

## Impact Health Policy Weekly

The House is in recess this week as the Senate continues to work on confirming President Trump's cabinet nominees and potentially takes the next step towards moving a reconciliation package.

**Nominations:** This week the Senate is poised to confirm Kash Patel as FBI Director and Howard Lutnick as Secretary of Commerce. Meanwhile the Health, Education, Labor and Pensions (HELP) Committee will hold a markup to consider the nomination of Linda McMahon to be Secretary of Education and a hearing to examine the nomination of Lori Chavez-DeRemer to be Secretary of Labor. The Senate Homeland Security and Governmental Affairs Committee holds a hearing to examine the nominations of Troy Edgar to be Deputy Secretary of Homeland Security, and James Bishop to be Deputy Director of the Office of Management and Budget.

**Budget Reconciliation:** While not officially scheduled, many expect the Senate will bring their "skinny" budget resolution to the floor in the latter half of this week. Last week both the House and Senate Budget Committees (IHPP [Senate](#) and [House](#) Committee markup summaries) took the first step towards a budget reconciliation package by adopting their fiscal year (FY) 2025 Budget Resolution. The Senate Resolution is a \$342 billion package will focus on securing the border (\$175 billion), enhancing and revitalizing the nation's military capacity (\$150 billion), and facilitating energy independence by allowing offshore leases for oil drilling. According to Senate Budget Committee Chairman Lindsay Graham (R-SC), this package will cost \$85.5 billion a year over four years and will be completely offset by reduced annual spending. The Budget Resolution includes instructions for the Senate Finance Committee and the Senate Health Education and Labor Committee (HELP) to find no less than \$1 billion in funding over a 10-year period. A second reconciliation package is expected later in the year that will address extending the 2017 Trump tax cuts and will likely require much steeper spending cuts, with Medicaid, prescription drug pricing, and Enhanced Premium Tax Credits all on the table.

The House Budget Committee's resolution proposes a sweeping fiscal plan that includes \$4.5 trillion in tax cut extensions, \$1.5 trillion in spending cuts, and lifting the statutory debt ceiling by \$4 trillion ([text/charts](#)). Among the key provisions in the budget, substantial cuts are mandated across several committees. Notably, the Energy and Commerce Committee is tasked with finding at least \$880 billion in savings, which could include cuts to Medicaid; the Agriculture Committee must reduce spending by at least \$230 billion; and the Education and Workforce Committee is expected to slash \$330 billion. It is expected the Budget Resolution will be brought to the House floor the week of February 24.

### Regulatory Update

The Office of Management and Budget (OMB) is reviewing a new [proposed rule](#) titled, "Patient Protection and Affordable Care Act; Individual Health Insurance Market and Exchange Program Integrity (CMS-9884)." The proposed rule is likely focused on addressing fraud in Marketplace plans, which has been a primary concern for [House Republicans](#) and conservative think tanks, such as the [Paragon Health Institute](#).

The proposed rule will likely reverse a number of Biden-era policies related to enrollment and eligibility for premium subsidies, which were promulgated through the annual notice of benefit and payment parameters (NBPP). Peter Nelson, the new head of Center for Consumer Information and Insurance Oversight (CCIO), identified numerous Biden-era regulations in a [report](#) he wrote during his time at the Center of the American Experiment, a conservative think tank.

Given the timing of the proposed rule, it seems that the Trump Administration intends for its policies to be finalized and effective before the start of the 2026 Open Enrollment Period on November 1, 2025. Below, we highlight Biden-era policies specified in Nelson's report that could be reversed in the proposed rule:

- **Enrollment**
  - Extension of the Open Enrollment Period from November 1 to December 15 to November 1 to January 15 ([NBPP for 2022](#))
  - Earlier coverage effective dates for individuals who attest to a future loss of minimum essential coverage ([NBPP for 2024](#))
  - Expansion of the timeframe to report a loss of Medicaid coverage to qualify for a Special Enrollment Period from 60 to 90 days ([NBPP for 2024](#))
  - Changes to the re-enrollment hierarchy to allow Exchanges to direct re-enrollment for individuals who qualify for cost-sharing reductions (CSRs) to a CSR-qualified silver plan ([NBPP for 2024](#))
  - Establishment of a monthly Special Enrollment Period for individuals with a household income at or below 150 percent of FPL ([NBPP for 2025](#))
- **Eligibility for Premium Subsidies**
  - Requirement for Exchanges to wait to discontinue premium subsidies until a tax filer has failed to file taxes and reconcile premium subsidies for two consecutive years ([NBPP for 2024](#))
  - Requirement for Exchanges to accept an applicant's attestation of projected income without verification when there is no tax information ([NBPP for 2024](#))

Under President Trump's [Executive Order](#) on deregulation, CMS would be required to eliminate 10 existing regulations for every new regulation introduced. It remains unclear how this directive will be implemented, or which CMS regulations may be affected by the program integrity proposed rule.

The fiscal year (FY) 2026 Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System [proposed rule](#) has also arrived at OMB for review. By statute, the proposed rule must be published by April 1 annually.

## This Week in Health Policy

### Mon. (2/17)

- **Holiday: Presidents Day**

### Tue. (2/18)

- **10:00am – CMS Meeting: Air Ambulance Quality/Patient Safety** – The Centers for Medicare and Medicaid Services (CMS) holds a meeting of the Air Ambulance Quality & Patient Safety Advisory Committee to review options to establish quality, patient safety, and clinical capability standards for each clinical capability level of air ambulances. [Details.](#)

### Wed. (2/19)

- **8:30am – Politico Discussion: 2025 Health Care Policy Outlook** – Politico holds a discussion on the issues that will shape health care policy in 2025, focused on the impending effort to reorient the federal health care bureaucracy. Sen Tammy Baldwin (D-WI) will participate. [Details.](#)
- **10:00am – Hearing: Secretary of Labor Nomination** – The Senate Health, Education, Labor, and Pensions holds a hearing to examine the nomination of Lori Chavez-DeRemer to be Secretary of Labor. [Details.](#)
- **10:00am – Hearing: Children’s Online Safety** – The Senate Judiciary Committee holds a hearing to examine children's safety in the digital era, focusing on strengthening protections and addressing legal gaps. [Details.](#)
- **12:00pm – R Street Discussion: Navigating the 119th Congress** – The R Street Institute holds a discussion on the priorities, power structures, and business implications of the 119th Congress, including how to proactively engage with policymakers to encourage bipartisan solutions. [Details.](#)

### Thurs. (2/20)

- **TBA – Markup: Secretary of Education Nomination** – The Senate Health, Education, Labor, and Pensions holds a markup to consider the nomination of Linda McMahon to be Secretary of Education. [Details.](#)
- **8:30am – Politico Discussion: 2025 Governors Summit** – Politico Live and governors from around the country hold a discussion on how key policy areas are being shaped at the state level, and how governors plan to work with the federal government and continue to lead the way on issues like artificial intelligence (AI) and technology, health care, disaster relief, housing, and economic development. [Details.](#)
- **10:00am – Hearing: DHS and OMB Nominations** – The Senate Homeland Security and Governmental Affairs Committee holds a hearing to examine the nominations of Troy Edgar to be Deputy Secretary of Homeland Security, and James Bishop to be Deputy Director of the Office of Management and Budget. [Details.](#)
- **10:30am – WTOP Discussion: Housing** – WTOP holds a discussion with policymakers to explore policies that promote fair and inclusive housing opportunities for all, focusing on efforts to build a just housing system. Rep. Debbie Dingell (D-MI) will be participating. [Details.](#)

### Additional Multi-Day Events

- **Feb 20-Feb 22 – NGA Meeting: Education, Disaster Preparedness, and Workforce Development** – The National Governors Association (NGA) hosts the nation’s Governors, federal officials and leaders from business, academia and philanthropy for the 2025 Winter Meeting, focusing on timely priorities like education, permitting reform, disaster preparedness and workforce development. [Details](#).

### Featured Analysis

- **Impact Overview of President Trump’s Day One EO** – In Policy Hub Insight Bank [here](#).
- **Impact Memo on Health-Related Staff Picks for the Second Trump Administration** – In Policy Hub Insight Bank [here](#).
- **Policy Round-Up: CBO, GAO Reports on ACA Premium Tax Credits; DACA Marketplace Eligibility** – Available [here](#).
- **Impact Budget Reconciliation Primer** – In Policy Hub Insight Bank [here](#).
- **Impact Medicaid Outlook: Threats and Opportunities** – In the Policy Hub Insight Bank [here](#).
- **Insights for Impact: the 340B Drug Pricing Program**– In the Policy Hub Insight Bank [here](#).

### Congressional Lookback

#### Wed. (2/12)

- **The Senate Budget Committee** took the first step of their budget reconciliation process by passing the fiscal year (FY) 2025 budget resolution ([press release/text/charts](#)) on a party-line vote. [Details](#).

#### Tues. (2/11)

- **The House W&M Health Subcommittee** convened a [hearing](#) to discuss ways to improve health care options and incentives in the United States. [Details](#).
- **The House Oversight and Government Reform Committee Subcommittee on Health Care and Financial Services** [convened](#) the first hearing in a series to examine the future of welfare programs. [Details](#).

### Regulatory Lookback

#### Fri. (2/14)

- **CMS** [announced](#) a drastic funding cut to the ACA Navigator program, reducing the budget from \$98 million to \$10 million. [Details](#).
- **The DEA and SAMHSA** [announced](#) that the Biden Administration’s final rule, the Expansion of Buprenorphine Treatment via Telemedicine Encounter, which was scheduled to take effect on February 18, 2025, will now take effect on March 21, 2025. [Details](#).

**Thurs. (2/13)**

- **Robert F. Kennedy, Jr.** was sworn in as the 26th Secretary of HHS by Supreme Court Justice Neil Gorsuch after a closely contested 52-48 Senate confirmation. [Details.](#)

**Mon. (2/10)**

- **The CDC** released a [report](#) on maternal mortality rates in 2023. [Details.](#)

**Comment & Application Deadlines**

- **February 25:** CMMI released an [RFA](#) for the Cell and Gene Therapy Access Model. [Details.](#)
- **February 25:** CMMI released a [NOFO](#) to apply for Cooperative Agreement funding to support states' participation in the Cell and Gene Therapy (CGT) Access Model. [Details.](#)
- **March 7:** HHS OCR issued a [proposed rule](#) to update the HIPAA Security Rule to enhance cybersecurity protections. [Details.](#)
- **March 10:** The FDA released [draft guidance](#) on accelerated approval and considerations for determining whether a confirmatory trial is underway. [Details.](#)
- **March 15:** The DEA issued a [proposed rule](#) that would establish a new special registration for the prescription of a controlled substance via telemedicine. [Details.](#)
- **April 7:** The FDA issued [draft guidance](#) on considerations for the use of artificial intelligence (AI) to support regulatory decision-making for drug and biological products. [Details.](#)
- **April 7:** The FDA released [draft guidance](#) on artificial intelligence (AI)-enabled device software functions (AI-DSFs): lifecycle management and marketing submission recommendations. [Details.](#)
- **July 1:** The CDC [seeking nominations](#) for membership on the Clinical Laboratory Improvement Advisory Committee (CLIAC). [Details.](#)