

## Impact Health Policy Weekly

### Framing the Week

This week Congress is in a mad dash to finish legislative priorities before recessing for three weeks of winter break. Ukrainian President Volodymyr Zelensky will address an all-Senators meeting on Tuesday, as well as meet with House leaders, to try and inject some life into the stalling negotiations on the President's emergency foreign aid supplemental request that would provide additional funds to Ukraine, Israel, Taiwan, and our own Southern border. The Senate is expected to vote on the conferenced National Defense Authorization bill by Wednesday and send it to the House, where Speaker Johnson will need Democratic votes for passage.

This afternoon the House is also expected to bring up the [Lower Costs, More Transparency Act](#) (HR 5378), the [PREEMIE Reauthorization Act](#) (HR 3226), and the [SUPPORT Act](#) (HR 4531) on suspension votes. This means that the bills will be able to bypass the Rules Committee but will require a two-thirds vote to pass. The Lower Costs, More Transparency Act will, among other things, increase [transparency](#) of hospital prices, clinical diagnostic laboratory test prices, [imaging](#) prices, ambulatory surgical center prices, health [coverage](#) prices, and [pharmacy](#) benefit manager (PBM) practices; create parity in Medicare payments for hospital outpatient department services furnished off-campus; prohibit spread pricing in Medicaid; reauthorize Community Health Centers, the Teaching Health Center GME program, National Health Service Corps; and the Special Diabetes Program; delay the Disproportionate Share Hospital (DSH) reductions under Medicaid; and increasing plan fiduciary access to health data and requiring hidden fee disclosures. While the bill has the bipartisan support of the leaders of the Energy & Commerce and Education and the Workforce Committees, Ranking Member of the House Ways and Means Committee, Rep. Richard Neal (D-MA), is not supportive of the bill because private equity reporting and transparency requirements were not included. This bill is expected to be part of negotiations for a broader health care package early next year.

### Hearings and Markups:

**Senate Health, Educations, Labor, and Pensions (HELP) Committee:** On Tuesday the Senate HELP Committee will [markup legislation](#) to reauthorize the opioid treatment and prevention programs created under the SUPPORT Act ([S.3393](#)), the Modernizing Opioid Treatment Access Act ([S.644](#)), the Advancing Research in Education Act ([S.3392](#)), and Screens for Cancer Act ([S.1840](#)).

**House Education and the Workforce Committee:** Also on Tuesday, the House Education and the Workforce Committee will hold a [markup](#) of several workforce bills, including A Stronger Workforce for America Act ([H.R.6655](#)), which includes provisions to offer employment and training opportunities specifically addressing the prevention and treatment of opioid use disorders, encompassing addiction treatment, mental health care, and pain management for areas significantly impacted by widespread opioid use, addiction, and overdoses, where the demand for such activities exceeds the resources available at the State and local levels.

**House Energy & Commerce Committee:** On Wednesday the House Energy and Commerce Committee will hold a [hearing](#) featuring witnesses from the Department of Energy (DOE), Department of Health and Human Services (HHS), and Department of Commerce to discuss the federal government's role in addressing the AI in the marketplace.

### Regulatory Update

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

#### **Medicare, Medicaid, or Both:**

- **Appeals Process** – The [propose rule](#), pursuant to a court order, would establish new appeals processes for Medicare beneficiaries who have an inpatient hospital admission changed to outpatient by a hospital.
- **Healthcare System Resiliency and Modernization** – The [proposed rule](#) would establish culturally competent and person-centered requirements for all provider and supplier types that participate in Medicare and Medicaid programs.
- **Alternative Payment Models** – The [proposed rule](#) would implement a new Medicare payment model titled, Increasing Organ Transplant Access (IOTA) Model.
- **Medicare Advantage and Part D** – The [proposed rule](#) would make changes for CY 2025 for MA capitation rates and Part C and Part payment policies. Additionally, the proposed rule would provide draft CY 2025 Part D redesign program instructions.

#### **Other Topics:**

- **Conscience Rights in Health Care** – The [final rule](#) would safeguard the rights of federal conscience and religious nondiscrimination while protecting access to care, including abortion.
- **Health Data Interoperability** – The [final rule](#) would 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.
- **No Surprises Act** – The [final rule](#) would set forth requirements related to the fees for the Federal independent dispute resolution process.

### **This Week in Health Policy**

**Mon. (12/11)**

- **11:30am – BPC Discussion: Medicare Reform** – The Bipartisan Policy Center (BPC) holds a discussion on bipartisan solutions to improve beneficiary experience and ensure a fiscally responsible Medicare program. BPC will be releasing federal policy recommendations that aim to enhance Medicare benefits, increase competition, establish better program management, and improve financing. [Details.](#)

**Tue. (12/12)**

- **9:00am – HHS Meeting: TEFCA QUINs** – The Department of Health and Human Services (HHS) holds a meeting of the Office of the National Coordinator for Health Information Technology (ONC) to recognize the signing of the first set of designated Qualified Health Information Networks (QHINs) to the Common Agreement as part of the Trusted Exchange Framework and Common Agreement (TEFCA). [Details.](#)
- **10:00am – Markup: SUPPORT Act and Opioid Treatment** – The Senate Health, Education, Labor, and Pensions (HELP) Committee holds a markup to reauthorize the opioid treatment and prevention programs created under the SUPPORT Act ([S.3393](#)), the Modernizing Opioid Treatment Access Act ([S.644](#)), the Advancing Research in Education Act ([S.3392](#)), and Screens for Cancer Act ([S.1840](#)). [Details.](#)
- **10:00am – Hearing: DHS and CISA Role in AI** – The House Homeland Security Cybersecurity and Infrastructure Protection Subcommittee holds a hearing titled "Considering DHS' (Homeland Security Department) and CISA's (Cybersecurity and Infrastructure Security Agency) Role in Securing Artificial Intelligence." [Details.](#)
- **10:15am – Markup: Workforce** – The House Education and the Workforce Committee holds a markup of several workforce bills, including A Stronger Workforce for America Act ([H.R.6655](#)), which includes provisions to offer employment and training opportunities specifically addressing the prevention and treatment of opioid use disorders, encompassing addiction treatment, mental health care, and pain management for areas significantly impacted by widespread opioid use, addiction, and overdoses, where the demand for such activities exceeds the resources available at the State and local levels. [Details.](#)
- **10:30am – Hearing: VA Suicide Prevention** – The House Veterans' Affairs Committee holds a hearing titled "SG Fox Suicide Prevention Grants: Saving Veterans' Lives Through Community Connection." [Details.](#)
- **1:00pm – AHP Discussion: Dual-Eligible Beneficiaries** – The Alliance for Health Policy holds a discussion to provide an overview of dually eligible populations and discuss key programs and coverage arrangements that coordinate care for beneficiaries. Tim Engelhardt, Director of the Centers for Medicare and Medicaid Services (CMS) Medicare-Medicaid Coordination Office, and Dennis Heaphy, Commissioner on the Medicaid and CHIP Payment and Access Commission (MACPAC) will be participating. [Details.](#)

- **1:00pm – Duke Margolis Webinar: Regulatory Practices for Antibiotic Innovation** – The Duke Margolis Center for Health Policy holds a webinar to discuss novel antibiotics and how the regulatory process impacts investment in antibiotic development and commercialization. [Details.](#)
- **2:00pm – Hearing: Second Amendment/Women’s Rights** – The House Judiciary Subcommittee on Crime and Federal Government Surveillance holds a hearing titled “Second Amendment Rights Empower Women’s Rights.” [Details.](#)

**Wed. (12/13)**

- **8:00am – Hill Discussion: Medicare Drug Price Negotiation** – The Hill holds a discussion with Reps. Larry Bucshon (R-IN) and Nanette Barragan (D-CA) on access and equity concerns that policymakers, patient advocates, providers, and academics should consider as the Medicare drug price negotiations for 2026 get underway. [Details.](#)
- **9:00am – CMS Meeting: IPPS FY 2025 Add-On Payments for New Medical Services** – CMS holds a New Technology Town Hall meeting to discuss fiscal year (FY) 2025 applications for add-on payments for new medical services and technologies under the hospital inpatient prospective payment system (IPPS). [Details.](#)
- **10:00am –Hearing: AI Marketplace** – The House Energy and Commerce Committee holds a hearing featuring witnesses from the Department of Energy (DOE), Department of Health and Human Services (HHS), and Department of Commerce to discuss the federal government’s role in addressing the AI in the marketplace. [Details.](#)
- **2:00pm – Duke Margolis Webinar: Emerging CMMI Models** – The Duke Margolis Center for Health Policy holds a webinar to discuss new and revised models coming soon from the CMS Innovation Center (CMMI), including updates from CMMI on the CMS vision for accountable care. Director of the Learning and Diffusion Group at CMMI Kate Davidson will be participating. [Details.](#)
- **2:00pm – Hearing: Tax-Exempt Sector** – The House Ways and Means Oversight Subcommittee holds a hearing to examine the growth of the tax-exempt sector and its impact on American politics. [Details.](#)

**Thurs. (12/14)**

- **9:30am – Hearing: Older Adults Substance Use Trends** – The Senate Aging Committee holds a hearing to examine substance use trends among older adults. [Details.](#)
- **10:00am – Hearing: Diabetes Epidemic** – The Senate HELP Committee holds a hearing to examine the diabetes epidemic. [Details.](#)
- **12:00pm – Duke Margolis/FDA Discussion: Rare Disease Therapeutics** – The Duke Margolis Center for Health Policy, in collaboration with the Food and Drug Administration (FDA) holds a meeting to discuss approaches and opportunities for engaging patients, patient groups, rare disease or condition experts, and experts on small population studies during the drug development process for rare diseases. [Details.](#)

- **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](#).

#### Fri. (12/15)

- **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](#).

#### Additional Multi-Day Events

- **Dec. 12-Dec. 13 – CDC Meeting: Tuberculosis Elimination** – The Centers for Disease Control and Prevention (CDC) holds a meeting of the Advisory Council for the Elimination of Tuberculosis to discuss data modernization initiatives and other program updates. [Details](#).
- **Dec. 14-Dec. 15 – ONC Meeting: Health and Technology** – ONC holds its Annual Meeting to discuss key issues at the intersection of health care, public health, policymaking, and technology through a variety of keynote speakers, including National Coordinator Micky Tripathi. [Details](#).

#### Featured Analysis

- **\*NEW\* Impact Mental Health Legislative Update** – In the Policy Hub Insight Bank [here](#).
- **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. (12/8)

- MedPAC held a [public meeting](#) at which it considered a series of draft payment update recommendations to Medicare payment systems in 2025 for inclusion in its March 2024 Report to Congress. [Details](#).

#### Weds. (12/6)

- **The House E&C Committee** convened a [Full Committee markup](#) to consider 44 pieces of legislation. [Details](#).

#### Tues. (12/5)

- The **SFC** convened a [hearing](#) to examine drug shortages, supply chain challenges, impact, and policy solutions from a federal health program perspective. [Details.](#)

#### **Mon. (12/4)**

- The **House E&C Oversight Subcommittee** convened a [hearing](#) to examine the CDC's preparedness for the upcoming respiratory disease season. [Details.](#)

#### Regulatory Lookback

#### **Thurs. (12/7)**

- **President Biden** announced [new actions](#) intended to promote competition in health care and lower prescription drug costs. [Details.](#)
- **HHS and NIST** released a [Draft Interagency Guidance Framework for Considering the Exercise of March-In Rights](#), which reviews the factors that an agency may consider when deciding whether to exercise march-in rights. Comments are due February 6. [Details.](#)
- **HHS** released a [comprehensive strategy](#) aimed at fortifying cybersecurity measures within the health care sector. [Details.](#)

#### **Weds. (12/6)**

- The **USDA FNS** [announced](#) that it has teamed up with FRAC to award five competitive grants for a total of \$1.1 million to research and barriers to equitable access in federal child nutrition programs. [Details.](#)

#### **Tues. (12/5)**

- The **USPSTF** released a [draft research plan](#) on screening for HIV in asymptomatic, nonpregnant adolescents and adults age 15 years or older and in asymptomatic pregnant persons not known to be HIV positive. Comments are due January 3. [Details.](#)

#### **Mon. (12/4)**

- **CMS** released an [interim final rule](#) with a comment period regarding the unwinding of continuous coverage requirements. Comments are due February 2. [Details.](#)
- The **USDA FNS** announced that the Direct Certification with Medicaid Demonstration Project [opened applications](#) for more states to join the 38 states already participating in the demonstration. [Details.](#)

#### Comment & Application Deadlines

- **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 3:** The USPSTF released a [draft research plan](#) on screening for HIV in asymptomatic, nonpregnant adolescents and adults age 15 years or older and in asymptomatic pregnant persons not known to be HIV positive. [Details.](#)
- **January 5:** CMS released the CY 2025 Policy and Technical Changes to the MA and Part D Programs [proposed rule](#). [Details.](#)
- **January 8:** CMS released the HHS Notice of Benefit and Payment Parameters for [2025 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.](#)
- **January 16:** HHS announced the establishment of the Secretary's [Advisory Committee on Long COVID](#) and invites nominations for the Committee. [Details.](#)
- **January 30:** CMMI released an [RFA](#) for the GUIDE model. [Details.](#)
- **February 2:** CMS released an [interim final rule](#) with a comment period regarding the unwinding of continuous coverage requirements. [Details.](#)
- **February 5:** CMMI released the [NOFO](#) for the Ahead Model. [Details.](#)
- **February 6:** HHS and NIST released a [Draft Interagency Guidance Framework for Considering the Exercise of March-In Rights](#), which reviews the factors that an agency may consider when deciding whether to exercise march-in rights. [Details.](#)
- **February 14:** The USDA FNS announced [two research-based funding opportunities](#) to develop a subgrant program related to the WIC Program. [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.](#)