

## Impact Health Policy Weekly

### Framing the week

With twenty-two days until government funding expires, two approaches for addressing fiscal year 2026 appropriations are forming. President Trump and Republican fiscal hawks are in favor of a continuing resolution (CR) to extend funding into the new year or longer, which aligns with OMB Director Russell Vought's efforts to reduce government funding. On the other side, Republican appropriators and Democrats are pushing for a shorter-term CR, until November or December, which would allow more time to negotiate a bipartisan agreement on government funding. To get Democrats to the negotiating table, Republicans are beginning to consider the possibility of extending the enhanced premium tax credits. Last week, a group of House Representatives, led by Rep. Jen Kiggans (R-VA) introduced the [Bipartisan Premium Tax Credit Extension Act](#), which would extend the enhanced premium tax credits for one year, bypassing next year's midterm elections. In terms of timing, the House would need to introduce a pass a CR by the end of next week, as Congress will recess from September 22<sup>nd</sup> through the 26<sup>th</sup>. That would leave the 29<sup>th</sup> and the 30<sup>th</sup> for the Senate to consider the CR or face a government shutdown.

### **Regulatory Update**

The Trump Administration recently released the [Spring 2025 Unified Agenda](#). The Impact Health team is working on a summary memo that we will soon share.

The Office of Management and Budget (OMB) completed reviewing the following:

- **Prescription Drugs: Non-Opioid Analgesics.** An FDA [notice](#) titled, "Development of Non-Opioid Analgesics for Chronic Pain, Draft Guidance for Industry; Availability."

OMB is also reviewing the following:

- **Medicare:**
  - **CY 2026 Medicare Advantage/Part D Policy.** [Final CY 2026 policy and technical changes](#) to the Medicare Advantage, Medicare Prescription Drug Benefit, and Medicare Cost Plan Programs, and PACE
  - **CY 2027 Medicare Advantage/Part D Policy.** [Proposed CY 2027 policy and technical changes](#) to Medicare Advantage, Medicare Prescription Drug Benefit, Medicare Cost Plan, and PACE
- **Medicaid:**
  - **Gender-Affirming Care.**
    - A [proposed rule](#) titled, "Medicaid Program; Prohibition on Federal Medicaid Funding for Sex Trait Modification Procedures Furnished to Children and Youth."
    - A [proposed rule](#) titled, "Medicare and Medicaid Programs; Hospital Condition of Participation: Limiting Participation Based on the Performance of Sex Trait Modification Procedures on Children."

- **Immigration Status.** A [final rule](#) titled, “Medicaid Eligibility Changes Under the Affordable Care Act of 2010; Giving States Freedom to Use Immigration Information to Determine State Residency for Medicaid Eligibility.” The final rule is part of the Trump administration’s efforts to [increase federal oversight](#) on states using Federal Medicaid funding for the health care of undocumented immigrants.
- **State Directed Payments.** A [proposed rule](#) titled, “Medicaid Managed Care-State Directed Payments.” The proposed rule appears intended to advance a [presidential memorandum](#) released on June 6, which directs HHS to “eliminate waste, fraud, and abuse in Medicaid, including by ensuring Medicaid payments rates are not higher than Medicare, to the extent permitted by applicable law.”
- **Prescription Drugs:**
  - **Labels.** A [notice](#) from the Food and Drug Administration titled, “Safety Labeling Changes--Implementation of Section 505(o)(4) of the Federal Food, Drug, and Cosmetic Act; Draft Guidance for Industry; Availability.”
  - **Investigational Drugs.** An FDA [notice](#) titled, “Expanded Access to Investigational Drugs for Treatment Use: Questions and Answers; Guidance for Industry; Availability.”
- **Nutrition:**
  - **Head Start.** A [notice](#) from the Administration for Children and Families titled, “Publish Request for Information: Nutrition Services in Head Start Programs

### This Week in Health Policy

#### Tue. (9/9)

- **8:00am – Punchbowl Discussion: Rural Access to Care** – Punchbowl News holds a discussion about access to health care, specifically focused on patient access to care in rural communities. Sen. Peter Welch (D-VT) will be participating. [Details.](#)
- **9:00am – Washington Post Discussion: AI in Medicine** – The Washington Post Live holds a discussion on how assistive artificial intelligence (AI) could revolutionize the future of medicine. Rep. Ami Bera (D-CA) will be participating. [Details.](#)
- **10:00am – Hearing: State Options in SNAP** – The House Agriculture Subcommittee on Nutrition and Foreign Agriculture holds a hearing titled “Exploring State Options in SNAP.” [Details.](#)
- **10:30am – Markup: Small Business Research/Technology Program Extensions** – The House Small Business Committee holds a markup of [H.R. 5100](#) to extend the Small Business Innovation Research and Small Business Technology Transfer Programs. [Details.](#)
- **11:00am – Markup: FY2026 Labor-HHS Appropriations Bill** – The House Appropriations Committee holds a markup of the fiscal year (FY) 2026 Labor, Health and Human Services, Education, and Related Agencies bill. [Details.](#)
- **2:00pm – Hearing: Vaccine Policies/Public Perception** – The Senate Homeland Security and Governmental Affairs Subcommittee on Investigations holds a hearing to examine how the

corruption of science has impacted public perception and policies regarding vaccines. [Details.](#)  
**AM/AL, FYI**

- **2:00pm – Hearing: Children’s Nutrition** – The House Oversight and Government Reform Subcommittee on Health Care and Financial Services holds a hearing to examine how children are being negatively impacted by unhealthy diets and the overprescription of medications for common ailments and mental and behavioral health conditions. Members will also examine solutions to the health crisis among American children and actions Congress can take to Make America Healthy Again (MAHA). [Details.](#)
- **2:00pm – Hearing: Work Opportunities for Individuals with Disabilities** – The House Ways and Means Subcommittees on Social Security and Work & Welfare hold a joint hearing to discuss barriers to work and how policymakers can support opportunities for individuals with disabilities to establish, renew, or strengthen their connection to the workforce. [Details.](#)
- **2:30pm – Hearing: Children’s Online Safety** – The Senate Judiciary Subcommittee on Privacy Technology, and the Law holds a hearing to examine whistleblower allegations that Meta buried child safety research. [Details.](#)

#### Wed. (9/10)

- **10:00am – Hearing: AI Action Plan** – The Senate Commerce Subcommittee on Science, Manufacturing, and Competitiveness holds a hearing to examine President Trump’s artificial intelligence (AI) strategy, *Winning the Race: America’s AI Action Plan*. The hearing will also explore legislative actions to foster AI innovation by preventing overregulation. [Details.](#)
- **2:00pm – NAM Discussion: Ultra-Processed and Children’s Health** – The National Academies of Medicine (NAM) holds a discussion to explore the science on ultra-processed foods and children’s health as part of its [new series](#) of monthly discussion to help members of the public navigate complex health topics in the news. [Details.](#)
- **2:00pm – ABHW Discussion: Maternal and Children Mental Health Solutions** – The Association for Behavioral Health and Wellness (ABHW) holds a discussion on the connection between maternal and children and youth behavioral health, exploring solutions, including policy initiatives, that can create a supportive environment for entire families. [Details.](#)

#### Thurs. (9/11)

- **7:45am – Hill Discussion: Role of Employers in Transforming Health Care** – The Hill holds a discussion with lawmakers, health policy leaders, employers, and industry experts to examine how workplace-centered strategies can shape the future of American health care. Reps. Greg Murphy (R-NC) and Brad Schneider (D-IL) will be participating. [Details.](#)
- **12:00pm – KFF Discussion: State Implementation of Medicaid Work Requirements** – Kaiser Family Foundation (KFF) holds a discussion of how states will go about implementing the new Medicaid work requirements from H.R.1. Participating in the discussion will be Caprice Knapp, Medicaid Counselor to the Health and Human Services (HHS) Secretary Robert F. Kennedy, Jr., and the Medicaid Directors for Oregon and Utah. [Details.](#)

- **12:00pm – Sepsis Alliance Briefing: Economic and Human Costs of Sepsis** – The Sepsis Alliance holds a Hill briefing to discuss the physical and financial burdens of sepsis and how Congress can take action to reduce these costs. [Details.](#)
- **1:00pm – U.S. News and World Report Discussion: Kidney Care** – U.S. News and World Report holds a discussion with a panel of experts to offer a status report on kidney care for people of all ages and backgrounds. [Details.](#)

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

- **Sep 8-Sep 8 – HHS Meeting: Physician-Focused Payment Model** – The Department of Health and Human Services (HHS) holds a meeting of the Physician-Focused Payment Model Technical Advisory Committee (PTAC) to hear presentations and deliberate on proposed PFPMs focused on interoperability, digital tools, promoting shared decision-making, and data-driven approaches for enabling patients with multiple chronic conditions to take better control of their health care. Abe Sutton, Director at the Center for Medicare and Medicaid Innovation (CMS Innovation Center) delivers opening remarks. [Details.](#)
- **Sep 9-Sep 10 – CDC Meeting: Diseases Classification Coordination/Maintenance** – The Center for Disease Control and Prevention (CDC) holds a meeting of the ICD-10 Coordination and Maintenance Committee to discuss ICD-10 coding changes. [Details.](#)
- **Sep 9-Sep 10 – NIH Meeting: Child Health/Human Development** – The National Institutes of Health (NIH) holds a meeting of the Eunice Kennedy Shriver National Institute of Child Health & Human Development for NICHD Acting Director Alison Cernich's report and other council business. [Details.](#)

#### **Featured Analysis**

- **OBBA Medicaid Provisions and Timeline for Implementation** – In Policy Hub [here.](#)
- **Changes to ACA Premium Tax Credit Policy in 2026 and Beyond** - In Policy Hub [here.](#)
- **Supreme Court Decisions Reshape Medicaid, Gender-Affirming Care, and Judicial Power** – In Policy Hub [here.](#)
- **AI in Health and Governance Roundup: New Frameworks, Tools, and Oversight Challenges** – In Policy Hub [here.](#)
- **Litigation Update: Legal Cases in Response to Trump Administration Executive Actions** – In Policy Hub Insight Bank [here.](#)
- **100 Days of Disruption: Health Policy Under Trump 2.0** – In Policy Hub Insight Bank [here.](#)

#### **Congressional Lookback**

**Fri. (9/5)**

- **MedPAC** held day two of its [September 2025 public meeting](#) and held sessions on hospice and ESRD, and Medicare Advantage and hospital finances. All Impact Health session summaries are available in Policy Hub [here](#).

#### **Thurs. (9/4)**

- **The Senate Finance Committee** held a [hearing](#) to discuss the President's 2026 health care agenda with Secretary of the Department of Health and Human Services Robert F. Kennedy Jr. [Details](#).
- **MedPAC** convened virtually for day one of its [September 2025 public meeting](#) and held sessions on payment accuracy, oversight, and context for Medicare payment policy. All Impact session summaries are available on Policy Hub [here](#).

#### **Wed. (9/3)**

- **The House E&C Health Subcommittee** held a [hearing](#) on the growing role of artificial intelligence in health care. [Details](#).

#### **Tues. (9/2)**

- **The House Appropriations Labor-HHS Subcommittee** [held](#) a markup and advanced its FY 2026 appropriations bill on an 11–7 party-line vote. [Details](#).

### Regulatory Lookback

#### **Thurs. (9/4)**

- **CCIIO** released new [guidance](#) adding a new example of a hardship exemption for catastrophic coverage eligibility. [Details](#).
- **CMS** [announced](#) a prior authorization demonstration program for certain ambulatory surgical center (ASC) services. [Details](#).
- **The FTC** issued an [RFI](#) to examine the use and impact of employer noncompete agreements and to help shape potential future enforcement actions. Comments are due November 3. [Details](#).

#### **Wed. (9/3)**

- **HHS OIG and ASTOP/ONC** [announced](#) that it will increase resources to address the practice of information blocking. [Details](#).

#### **Tues. (9/2)**

- **CMMI** announced [a set of policy and operational changes](#) to the Achieving Healthcare Efficiency through Accountable Design (AHEAD) Model and extended all cohorts through 2035. [Details](#).

### Comment & Application Deadlines

- **September 11:** The FDA issued an [RFI](#) to begin its process of reviewing nutrition requirements in infant formulas. [Details](#).

- **September 12:** CMS released the CY 2026 Medicare PFS [proposed rule](#). [Details](#).
- **September 15:** CMS released the CY 2026 OPPS [proposed rule](#). Comments are due September 15. [Details](#).
- **September 15:** The DOJ [launched an initiative](#) to examine state laws that may significantly and negatively affect the national economy or interstate commerce. [Details](#).
- **September 19:** CMS announced the [Crushing Fraud Chili Cook-Off Competition](#), a research challenge designed to develop explainable AI and ML tools to combat Medicare fraud. [Details](#).
- **September 26:** The FTC issued an [RFI](#) seeking public comment on gender-affirming care (GAC) for minors. [Details](#).
- **November 3:** The FTC issued an [RFI](#) to examine the use and impact of employer noncompete agreements and to help shape potential future enforcement actions. [Details](#).