Impact Health Policy Weekly

Framing the Week

The House and Senate are on spring recess again this week. After finally passing the fiscal year 2024 bills prior to leaving town, action on an emergency spending package will await Congress upon their return. In addition to funding for war and humanitarian efforts in Ukraine, Israel, Gaza, and Taiwan, approximately $1 billion in emergency funding is needed to address the cleanup and rebuilding of the Francis Scott Key Bridge disaster in Baltimore. As one of the nation's largest ports, it will be critical for Congress to address this disaster in order to maintain the flow of cars, appliances construction machinery, steel and aluminum, and many other critical imports and exports. Passing a package will not be easy as House Speaker Mike Johnson is at odds with the conservative faction of his party who are opposed to funding Ukraine efforts and are still upset with the Speaker over the FY 2024 spending bill. With just 1 vote margin, the Speaker finds himself once again needing Democrats to pass a bipartisan deal.

Hearings

Senate HELP Committee: Field Hearing: Corporate Impact on Health Care: On Wednesday the Senate Health, Education, Labor, and Pensions Committee will hold a field hearing in Boston, Massachusetts titled "When Health Care Becomes Wealth Care: How Corporate Greed Puts Patient Care and Health Workers at Risk."

Regulatory Update

The Office of Management and Budget (OMB) completed reviewing two final rules related to Medicare Advantage and Part D: (1) a final rule for CY 2025 Medicare Advantage Capitation Rates and Medicare Advantage and Part D Payment Policies; and (2) a final rule for CY 2025 Policy and Technical Changes to MA, Medicare Part D, and Programs of All-Inclusive Care for the Elderly (PACE). 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 make policy payment updates for acute care hospitals inpatient and long-term care hospitals (April 2024).
- **Nursing Homes** – The final rule would establish minimum staffing standards for long-term care facilities and establish Medicaid institutional payment transparency reporting requirements (September 2026).

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).
- **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).
- **Drug Rebate Program** – The final rule would establishes requirements related to manufacturers' misclassification of covered outpatient drug products under the Medicaid Drug Rebate Program (MDRP). In addition, it finalizes beneficiary protections, as well as MDRP program integrity and administration changes (June 2024).

Commercial Insurance
- **ACA Marketplace** – The final rule would make changes to regulations governing Affordable Care Act (ACA) Marketplace plans, insurance standards, and the risk adjustment program for plan year 2025 (not specified but likely April 2024).
- **Association Health Plans** – The final rule would make changes the definition of employer under ERISA-Association Health Plans (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).
- **Reproductive Health Care Privacy** – The final rule would modify the HIPAA Privacy Rule to support reproductive health care privacy (March 20240.
- **Health IT** – The proposed rule would advance interoperability through proposals for: standards adoption; public health IT certification; expanded uses of certified application programming interfaces (APIs), such as for electronic prior authorization, patient engagement, care management, and care coordination; and information sharing under the information blocking regulations (was set for November 2023).
- **Disability** – The final rule would revise regulations under section 504 of the Rehabilitation Act of 1973 to address discrimination on the basis of disability in HHS-funded programs and activities (April 2024)

This Week in Health Policy

Tue. (4/2)
- **9:00am – SAMHSA Meeting: Women's Mental Health and Substance Use Needs** – The Substance Abuse and Mental Health Services Administration (SAMHSA) holds a meeting of the

Advisory Committee for Women's Services (ACWS) to discuss SAMHSA's current strategies, including the mental health and substance use needs of the women and girls population, and strategic initiatives and policy recommendations regarding Maternal Behavioral Health. 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.

Wed. (4/3)

- **11:00am – Field Hearing: Corporate Impact on Health Care –** The Senate Health, Education, Labor, and Pensions Committee holds a field hearing in Boston, Massachusetts titled "When Health Care Becomes Wealth Care: How Corporate Greed Puts Patient Care and Health Workers at Risk." Details.
- **12:00pm – KFF Discussion: Primary Care –** The Kaiser Family Foundation (KFF) holds a discussion with primary-care experts on the current state of primary care in the country, including the extent of the primary-care provider shortage, how it varies geographically and for different populations, the impact on people's health, and what can be done to address it. Details.

Thurs. (4/4)

- **8:00am – The Atlantic Health Summit: Innovations to Improve Patient Care –** The Atlantic holds its Health Summit, focusing on the future of scaling innovation, sustainable solutions to improve patient care, and the complexity and opportunity for emerging technologies in health care. 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 financing strategies. Details.
- **2:00pm – CMS Meeting: ACO PC Flex Model Overview –** The Centers for Medicare and Medicaid Services (CMS) holds a webinar to provide an overview of the ACO Primary Care Flex Model (ACO PC Flex Model), and discuss the model goals, benefits and payment structure, and eligibility requirements. The forum also will provide guidance on the application process, timeline, and resources available. Details.

Fri. (4/5)

- **1:00pm – NIH Meeting: Primary Care/AI –** The National Institutes of Health (NIH) holds a meeting of the NIH Office of the Director for updates on the Primary Care Research Network and the Council of Councils Working Group on Artificial Intelligence/Machine Learning Consortium to Advance Health Equity and Researcher Diversity (AIM-AHEAD). Details.

Additional Multi-Day Events

- **Apr. 2-Apr. 4 – HRSA Meeting: Infant and Maternal Mortality –** The Health Resources and Services Administration (HRSA) holds a meeting of the Advisory Committee on Infant and

Maternal Mortality (ACIMM) to discuss updates on the federal Healthy Start program, rural health care access, social drivers of health, women's health before/between pregnancies; and how to achieve optimal maternal health and overall birth outcomes for underserved populations. 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.

Regulatory Lookback

Fri (3/29)
- **HHS OIG** released an audit revealing significant noncompliance with Medicaid Managed Care Mental Health (MH) and SUD parity requirements by selected states and MCOs. Details.
- **The OMB** announced revisions to Statistical Policy Directive No. 15, which outlines standards for maintaining, collecting, and presenting federal data on race and ethnicity. Details.

Thurs. (3/28)
- **CMS** released the FY 2025 SNF PPS proposed rule. Comments are due May 28. Details.
- **CMS** released the FY 2025 Hospice payment rate update proposed rule. Comments are due May 28. Details.
- **CMS** released the FY 2025 IPF PPS proposed rule. Comments are due May 28. Details.
- **CMS** released the final rules regarding STLDI and independent, nooncoordinated excepted benefits coverage. Details.
- **The OMB** issued the first government-wide policy aimed at mitigating risks associated with artificial intelligence (AI) and maximizing its benefits. Details.
- **ONC** published the draft 2024-2030 Federal Health IT Strategic Plan. Feedback is due May 28. Details.

Weds. (3/27)
- **CMS** released the FY 2025 IRF PPS proposed rule. Comments are due May 27. Details.
- **CISA** issued an NPRM outlining regulations concerning cyber incident reporting and ransom payment reporting, aiming to bolster the nation's cybersecurity posture. Comments are due June 3. Details.

- **CMS** released a [final rule](#) entitled, "Streamlining the Medicaid, Children's Health Insurance Program, and Basic Health Program Application, Eligibility Determination, Enrollment and Renewal Processes". [Details](#).
- **The GAO** released a [report](#) evaluating the Healthy Start program as mandated by the CARES Act. [Details](#).

Comment & Application Deadlines

- **April 1:** The Senate 340B Bipartisan Working Group released a [discussion draft](#) for the SUSTAIN 340B Act. [Details](#).
- **April 2:** HRSA announced a [notice of funding opportunity](#) under the State Maternal Health Innovation program. [Details](#).
- **April 12:** SAMHSA [announced](#) $9,995,000 for the Screening, Brief Intervention, and Referral to Treatment (SBIRT) grant program. [Details](#).
- **April 15:** CMS released a [proposed rule](#) to strengthen oversight of accrediting organizations (AOs) by addressing conflicts of interest, establishing consistent standards, and updating the validation and performance systems. [Details](#).
- **April 15:** SAMHSA [announced](#) $5,400,000 for states and territories under the Provider's Clinical Support System grant program. [Details](#).
- **April 15:** The FTC and HHS issued an [RFI](#) regarding market concentration among large health care group purchasing organizations (GPOs) and drug wholesalers. [Details](#).
- **April 19:** The DOJ issued an [advance notice of proposed rulemaking](#) in response to the Executive Order of February 28, 2024, titled "Preventing Access to Americans' Bulk Sensitive Personal Data and United States Government-Related Data by Countries of Concern." [Details](#).
- **April 29:** CMS issued [final part one guidance](#) on a select set of topics for the Medicare Prescription Payment Plan and an [ICR](#) for model materials. [Details](#).
- **May 1:** CMMI released the manufacturer [request for applications (RFA)](#) for the [Cell and Gene Therapy Access Model](#). Applications are due May 1. [Details](#).
- **May 6:** The FTC, DOJ, and HHS jointly issued a [request for information (RFI)](#) to inform the agencies' identification of enforcement priorities and future actions, including new regulations, aimed at promoting competition in health care markets and ensuring appropriate access to quality, affordable health care items and services. [Details](#).
- **May 27:** CMS released the FY 2025 IRF PPS [proposed rule](#). [Details](#).
- **May 28:** CMS released the FY 2025 SNF PPS [proposed rule](#). [Details](#).
- **May 28:** CMS released the FY 2025 Hospice payment rate update proposed rule. [Details](#).
- **May 28:** CMS released the FY 2025 IPF PPS proposed rule. [Details](#).
- **May 28**: ONC published the draft 2024-2030 Federal Health IT [Strategic Plan](#). [Details](#).

- **May 29:** HRSA announced the opportunity to apply for base and matching funds under the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program. Details.
- **June 15:** HRSA announced the availability of funding under the Maternal and Child Health Services Block Grant program. Details.
- **June 17:** CMMI announced (model website) a new voluntary model to test how prospective payments and increased funding for primary care in accountable care organizations (ACOs) impact health outcomes, quality, and costs of care. Details.
- **June 3:** CISA issued an NPRM outlining regulations concerning cyber incident reporting and ransom payment reporting, aiming to bolster the nation's cybersecurity posture. Details.