

## Impact Health Policy Weekly

### Framing the Week

The Senate returns from a two-week spring recess today and the House will return tomorrow. The big agenda item this week will occur on Wednesday when House Speaker Mike Johnson (R-LA) delivers the House passed articles of impeachment against Secretary of Homeland Security Alexander Mayorkas to the Senate. On Thursday all Senators will be sworn in as jurors and Senate Majority Leader Chuck Schumer (D-NY) is expected to introduce a motion seeking the immediate dismissal of the case against Mayorkas. A simple majority vote is needed to dismiss the case, which if all the Democrats stick together should be easily done.

Beyond the impeachment, Majority Leader Schumer sent out a “dear colleague” letter on Friday outlining the Senate’s schedule in the coming weeks and months. In addition to pressuring House Speaker Johnson to finally pass a foreign aid supplemental package, Senator Schumer highlighted the need to reauthorize both FISA and the Federal Aviation Administration, his intention to provide the federal support necessary to rebuild the Francis Scott Key Bridge in Baltimore, as well as “make progress on bipartisan bills that enhance our national security, advance online safety for kids and promote innovation, expand the Child Tax Credit, work on a path forward on Tik Tok legislation, combat the fentanyl crisis, hold failed bank executives accountable, address rail safety, ensure internet affordability, safeguard cannabis banking, outcompete the Chinese government, lower the cost of prescription drugs like insulin while expanding access to health care, and more.” This is a lofty list, and the Senate won’t likely get to all the priorities this spring.

Meanwhile, on a committee level the FY 2025 budget remains front and center as the Appropriations and Authorizing Committees will continue with hearings focused on the Administration’s budget request. Additionally, this week the Senate Finance Committee will be looking at how physicians are reimbursed by Medicare and the Energy & Commerce Committee will be looking at patient access to telehealth services. Both hearings will start to lay the groundwork for a potential health package after the election during the lame duck session.

### Hearings

**Senate Finance Committee:** On Tuesday the Senate Finance Committee Subcommittee on healthcare will hold a [hearing](#) to examine opportunities to improve substance use disorder (SUD) care in federal health programs. On Thursday, the full Committee will hold a [hearing](#) to examine how Medicare can incentive providers to better treat and manage chronic conditions.

**House Energy & Commerce Committee:** On Wednesday the House Energy and Commerce Health Subcommittee will hold a [hearing](#) to examine legislation that would support patients’ access to telehealth services and ensure that technological innovations provide value for both patients and the Medicare program. Included in the legislative telehealth proposals are bills that would make pandemic-era telehealth flexibilities and reimbursements permanent for Medicare beneficiaries and providers.

## Regulatory Update

The Office of Management and Budget (OMB) completed reviewing the FY 2025 proposed rule for policy and payment updates for [acute care hospitals inpatient and long-term care hospitals](#) (April 2024).

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 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

- **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 2024).

- **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

#### Mon. (4/8)

- **12:30pm – Brookings Discussion: Wall Street and Federal Health Policy** – The Brookings Center on Health Policy hosts its annual Wall Street Comes to Washington Health Care Roundtable to discuss health care spending trends, utilization increases in Medicare Advantage, the impact of the Medicaid enrollment unwinding, behavioral health care, pharmaceutical and pharmacy benefit manager trends, and the role of artificial intelligence in health care. [Details.](#)

#### Tue. (4/9)

- **9:00am – Aspen Institute Discussion: Public Benefits Modernization** – The Aspen Institute co-hosts with the Office of Management and Budget (OMB) a Financial Resilience Summit to discuss with federal, state, local, and nonprofit sector leaders on new ways to improve and scale public benefits delivery innovations. The Summit will feature panels on federal agency action on financial resilience and lessons learned from Medicaid unwinding with several Administration officials from the Department of Health and Human Services (HHS) and other agencies. [Details.](#)
- **9:00am – PunchBowl News Discussion: Rural Health Care** – PunchBowl News holds a discussion exploring access to health care in rural communities. [Details.](#)
- **9:30am – NIH Meeting: Rural Health Women’s Middle Life Health** – The National Institutes of Health (NIH) holds a meeting of the Office of the Director for the Office of Research on Women's Health for a panel discussion on the middle life health of women and menopause and other program updates. [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.](#)
- **2:30pm – Hearing: Substance Use Disorder** – The Senate Finance Subcommittee on Health Care holds a hearing to examine opportunities to improve substance use disorder (SUD) care in federal health programs. [Details.](#)

#### Wed. (4/10)

- **10:00am – CDC Meeting: CDC Clinical Laboratory Improvement** – The Centers for Disease Control and Prevention (CDC) holds a meeting of the Advisory Committee on the applicability of CLIA personnel requirements to preanalytic testing, the role of artificial intelligence and machine

learning in the clinical laboratory, and the use of clinical standards to improve laboratory quality. [Details.](#)

- **10:00am – Hearing: Patient Access to Telehealth Services** – The House Energy and Commerce Health Subcommittee holds a hearing to examine legislation that would support patients' access to telehealth services and ensure that technological innovations provide value for both patients and the Medicare program. Included in the legislative telehealth proposals are bills that would make pandemic-era telehealth flexibilities and reimbursements permanent for Medicare beneficiaries and providers. [Details.](#)
- **2:30pm – Hearing: Early Childhood Education** – The Senate Joint Economic Committee holds a hearing to examine investing in early childhood education. [Details.](#)

#### **Thurs. (4/11)**

- **9:00am – Hearing: VA Budget Request for FY 2025 and 2026** – The House Veterans' Affairs Committee holds an oversight hearing to examine the Department of Veterans Affairs budget request for fiscal years (FY) 2025 and 2026. [Details.](#)
- **9:30am – HITAC Meeting: Health IT 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.](#)
- **9:30am – Hearing: Independent Contractors Access to Benefits** – The House Education and the Workforce Subcommittee on Workforce Protections holds a hearing to examine connecting independent contractors to portable benefits. [Details.](#)
- **10:00am – Hearing: Medicare Physician Payment Reform for Chronic Care** – The Senate Finance Committee holds a hearing to examine how Medicare can incentive providers to better treat and manage chronic conditions. [Details.](#)
- **1:00pm – Hearing: FDA Oversight** – The House Oversight and Accountability Committee holds an oversight hearing of the Food and Drug Administration (FDA). [Details.](#)
- **2:00pm – Hearing: Expanding 2017 Tax Relief** – The House Ways and Means Committee holds a hearing to examine expanding on the Trump Administration's 2017 tax reform law. [Details.](#)
- **3:00pm – Center for American Progress Discussion: Prescription Drug Costs** – The Center for American Progress holds a discussion with HHS Secretary Xavier Becerra on how the Inflation Reduction Act's Medicare prescription drug reforms will reduce health disparities. [Details.](#)
- **3:45pm – Politico Discussion: Climate Change and Health Care** – Politico holds a discussion examining links between catastrophic weather events and medical challenges, and how industry and government can better collaborate to tackle disparities at the intersection of climate change and health care. HHS Director for the Office of Climate Change and Health Equity John Balbus will be participating. [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.](#)
- **Meeting: MedPAC** – The Medicare Payment Advisory Commission (MedPAC) meets to discuss Medicare issues and policy questions. [Details.](#)

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

- **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.](#)
- **Meeting: MedPAC** – The Medicare Payment Advisory Commission (MedPAC) meets to discuss Medicare issues and policy questions. [Details.](#)

#### **Additional Multi-Day Events**

- **Apr. 9-Apr. 10 – CDC Meeting: HIV/Viral Hepatitis/STD Prevention** – The CDC holds a meeting of the CDC/Health Resources and Services Administration (HRSA) Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment to discuss using prescription data to support the HIV care continuum and other program updates. [Details.](#)
- **Apr. 9-Apr. 11 – HRSA Meeting: Rural Health Innovation/Technology** – HRSA holds a meeting of the National Advisory Committee on Rural Health and Human Services to discuss technology and innovation in rural health and quality reporting by rural health clinics. [Details.](#)
- **Apr. 11-Apr. 12 – HHS Meeting: Vital/Health Statistics** – HHS holds a meeting of the National Committee on Vital and Health Statistics (NCVHS) for a discussion on several health data policy topics, including: Standards for social detriments of health data elements, Possible implications of Value Based Care Models vs Fee-For-Service on HIPAA standards, An overview of the key elements of the Trusted Exchange Framework and Common Agreement published by the Office of the National Coordinator for Health IT in November 2023; and Exploration of privacy and security in AI in technology and health care. [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. (4/3)**

- **The Senate HELP Subcommittee on Primary Health and Retirement Security** convened a [field hearing](#) to examine the impact of private equity (PE) on access to health care. [Details.](#)

#### **Regulatory Lookback**

##### **Fri (4/5)**

- **CMS** released the CY 2025 Policy and Technical Changes to the MA program and Part D benefit [final rule.](#) [Details.](#)

#### **Thurs. (4/4)**

- **OOCH** held a [presentation](#) to discuss the Office's Catalytic Program on Utilizing the Inflation Reduction Act (IRA). [Details.](#)
- **CMMI** held a [webinar](#) to describe the new Accountable Care Organization (ACO) Primary Care Flex (ACO PC Flex). [Details.](#)

#### **Weds. (4/3)**

- **HHS OIG** released a [report](#) addressing the critical shortage of behavioral health providers within the Medicare and Medicaid systems. [Details.](#)
- **HHS OIG** released two reports on nursing home discharges ([here](#) and [here](#)). [Details.](#)

#### **Tues. (4/2)**

- **CMS** released the HHS Notice of Benefit Parameters for 2025 [final rule](#). [Details.](#)
- **HHS** released a comprehensive [white paper](#) aimed at addressing the persistent issue of drug shortages within the nation's health care system. [Details.](#)

#### **Mon. (4/1)**

- **CMS** released the [Calendar Year \(CY\) 2025 Medicare Advantage \(MA\) Capitation Rates and Part C and Part D Payment Policies](#) and [Final CY 2025 Part D Redesign Program Instructions](#). [Details.](#)

#### **Comment & Application Deadlines**

- **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](#).