

**EDITION:** July 15, 2022



## Congressional

### Democrats Attempt Reconciliation - Again

Last week, Senate Majority Leader Chuck Schumer (D-NY) sent a [package of prescription drug cost provisions](#) to the Senate Parliamentarian to make sure it aligns with Senate rules, in a last attempt effort to pass some of President Biden's key domestic policy goals this year. The slimmed down package included Medicare negotiation for a set number of drugs and Part D reform. No other policies, such as tax, climate, or energy were sent over. Of course, this move created other political obstacles, including Senate Republican Leader Mitch McConnell's (R-KY) threat that the bipartisan work on the U.S.-China competition bill would be dead if they moved a partisan reconciliation package. And last night, Sen. Joe Manchin (D-WV), who killed the first attempt at a large reconciliation package back in December, stated that he would only support a slimmed-down reconciliation bill containing the drug cost measures and possibly a two-year extension of the Affordable Care Act subsidies. Everything is still a work in progress at this time.

### FDA User Fee Package Moving Through Congress

Last month, the House of Representatives passed their [FDA user fee reauthorization bill](#). Since then, the Senate Health, Education, Labor and Pensions (HELP) Committee passed their [version](#) of the reauthorization legislation with amendments on baby formula shortages out of committee. The full Senate still must pass the bill. There is no official timeline for final votes, but the current authorizations will expire at the end of September and new information came up this week that the

## UPCOMING HEALTH CARE ACTIVITIES ON THE HILL

### Energy and Commerce Committee

7/19 at 10:30am: Oversight and Investigations Subcommittee hearing titled, "[Roe Reversal: The Impacts of Taking Away the Constitutional Right to an Abortion](#)".

Senate may want to move a clean bill to make it easier for passage, which did not make the Democrat and Republican Leaders of the House Energy & Commerce Committee happy as they reiterated their ask for the Senate to pass the bipartisan House legislation instead.

### **Gun Safety, Mental Health Bill Signed by President**

On June 25, the President signed the [Bipartisan Safer Communities Act](#) (S. 2938), legislation offering some provisions related to gun control, support for school safety, as well as a number of provisions addressing mental health. The [legislation](#) improves access to mental health services for children, youth and facilities through Medicaid and CHIP, including via telehealth. It also expands programs on mental health training, suicide prevention, and crisis and trauma intervention support.

### **Mental Health and Research bills passed by House**

On June 22, the House of Representatives passed two bills related to health care, the [ARPA-H Act](#) (H.R. 5585) and the [Restoring Hope for Mental Health and Well-Being Act](#) (H.R. 7666). H.R. 5585 establishes a new Advanced Research Projects Agency for Health (ARPA-H), a biomedical research program modeled after the Department of Defense programs intended to be outside of the National Institutes of Health (NIH). H.R. 7666 reauthorizes several mental health and substance abuse prevention programs including those that support the behavioral health workforce, maternal mental health, school-based services, and further integration of behavioral health in primary care settings.

### **MedPAC Releases Report to Congress**

On June 15, the Medicare Payment Advisory Commission (MedPAC) released its [June Report to Congress](#). The annual report includes issues affecting the Medicare program and health care delivery including; streamlining Medicare's alternative payment models, supporting safety-net providers, Medicare Part B drug costs, and Medicare Advantage risk adjustment model, amongst other topics.

## **Administration**

### **Executive Order and Agency Action on Reproductive Health Care Services**

Following the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, President Biden signed an [Executive Order Protecting Access to Reproductive Health Care Services on July 8](#). Launching this work, Xavier Becerra, Secretary of the Department of Health and Human Services (HHS) announced the agency's action plan to protect access to

reproductive health care, including abortion care, which includes five priorities:

1. increasing access to medication abortion;
2. protecting patients and providers from discrimination, and ensuring privacy for patients and providers;
3. protecting emergency abortion care;
4. ensuring providers have family planning training and resources; and
5. strengthening family planning care, including emergency contraception.

Since then, the Centers for Medicare & Medicaid Services (CMS) has updated guidance on the [Reinforcement of EMTALA Obligations Specific to Patients Who are Pregnant or are Experiencing Pregnancy Loss](#) and launched its Reproductive Rights [website](#) with information on access to services, medications and privacy.

### **PFS Proposed Rule Released**

On July 7, CMS released its Calendar Year (CY) 2023 Physician Fee Schedule [proposed rule](#) which includes a 4.42 percent cut to physician payments from 2022. Additionally, the [rule](#) includes updates to the Evaluation and Management (E/M) visits and coding, extension of certain telehealth services through CY 2023, new [behavioral health](#) and chronic pain management services, and expansion of dental and oral health services. Updates to the Quality Payment Program (QPP) and [Medicare Shared Savings Program](#) (MSSP) were also proposed. Comments are due by September 7.

### **New Cancer Model Announced**

On June 27, the Centers for Medicare and Medicaid Innovation (CMMI) announced a new voluntary model, the [Enhancing Oncology Model](#) (EOM). This model incorporates lessons learned from the previous Oncology Care Model (OCM) and will begin on July 1, 2023 for a period of five years. Applications opened June 27, 2022 and will close September 30, 2022. This new model follows recent trends of CMMI focusing models on health equity and links this model to screen and payment to address social determinants of health.

### **ESRD PPS Proposed Rule Released**

On June 21, CMS released its CY 2023 End-Stage Renal Disease (ESRD) Perspective Payment System (PPS) [proposed rule](#). The [proposed rule](#) provides a 3.1 percent payment update compared with 2022, as well as updates to the quality incentive program (QIP) and the ESRD treatment choices model (ETC). Comments are due by August 22.

## Home Health Proposed Rule Released

On June 17, CMS issued the CY 2023 Home Health Perspective Payment System [proposed rule](#). CMS estimates payments in 2023 would decrease by 4.2 percent compared to calendar year 2022. The [proposed rule](#) also includes a number of updates to the quality program as well as the home health value-based purchasing model. Additionally, CMS is seeking information on health equity and its scoring and payment methodologies in home health. Comments are due by August 16.

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