

Impact Health Policy Weekly

Framing the Week

Yesterday afternoon, the Senate released the text of an \$118 billion border security and foreign aid supplemental bill that would, among other things, tighten the standard for migrants to receive asylum and allow the border to automatically shut down if migrant crossings hit specific daily numbers. The bill provides \$60 billion for war efforts in Ukraine, \$14 billion in security assistance for Israel, \$10 billion in humanitarian assistance to civilians in Gaza, the West Bank, Ukraine and other conflict zones, and \$20 billion to address operational needs and provide additional resources to the border. Senate Majority Leader Chuck Schumer (D-NY) is expected to bring up the bill for a procedural vote on Wednesday, however, it is yet to be determined if there are enough bipartisan votes for passage. Meanwhile Speaker of the House, Mike Johnson (R-LA) said on Sunday that the bill is “dead on arrival” in the House, and this week the House would consider a \$17 billion assistance bill for Israel.

While the Senate is debating the most comprehensive immigration reform in years, the House Rules Committee is expected to take up H.Res. 863, articles of impeachment for Homeland Secretary Alejandro Mayorkas. If this resolution is advanced to the House floor, and manages to pass the razor thin Republican majority, the Senate will be forced to hold a trial on whether to convict Mayorkas and remove him from office. While a Senate acquittal would be expected, this could take up a substantial amount of time on the Senate floor when there are less than four weeks until the first continuing resolution expires.

Finally, the House may also bring up H.R. 485, the Protecting Healthcare for All Patients Act, pending advancement by the Rules Committee. The bill, which passed out of the Energy & Commerce Committee last March on a party-line basis, prohibits all federal health care programs, including the Federal Employees Health Benefits Program, and federally funded state health care programs from using prices that are based on **quality**-adjusted life years (i.e., measures that discount the value of a life based on disability) to determine relevant thresholds for **coverage** reimbursements, or incentive programs ([Impact summary of Committee Markup](#)).

Hearings

- **House Ways and Means Committee:** On Tuesday, the House Ways and Means Committee will hold a [hearing](#) to examine drug shortages in the United States., focusing on the impacts on patient access to care.
- **House Energy & Commerce Committee:** On Tuesday the House Energy and Commerce Subcommittee on Oversight and Investigations will hold a [hearing](#) to examine the importance of

the Food and Drug Administration (FDA)'s Foreign Drug Inspection Program, why it hasn't been widely restarted in countries like India and China, and how this trend affects domestic production.

- **Senate HELP Committee:** On Thursday the Senate Health, Education, Labor, and Pensions Committee will hold a [hearing](#) to examine the cost of prescription drugs featuring testimony from Merck, Johnson & Johnson, and Bristol Myers Squibb CEOs.
- **Senate Finance Committee:** On Thursday, the Senate Finance Committee will hold a [hearing](#) to examine artificial intelligence (AI) and health care, focusing on promise and pitfalls.

Markups

- **House Oversight Committee on Accountability:** On Tuesday the House Oversight Committee will mark up a PBM reform bill, [H.R. 6283](#), the Delinking Revenue from Unfair Gouging (DRUG) Act.

Regulatory Update

The Office of Management and Budget (OMB) completed reviewing a [final rule](#) that would make regulatory changes to safeguard the confidentiality of substance use disorder records, as required by the CARES Act. OMB is also reviewing the following rules:

Medicare

- **Alternative Payment Models** – The [proposed rule](#) would implement a new Medicare payment model titled, Increasing Organ Transplant Access (IOTA) Model (was set for December 2023).
- **Payment Update** – The [proposed rule](#) would revise the Medicare hospital inpatient and long-term care hospital prospective payment system (April 2024).

Medicaid

- **Disproportionate Share Hospital Program** – The [final rule](#) would implement requirements under section 203 of the Consolidated Appropriations Act, 2021 (CAA), which relate to Medicaid shortfall and third-party payments (February 2024).
- **Eligibility and Enrollment** – The [final rule](#) would implement changes to align enrollment and renewal requirements for most individuals in Medicaid and promote maintenance of coverage (February 2024).
- **Access to Care** – A pair of final rule intended to access to care and quality outcomes for Medicaid and CHIP beneficiaries enrolled in [managed care delivery systems](#) and [fee-for-service Medicaid](#) (April 2024).

Other Topics:

- **Healthcare System Resiliency and Modernization** – The [proposed rule](#) would revise and update national emergency preparedness requirements for Medicare- and Medicaid-participating providers and suppliers (was set for December 2023).

This Week in Health Policy

Mon. (2/5)

- **1:30pm – SAMHSA Meeting: African American Health Equity** – The Substance Abuse and Mental Health Services (SAMHSA) holds a meeting Office of Behavioral Health Equity to best practices to advance health equity within African American populations and for underserved communities. [Details.](#)
- **4:00pm – AEI Discussion: Fiscal Commission** – The American Enterprise Institute for Public Policy (AEI) holds a discussion with House Budget Committee Chairman Jodey Arrington (R-TX) to examine the potential implications of a fiscal commission. [Details.](#)
- **4:00pm – Hearing: Federal Health Care Quality-Adjusted Life Years** – The House Rules Committee meets to formulate a rule on H.R. 485, the Protecting Health Care for All Patients Act of 2023, which would prohibit the use of quality-adjusted life years and similar measures under federal health care programs. [Details.](#)

Tue. (2/6)

- **9:00am – FDA Meeting: Medical Device Supply Chain Resiliency** – The Food and Drug Administration (FDA) holds a meeting of the General Hospital and Personal Use Devices Panel of the Medical Devices Advisory Committee to discuss and make recommendations on medical device supply chain resiliency and shortage issues, including the "506J Device List" which has been developed as a requirement of the Consolidated Appropriations Act. [Details.](#)
- **10:00am – HITAC Meeting: Interoperability Standards** – The Health Information Technology Advisory Committee (HITAC) holds a meeting of the Interoperability Standards Workgroup to discuss program updates. [Details.](#)
- **10:00am – Hearing: Drug Shortages** – The House Ways and Means Committee holds a hearing to examine drug shortages in the United States., focusing on the impacts on patient access to care. [Details.](#)
- **10:30am – Hearing: Oversight of FDA's Drug Inspection Program** – The House Energy and Commerce Subcommittee on Oversight and Investigations holds a hearing to examine the importance of the Food and Drug Administration (FDA)'s Foreign Drug Inspection Program, why it hasn't been widely restarted in countries like India and China, and how this trend affects domestic production. [Details.](#)
- **1:45pm – Urban Institute Discussion: Housing and Health** – The Urban Institute holds a briefing on housing and health, focusing on equitable, evidence-based strategies for improving housing stability, homelessness prevention, and population health outcomes. [Details.](#)

- **4:00pm – Urban Institute Discussion: Health Equity** – The Urban Institute holds a discussion on community-led initiatives for building effective partnerships that advance equity in public health. [Details.](#)

Wed. (2/7)

- **2:00pm – PCORI Discussion: Upcoming Funding Opportunities** – The Patient-Centered Outcomes Research Institute (PCORI) holds a discussion on upcoming activities for 2024, including upcoming funding opportunities, and how stakeholders can get involved with PCORI. Stakeholders will hear about funding announcements for patient-centered comparative clinical effectiveness research (CER). [Details.](#)

Thurs. (2/8)

- **10:00am – HITAC Meeting: Health IT Advisory Committee** – The Health Information Technology Advisory Committee (HITAC) holds a meeting to discuss program updates, including recommendations to the National Coordinator on the topics of interoperability, privacy and security, patient access, and use of technologies that support public health. [Details.](#)
- **10:00am – Hearing: Prescription Drug Costs** – The Senate Health, Education, Labor, and Pensions Committee holds a hearing to examine the cost of prescription drugs featuring testimony from Merck, Johnson & Johnson, and Bristol Myers Squibb CEOs. [Details.](#)
- **10:00am – Hearing: AI and Health Care** – The Senate Finance Committee holds a hearing to examine artificial intelligence (AI) and health care, focusing on promise and pitfalls. [Details.](#)
- **12:00pm – HHS Meeting: Catalytic Program on Utilizing the IRA** – The Department of Health and Human Services (HHS) holds a meeting as part of a “catalytic program” to support health care providers and safety net organizations in taking advantage of the tax credits, grants and other supports made available by the Inflation Reduction Act (IRA). This session will focus on self-assessments. [Details.](#)
- **12:30pm – National Press Club Discussion: Biden-Harris Administration’s Impact on Health Equity Goals** – The National Press Club holds a discussion with HHS Secretary Xavier Becerra on the Biden-Harris Administration’s impact on goals to close health equity gaps and the IRA. [Details.](#)

Featured Analysis

- **Impact Roundup of January Behavioral Health Actions** – In the Policy Hub Insight Bank [here.](#)
- **Impact Chart of Key Provisions of Legislative Proposals on Health Care Price Transparency Requirements** – In the Policy Hub Insight Bank [here.](#)
- **Impact Regulatory Outlook: Fall 2023 Unified Agenda** – In the Policy Hub Insight Bank [here.](#)
- **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](#).

Congressional Lookback

Weds. (1/31)

- The House E&C Health Subcommittee convened a [hearing](#) to discuss additional solutions, beyond the House-passed Lower Costs, More Transparency (LCMT) Act. [Details](#).

Regulatory Lookback

Thurs. (2/1)

- HHS announced it has [initiated](#) the first cycle of the Medicare Drug Price Negotiation Program. [Details](#).

Weds. (1/31)

- CMS released the [CY 2025 MA and Part D Advance Notice](#) and [Draft Part D Redesign Program Instructions](#). Comments are due March 1. [Details](#).
- HHS announced a [series of actions](#) to address the surging syphilis epidemic. [Details](#).

Tues. (1/30)

- CMMI announced the [Cell and Gene Therapy \(CGT\) Access Model](#), with sickle cell disease as the initial focus of the model. [Details](#).
- CMS released an [FAQs](#) regarding the implementation of 12-month postpartum Medicaid coverage. [Details](#).

Mon. (1/29)

- CMS [announced](#) participation data for accountable care organization (ACO) initiatives in 2024. [Details](#).

Comment & Application Deadlines

- **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 9:** The GAO [issued](#) a request for letters of nomination and resumes for MedPAC. [Details](#).
- **February 12:** The DOJ issued a [NRPM](#) under Title II of the Americans with Disabilities Act (ADA) to update regulations regarding the accessibility of medical diagnostic equipment. [Details](#).

- **February 14:** The USDA FNS announced [two research-based funding opportunities](#) to develop a subgrant program related to the WIC Program. [Details.](#)
- **February 18:** The DOL released a [proposed rule](#) to completely rescind the Trump-era policy, “Definition of Employer – Association Health Plans,” that expanded the definition of association health plans. [Details.](#)
- **February 29:** The Biden Administration launched a new program called Health care Rewards to Achieve Improved Outcomes ([HEROES](#)) through the ARPA-H. [Details.](#)
- **March 1:** CMS released the [CY 2025 MA and Part D Advance Notice](#) and [Draft Part D Redesign Program Instructions](#). [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.](#)
- **March 15:** The USPSTF issued a [request for nominations](#) to serve as members of the Task Force. [Details.](#)
- **March 15:** The House Ed and Workforce Committee issued a [request for information \(RFI\)](#) to inform legislative reforms to employer-sponsored health care. [Details.](#)
- **April 2:** HRSA announced a [notice of funding opportunity](#) under the State Maternal Health Innovation program. [Details.](#)