

Impact Health Policy Weekly

Framing the Week

Health Policy to Watch. Congress is in recess, with the House returning on August 31 and the Senate returning September 14. During this August period, Impact Health Policy Partners will provide a series of brief policy outlooks examining key priority areas likely to shape the health policy landscape this fall. This week, we are examining transparency efforts and Make America Health Again (MAHA) developments.

Transparency

In September, the House may vote on health care transparency legislation advanced by key health committees. The Energy and Commerce Committee have teed up the Lower Costs, More Transparency Act of 2026 ([H.R. 9393](#)) – a comprehensive bipartisan package addressing a range of issues, including health care transparency, prior authorization, drug prices, and access to care at community health centers.

If pursued, LCMT 2026 could undergo additional changes before a potential House vote. What to watch for:

- **Which provisions of [H.R. 5582](#), Patients Deserve Price Tags Act, if any, are incorporated into LCMT 2026.** At the E&C markup, Rep. James (R-MI) withdrew an amendment to incorporate the Price Tags Act into LCMT 2026 after receiving assurances from Chairman Guthrie (R-KY) to work together. Rep. James is most interested in the hospital transparency provisions.
- **Whether any differences between LCMT 2026 and Ways and Means Committee's Health Care Price Certainty for All ([H.R. 9645](#)) are resolved.** One key distinction is that the partisan W&M bill would allow an estimate of the in-network rate in the machine-readable file under the transparency in coverage (TiC) requirement.
- **Whether the Health Data Access, Transparency, and Affordability Act of 2026 ([H.R. 9228](#)) is incorporated into LCMT 2026 or considered separately.** The bill passed out of the Education and Workforce Committee along party lines. Democrats objected over inadequate privacy protections and anti-discrimination safeguards, and have coalesced around Rep. Takano's (D-CA) alternative, [H.R. 9486](#). Since there are similar provisions in the bipartisan Patients Deserve Price Tags Act ([S. 2355](#)) advanced by the Senate HELP Committee, the House will likely want to solidify their position on the issue before any Senate negotiations.

If a bipartisan health care package is pursued during the lame duck session, the House and Senate will need to reach a negotiated agreement. Key differences between the House and Senate bills – including the scope of ownership transparency requirements, whether TIC machine-readable files include

algorithms and formulas to determine the in-network rates, and enforcement of hospital price transparency requirements – will need to be resolved.

On the regulatory front, the [new TiC final rule](#) has been at OMB since July 27 and may be issued soon. Additionally, CMS plans to issue guidance addressing regulations related to the calculation of the qualifying payment amount for the independent dispute resolution process, which was struck down by the Fifth Circuit in [TMA III](#) on August 12.

Make America Healthy Again

Secretary Robert F. Kennedy Jr.'s MAHA movement was relatively quiet over the last few months, but recent vaccine and food policy announcements signal renewed focus on MAHA priorities ahead of the midterm elections. Below, we describe recent updates and implications for the remainder of the year.

- **Vaccines:**
 - **Childhood Vaccine Schedule:** On August 10, President Trump signed an [Executive Order](#) (EO) reducing the number of vaccines recommended for all children under the childhood vaccine schedule, breaking up the measles, mumps, and rubella vaccine, and requires the HHS Task Force on Safer Childhood Vaccines to deliver recommendations on the ideal timing and sequencing of all childhood vaccines. The President cites the Administration's [scientific assessment](#) identifying a set of vaccines consistently recommended in peer countries and finding that the U.S. recommends more vaccines than those countries. The EO is an attempt by the Administration to formalize its preferred vaccine schedule amid ongoing lawsuits that halted the Centers for Disease Control and Prevention's (CDC's) Advisory Committee on Immunization Practices (ACIP) and challenged a previous EO directing HHS to adopt the recommended vaccine schedule from the scientific assessment. However, in the absence of ACIP it is unclear how the EO will be implemented and it is likely to be challenged in court.
 - **Advisory Committee:** On August 12, HHS [posted a notice](#) seeking nominations for the National Vaccine Advisory Committee (NVAC), which examines vaccine safety and efficacy. NVAC currently has only eight of its 17 members and all members' terms have expired. HHS made changes to NVAC's charter to add consideration of non-immunization strategies to promote health.
 - **Hospital Sharing of Personal Health Information:** Inside Health Policy [reports](#) that the American Hospital Association is pushing back on a Consumer Product Safety Commission (CPSC) mandate for hospitals to share personally identifiable information from health record for a reporting system that will look at injuries and childhood vaccine reactions, among other conditions. The information will be used for a modernized National Electronic Injury Surveillance system that will launch by the beginning of next year. AHA says that the requirement violates the Health Information Privacy and Accountability Act (HIPAA) and requests that the sharing be voluntary.

- **Nutrition and Food Policy:**

- **Food Oversight:** Earlier in August USDA [announced](#) a new proposed rule to require food manufacturers to notify the Food and Drug Administration (FDA) when they self-certify new ingredients under the Generally Recognized as Safe (GRAS) pathway. GRAS has been a target of the MAHA movement, and additional transparency and oversight of the pathway is a priority. At the same time, HHS stated that white paper with a proposed definition for ultra-processed foods (UPFs) is being reviewed by the White House. Developing a definition of UPFs has also been a MAHA priority because it could allow HHS and the Department of Agriculture (USDA) to develop recommendations and regulations limiting consumption of UPFs.
- **Federal Nutrition Programs:** As states are working on implementation of H.R. 1's Supplemental Nutrition Assistance Program (SNAP) provisions, Congress is considering as part of the Farm Bill a possible delay of the requirement for states to fund a portion of benefits based on payment error rates. A Farm Bill reauthorization package with a one-year delay failed to advance out of the Senate Agriculture Committee after Democrats insisted on a two-year delay so all states will begin cost sharing in fiscal year 2030 ([Impact summary](#)). The Chair recessed the meeting and plans to continue to hold votes in September to pressure Democrats into supporting the package. Among other provisions, the bill would also allow SNAP participants to purchase rotisserie chicken and provide funding for schools and food purchasers to source from local farmers. A [similar bill](#) without the cost sharing delay passed the House in April.

Additionally, USDA plans to issue several regulations this summer/fall to implement H.R. 1 related to [work requirements](#), [state benefit cost sharing](#), and [immigrant eligibility](#).

- **Nominations:** Before the recess, the Senate confirmed Erica Schwartz as the new CDC Director after a hearing in which she supported science but shied away from saying how she would approach a conflict with Secretary Kennedy on vaccines. The Senate has yet to confirm Sean Kaufman to lead the Administration for Strategic Preparedness and Response (ASPR), although he did receive approval from the Health, Education, Labor, and Pensions (HELP) Committee. Kaufman previously made controversial statements about vaccines, including that he would rather "perish" than have his children receive the hepatitis B birth dose, but said during the hearing that he views vaccines as an important public health tool.

Regulatory Update

Recently Arrived at OMB

- **Association Health Plan.** [Proposed Rule:](#) Definition of an "Employer" Under Section 3(5) of ERISA -- Association Health Plans

All other pending regulations can be found [here](#).

This Week in Health Policy

An overview of upcoming events is included below. Events highlighted in **orange** are those that we will be covering in detail:

- **No events for the week of 8/17-8/21**

Featured Analysis

- **Medicaid Round-Up: H.R. 1 Implementation and Program Integrity** – In Policy Hub [here](#).
- **AI Policy Roundup** – In Policy Hub [here](#).
- **2026 Regulatory Outlook** – In Policy Hub [here](#).

Congressional Lookback

Mon. (8/10)

- **Sens. Wyden, Crapo, Cortez Masto and Grassley** [introduced](#) the bipartisan [Health Care Fraud Prevention and Enforcement Act](#). [Details](#).

Regulatory Lookback

Tues. (8/11)

- **CMS** released a [final rule](#) that would prohibit FFP in Medicaid for “sex-rejecting procedures” for children under the age of 18 and prohibit the use of federal CHIP funds for such care for children under the age of 19. [Details](#).
- **The Office of the Assistant Secretary for Health** is [seeking nominations](#) to the National Vaccine Advisory Committee. Applications are due September 11. [Details](#).

Mon. (8/10)

- **President Trump** signed an [Executive Order](#) titled, “Delivering Gold Standard Childhood Vaccine Recommendations for Americans” to align with previous Trump Administration vaccine recommendations currently held up in court and direct ongoing research and recommendations. [Details](#).
- **The GAO** released a new [report](#) describing the benefits and challenges of wearable technology for clinical decision-making. [Details](#).
- **HHS** [announced](#) two food policy updates aligned with the Make America Healthy Again (MAHA) agenda. [Details](#).

Litigation Highlights

- **Gender-Affirming Care: Divided Panel of Appellate Judges Removes Lower Court Block and Allows Department of Justice to Investigate Gender-Affirming Care Provider**

On August 14, in [QueerDoc, PLLC v. U.S. Department of Justice, No. 25-7384](#), a divided panel of 9th Circuit judges decided 2-1 to reverse a lower-court decision that has blocked the Department of Justice's subpoena directed at QueerDoc, a telehealth clinic that specializes in gender-affirming care for minors. The subpoena seeks extensive information including patient records, billing information, and personnel files. This is the first appellate-level ruling supporting the DOJ's effort to investigate gender-affirming care providers.

The decision came the same week as the Centers for Medicare and Medicaid Services (CMS) issued a **final rule** prohibiting federal funding from being used for gender-affirming care for children under the age of 18 in Medicaid and under the age of 19 in the Children's Health Insurance Program (CHIP). See [IHPP summary](#).

For additional information regarding legal developments, please see our [litigation tracker](#).

New Comment & Application Deadlines

- **September 11:** The Office of the Assistant Secretary for Health is [seeking nominations](#) to the National Vaccine Advisory Committee. [Details](#).

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All open comment and application deadlines can be found [here](#).