pay cuts until January 19, a temporary extension of the Special Diabetes Program for Type I Diabetes and Special Diabetes Program for Indians, and, unlike the previous CR, an extension for the Pandemic and All-Hazards Preparedness Act. The bill further includes an extension for programs covered under the Farm Bill until September 20, 2025.

The House Rules Committee is expected to meet Monday afternoon to begin to structure a rule for the bill, with a floor vote scheduled for Tuesday. Whether Speaker Johnson has the votes to pass the CR is very much up in the air. House Freedom Caucus members are disappointed that steep spending cuts were not included in the draft CR, and several members have stated that they will not vote for the CR. Democrats, meanwhile, do not support the laddered approach and are upset the bill does not include any emergency assistance for Israel, Ukraine, Indo-Pacific partners, humanitarian aid, or disaster victims. However, since the CR does not contain any funding cuts or "poison pill" policy riders, some Democrats may vote for it to avoid a shutdown.

The Senate is expected to invoke cloture on Monday afternoon on a legislative vehicle for their own CR. The details of what will be included in their CR are not finalized, nor is it certain if a supplemental package will be attached.

Even if the House and Senate do avert a government shutdown at the end of the week, they are no closer to coming to resolution on a budget package for the year. The House Republican leadership was unable to pass the Transportation-HUD and Financial Services bill last week, indicating House Republicans are far from unified on the remaining highly divisive spending bills. The Labor-HHS and Commerce-Justice-Science bills are scheduled to be brought up this week, in addition to the Transportation-HUD bill, but as the most controversial bills of all, passage is somewhat unlikely. Finding agreement on a final spending package that the House, Senate, and White House all support seems to be an increasingly daunting task.

### Hearings

**Senate Finance Committee:** On Tuesday the Senate Finance Subcommittee on Health will hold a [hearing](#) titled "Ensuring Medicare Beneficiary Access: A Path to Telehealth Permanency."

### GAO Report

The Government Accountability Office (GAO) released a [report](#) on awards made by the Centers for Disease Control and Prevention (CDC) to state and local public health departments to build and maintain infrastructure for public health threats and the challenges some groups identified to building and maintaining their public health infrastructure. In total, jurisdictions receive about \$845 million annually on average between 2019 through 2022 and an additional \$7.1 billion in response to COVID-19 for public health infrastructure.

Officials that GAO interviewed and stakeholder organizations identified several challenges to building and maintaining a public health infrastructure that is prepared for future public health threats. These challenges include:

- "Boom and bust" pattern of public health emergency funding: Officials expressed concern about the pattern of an increase in federal funding to respond to a public health emergency followed by a decrease once that emergency terminates and associated funding runs out, which makes it harder for jurisdictions to invest in long-term sustainable efforts;
- CDC award amounts from annual appropriations have supported less as costs have increased so jurisdictions combine funding sources to cover gaps;
- Disease-specific awards are of limited use for preparedness and initial response to public health threats because they limit flexibility;
- Varying levels of jurisdictional funding for infrastructure which means that jurisdictions vary in the extent to which they rely on CDC awards; and
- Challenges building a public health workforce due to the temporary nature of awards.

GAO does not make any recommendations and CDC did not provide any substantive comments.

### Regulatory Update

The Office of Management and Budget (OMB) is reviewing an array of rules.

#### **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.
- **Healthcare System Resiliency and Modernization** – [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**

**Tue. (11/14)**

- **9:00am – Congressional Black Caucus Foundation Summit: Racial Equity for Social Justice** – The Congressional Black Caucus Foundation holds its 2023 National Racial Equity Initiative for Social Justice Summit to discuss advancing racial justice and increasing economic development opportunities for the Black community. [Details.](#)
- **10:00am – Hearing: Unions and Workforce** – The Senate Health, Education, Labor, and Pensions holds a hearing titled “Standing Up Against Corporate Greed: How Unions are Improving the Lives of Working Families.” [Details.](#)
- **11:00am – BPC Event: Food is Medicine** – The Bipartisan Policy Center (BPC) holds an event titled, “Health Eating Rx: Improving Nutrition Through Health Care,” to discuss policies that address nutrition education and access to Food is Medicine interventions for those with diet-related diseases. [Details.](#)
- **2:00pm – Hearing: Emerging Therapies for Suicide Prevention** – The House Committee on Veterans’ Affairs Subcommittee on Health holds an oversight hearing to examine emerging therapies to prevent suicide. [Details.](#)
- **2:30pm – Hearing: Medicare Telehealth Access** – The Senate Finance Committee Subcommittee on Health Care holds a hearing to examine ensuring Medicare beneficiary access, focusing on a path to telehealth permanency. [Details.](#)
- **2:45pm – Hearing: COVID-19 Federal Spending** – The Senate Homeland Security and Governmental Affairs Subcommittee on Emerging Threats and Spending Oversight holds a hearing to examine federal COVID-era spending and preventing future fraud. [Details.](#)

**Wed. (11/15)**

- **8:15am – American Academy of Actuaries Discussion: Equity-Enhancing Health Benefit Design** – The American Academy of Actuaries holds a discussion on incorporating a more equity-enhancing benefit design to improve health outcomes and use health dollars more effectively and efficiently. [Details.](#)
- **9:00am – CMS Meeting: Optimizing Health Care Delivery** – The Centers for Medicare and Medicaid Services (CMS) holds the *2023 Conference on Optimizing Healthcare Delivery to Improve Patient Lives* to discuss opportunities across the health care enterprise to reduce administrative burden and strengthen access to quality care. [Details.](#)
- **9:00am – AI Now Institute Discussion: AI and the Public Interest** – The Open Markets Institute and the AI Now Institute hold a discussion on the promise, threats, and practical regulatory challenges in managing the advent of large-scale AI. Federal Trade Commission (FTC) Commissioner Alvaro Bedoya will be presenting. [Details.](#)
- **12:00pm – CMMI Meeting: Beneficiary Perspective Across Models** – The CMS Innovation Center holds a listening session to provide an update on the Center’s progress towards incorporating beneficiary perspectives across models during model development, implementation, and evaluation. Topics to be discussed include Patient Reported Outcome Measurement (PROM) strategy, pediatric care experience, community-based organizations (CBOs), and improving transitions between settings of care. [Details.](#)
- **12:00pm – Hearing: EHR Modernization** – The House Committee on Veterans’ Affairs Subcommittee on Technology Modernization holds an oversight hearing to examine electronic health record (EHR) modernization. [Details.](#)
- **3:30pm – Hearing: VA’s Emergency Preparedness** – The Senate Veterans’ Affairs (VA) Committee holds a hearing to examine the VA’s Fourth Mission, focusing on supporting the nation’s emergency preparedness and response. [Details.](#)
- **4:00pm – Mozilla Discussion: AI Regulation** – Mozilla holds a discussion on AI regulation and incorporating policies that enable a diverse AI landscape with Deirdre Mulligan, Principal Deputy US Chief Technical Officer for the White House. [Details.](#)

**Thurs. (11/16)**

- **9:00am – PunchBowl News Discussion: Health Insurance and the Future of Medicare** – PunchBowl News holds a discussion with Sen. Catherine Cortez Masto (D-NV) on the state of health insurance and the future of Medicare. [Details.](#)
- **10:45pm – AHRQ Meeting: Consumer Experience and Patient Safety** – The Agency for Healthcare Research and Quality (AHRQ) holds a meeting of the National Advisory Council to discuss consumer experience measurement, and program updates on advancing patient safety and patient-centered outcomes. [Details.](#)

- **12:00pm – KFF Discussion: Health Care Workforce** – The Kaiser Family Foundation (KFF) holds a discussion on the diverse challenges facing the health care workforce, including what is driving recent strikes, and how the proposed new staffing requirements could affect nursing homes. [Details.](#)
- **12:00pm – NIH Meeting: Type 2 Diabetes Management** – The National Institutes of Health (NIH) holds a meeting of the Diabetes Mellitus Interagency Coordinating Committee titled “The Application of Digital Health Technology to Type 2 Diabetes Management: Current Status, Research Gaps, and Opportunities.” [Details.](#)
- **2:00pm – CMS Webinar: NOFO for AHEAD Model** – CMS holds a webinar to provide an overview of the Notice of Funding Opportunity (NOFO) for the States Advancing All-Payer Health Equity and Development (AHEAD) Model, including eligibility requirements, federal award information, and model expectations. [Details.](#)
- **2:00pm – BPC Discussion: AI and the Workforce** – The BPC holds a discussion on the interplay between AI and labor market dynamics and lessons the U.S. can take from global initiatives on AI advancements. [Details.](#)

#### Fri. (11/17)

- **10:30am – FCC/HHS Meeting: Maternal Health and Broadband Data** – The Federal Communications Commission (FCC) and the Department of Health and Human Services (HHS) hold a roundtable discussion to explore the intersection of broadband connectivity and maternal health. [Details.](#)
- **12:00pm – NIH Meeting: Lactating Women in Clinical Trials** – The National Institutes of Health (NIH) holds a meeting of the Eunice Kennedy Shriver National Institute of Child Health and Human Development Council Task Force on Research Specific to Pregnant Women and Lactating Women Implementation Working Group to monitor and report on implementation, updating regulations, and guidance regarding the inclusion of pregnant women and lactating women in clinical trials. [Details.](#)

#### Additional Multi-Day Events

- **Nov. 13-Nov. 14 – HHS Meeting: Health Security** – HHS holds a meeting of the Biomedical Advanced Research and Development Authority (BARDA) Industry Day 2023 to discuss implementation efforts for its 2022-2026 Strategic Plan, which focuses on strengthening the health security of the nation, embracing lessons learned from the COVID-19 pandemic, incorporating new avenues of promising research and development, and addressing the imperative for medical countermeasures that are safe, effective, and widely accessible. [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

#### Weds. (11/8)

- **The SFC** convened a [markup](#) of the Better Mental Health Care, Lower-Cost Drugs, and Extenders Act. [Details](#).
- **The Senate HELP Committee** convened a hearing to examine the potential benefits and risks of integrating artificial intelligence (AI) into the health care sector. [Details](#).

### Regulatory Lookback

#### Tues. (11/7)

- **The USPSTF** published a [final research plan](#) on behavioral counseling interventions to promote a healthy diet, physical activity, and/or weight loss to prevent cardiovascular disease in adults. [Details](#).
- **The USDA** released a [report](#) with estimates of eligibility and program reach in WIC. [Details](#).

#### Mon. (11/6)

- **CMS** released the CY 2025 Policy and Technical Changes to the MA and Part D Programs [proposed rule](#). Comments are due January 5. [Details](#).

### Comment & Application Deadlines

- **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 20:** The FCC [issued a NOI](#) soliciting input on ways to enhance its “Mapping Broadband Health in America” platform to leverage digital health tools for maternal care improvement. [Details](#)



- **November 24:** AHRQ is [requesting public comments](#) on challenges and barriers for people with disabilities to receive clinical preventative services. [Details.](#)
- **November 24:** AHRQ issued a [request for supplemental evidence](#) and data submissions (SEADs) to inform its review on Trauma Informed Care (TIC). [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 2:** CMS and the ONC released a [proposed rule](#) to establish disincentives for providers who are determined to have committed information blocking. [Details.](#)
- **January 5:** CMS released the CY 2025 Policy and Technical Changes to the MA and Part D Programs [proposed rule](#). [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.](#)