

Impact Health Policy Weekly

Framing the Week

Happy Earth Day! The House is in recess this week after a Saturday session where they passed four separate bills that together make up a \$95 billion foreign aid package for Ukraine, Israel and Taiwan as well as new sanctions against Russia, China and Iran, a TikTok ban, and U.S. power to freeze Russian assets. While three of the bills overwhelmingly passed with bipartisan majorities, Speaker Mike Johnson (R-LA) relied heavily on Democrats to provide the votes to allow for additional funding for Ukraine's efforts to defend themselves against Russia as more Republicans voted against the measure than voted for it. Over the weekend Rep. Marjorie Taylor Greene (R-GA) reiterated her plans to move on a motion to vacate Speaker Johnson in retaliation for his bringing the Ukrainian aid bill to the floor, though she did not provide specifics on timing. Meanwhile multiple Democrats have publicly stated their support for the Speaker's decision to move the foreign aid package and pledged they would vote against any motion to vacate to avoid the House from once again slipping into leader-less chaos before the end of the Congress.

The Senate was supposed to be on recess this week, but they will come into session on Tuesday to start the process to vote on the foreign aid package. It has been bundled into a single package and is expected to move by Wednesday afternoon to allow the Senate to recess for the rest of the week.

Regulatory Update

The Biden-Harris Administration will announce two final rules today intended to "improve safety, provide support for care workers and family caregivers, and to expand access to affordable, high-quality care," according to a [White House statement](#). Specifically, the Centers for Medicare and Medicaid Services (CMS) will release a [final rule](#) to establish minimum staffing standards for long-term care facilities and establish Medicaid institutional payment transparency reporting requirements. CMS will also release a [final rule](#) intended to improve access to care and quality outcomes for Medicaid and CHIP beneficiaries enrolled in managed care delivery systems.

We also expect to soon see a separate [final rule](#) intended to improve access to care and quality outcomes for Medicaid and CHIP beneficiaries enrolled in fee-for-service Medicaid. The Office of Management and Budget (OMB) completed its review last week. Additionally, the Administration is also expected to release the [final rule](#) that would modify the HIPAA Privacy Rule to support reproductive health care privacy. It has not yet cleared OMB review.

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).
- **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 final rule intended to improve access to care and quality outcomes for Medicaid and CHIP beneficiaries enrolled in [fee-for-service Medicaid](#) (April 2024).
- **Drug Rebate Program** – The [final rule](#) would establish 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

- **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).
- **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. (4/23)

- **10:00am – BPC Discussion: HUD Priorities** – The Bipartisan Policy Center (BPC) holds a discussion with the Department of Housing and Urban Development (HUD) Acting Secretary Adrienne Todman about HUD’s role in addressing the housing supply shortage while reducing rent burdens and homelessness, and other agency priorities. [Details.](#)
- **11:30am – Urban Institute Discussion: Economic Recovery/Equity** – Urban Institute holds a discussion with policymakers and practitioners from across the country about successes and challenges in directing federal funding to promote equity, including lessons from communities that have directed federal funds toward inclusive recovery and equitable local economies. [Details.](#)
- **12:30pm – BPC Discussion: Optimizing Integration for Dually Eligible Beneficiaries** – BPC holds a discussion to explore challenges and barriers to better integrate Medicare and Medicaid to meet the need of dually eligible beneficiaries, including lessons learned to advance potential reforms. Kerry Branick, the Deputy Director at the Centers for Medicare and Medicaid Services (CMS) Medicare-Medicaid Coordination office will be participating. [Details](#)

Wed. (4/24)

- **12:00pm – CMMI Meeting: Person-Centered Listening Session** – The Center for Medicare and Medicaid Innovation (CMMI) holds a listening session to explore how community-based organizations are being leveraged to provide support to beneficiaries in meeting health-related social needs and their impact on patient experience navigating care. [Details.](#)

Fri. (4/26)

- **11:30am – BPC Discussion: Rural Youth Mental Health** – BPC holds a discussion on innovative policy solutions to improve youth mental health and substance use crisis care in rural America. [Details.](#)
- **1:00pm – US News and World Report Discussion: Childhood Obesity** – US News and World Report holds a discussion on innovative treatments and strategies to tackle childhood obesity through a family- and community-based approach. [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. (4/17)

- **The House E&C Innovation, Data, and Commerce Subcommittee** convened a [hearing](#) to discuss bipartisan legislative data privacy proposals aimed at protecting children online and safeguarding Americans' data privacy rights. [Details.](#)

Tues. (4/16)

- **The House Ed & Workforce Subcommittee on Health, Employment, Labor, and Pensions** convened a [hearing](#) to discuss ways to build upon and strengthen ERISA. [Details.](#)
- **The House E&C Health Subcommittee** convened a [hearing](#) to address health care cybersecurity in the aftermath of the Change Healthcare ransomware attack. [Details.](#)

Mon. (4/15)

- **Sens. Cassidy (R-LA) and Boozman (R-AR)** [sent a letter](#) to the Biden Administration requesting information on how it is developing federal nutrition guidelines in the *Dietary Guidelines for Americans, 2025*. [Details.](#)

Regulatory Lookback

Fri. (4/19)

- **HHS OCCE** held a [presentation](#) to discuss the Office's Catalytic Program on Utilizing the IRA. [Details.](#)
- **The NAM** unveiled a [draft framework](#) aimed at ensuring the responsible adoption of artificial intelligence (AI) technologies in health care and biomedical sciences. Comments are due May 3. [Details.](#)

Thurs. (4/18)

- **HHS** released a [rule](#) finalizing revisions to the 340B administrative dispute resolution (ADR) process. [Details.](#)
- **The FNS** [released](#) a proposed rule to incorporate provisions from the AI Responsibility Act (FRA) of 2023 in SNAP impacting work requirements. [Details.](#)
- **HHS OMH** issued an [RFI](#) to solicit input for the development of a universal symbol informing people about the availability of language assistance services in health settings. Comments are due May 20. [Details.](#)
- **The GAO** released a [report](#) examining the critical aspects of COVID-19 vaccination data access and strategies aimed at bolstering immunization rates. [Details.](#)
- **The FTC, DOJ, and HHS** launched an [online portal](#) for the public to report health care practices that may be anticompetitive. [Details.](#)
- **CMS** [announced](#) that Colorado is seeking to amend its Medicaid Section 1115 *Colorado Expanding the Substance Use Disorder Continuum of Care*. [Details.](#)

Weds. (4/17)

- HUD released a [proposed rule](#) entitled, “Reducing Barriers to HUD-Assisted Housing.” Comments are due June 10. [Details.](#)
- The CBO released a comprehensive [report](#) detailing the performance and future directions of Medicare ACOs. [Details.](#)
- HHS ONC [released](#) its Health Equity By Design (HEBD) white paper discussion draft for public comment. Comments are due June 10. [Details.](#)

Tues. (4/16)

- The GAO released a [report](#) investigating PBM regulations across five states. [Details.](#)

Mon. (4/15)

- The CDC is [seeking nominations](#) for membership on the Healthcare Infection Control Practices Advisory Committee (HICPAC). Nominations are due September 30. [Details.](#)

Comment & Application Deadlines

- **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 3:** The NAM unveiled a draft framework aimed at ensuring the responsible adoption of artificial intelligence (AI) technologies in health care and biomedical sciences. [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 20:** HHS OMH issued an [RFI](#) to solicit input for the development of a universal symbol informing people about the availability of language assistance services in health settings. [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.](#)
- **June 10:** CMS released the FY 2025 IPPS and LTCH PPS proposed rule. [Details.](#)
- **June 10:** HUD released a [proposed rule](#) entitled, "Reducing Barriers to HUD-Assisted Housing." [Details.](#)
- **June 10:** HHS ONC [released](#) its Health Equity By Design (HEBD) white paper discussion draft for public comment. [Details.](#)
- **September 30:** The CDC is [seeking nominations](#) for membership on the Healthcare Infection Control Practices Advisory Committee (HICPAC). [Details.](#)