



Health Policy Briefing

April 24, 2023

House GOP Releases Debt Ceiling Proposal

House GOP leadership released their legislative proposal to lift the nation’s \$34.1 trillion debt limit by \$1.5 trillion or until March 31, 2024, whichever comes first, in exchange for \$130 billion in proposed budget cuts. The [Limit, Save, Grow Act of 2023](#) would achieve these cuts by freezing discretionary spending at fiscal year (FY) 2022 levels - \$1.47 trillion. Any future spending increases would be capped at 1% annually for the next decade, reaching \$1.61 trillion in FY 2033. The bill would permit new budget authority only for certain activities, including health care fraud and abuse prevention. The legislation also includes provisions to claw back unspent and unobligated COVID-19 funding and to institute work requirements for social safety net programs. House Speaker Kevin McCarthy (R-Calif.) estimated that the bill would cut budget deficits by \$4.5 trillion over the next ten years.

The proposal has been rejected by Democrats in favor of a clean increase to the debt limit. Both the White House and congressional Democrats have also expressed strong opposition to the health provisions of the proposal, which would require Medicaid recipients to work, look for work, or participate in community engagement for 80 hours a month, exempting those with dependent children and those who are “physically or mentally unfit”, enrolled in an educational program, under 19 years old, or over 56 years old. Senate Majority Leader Chuck Schumer (D-N.Y.) stated that the GOP bill has no chance of moving through the Senate, where Sen. Joe Manchin (D-W.Va.) is the only Democrat who is not calling for Congress to move a clean debt ceiling increase. Manchin has praised Speaker McCarthy for putting forth a debt ceiling proposal and criticized President Biden for refusing to negotiate with Republicans on the debt limit.

The House GOP plans to hold a vote on the measure this week, but it remains unclear whether Republicans have the necessary support within their own caucus to pass the legislation. The GOP can afford to lose only four votes given unified Democratic opposition to the proposal. Several Republican members, including Reps. Tim Burchett (R-Tenn.), Victoria Spartz (R-Ind.), and

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Brian Fitzpatrick (R-Pa.), have stated that they remain undecided on the bill. Without an increase or suspension of the debt ceiling the nation could default on its payment obligations as early as June.

HELP, Finance Hope to Advance Bipartisan Health Care, PBM Legislation in Coming Weeks

Bipartisan leadership of the Senate Health, Education, Labor and Pensions (HELP) Committee and Senate Finance Committee have begun previewing their plans to advance health care related legislation in the coming weeks. The HELP Committee is expected to soon schedule a markup of a legislative package that could contain policies focused on pharmacy benefit managers (PBMs), strengthening generic drug and biosimilar competition, supporting the health care workforce, and capping the cost of insulin for individuals with private health insurance. The panel has also scheduled a hearing for May 10 in which the nation's three main manufacturers of insulin products have agreed to testify alongside representatives from the country's major PBMs. The CEOs of Eli Lilly and Company, Novo Nordisk, and Sanofi – which control 90% of the insulin market - will be in attendance. PBM industry executives from CVS Health, Express Scripts, and OptumRx will also testify. Chairman Bernie Sanders (I-Vt.) highlighted the hearing as the latest step in his push to make insulin more affordable and to lower the price of all prescription drugs.

While HELP has jurisdiction over the commercial health insurance market, the Finance Committee manages policies impacting federal health programs. Chairman Ron Wyden (D-Ore.) and Ranking Member Mike Crapo (R-Idaho) released their proposed [framework](#) for legislation that aims to “modernize and enhance” federal prescription drug programs while reducing drug costs for patients and taxpayers last week. The framework identifies the following challenges facing the nation's prescription drug programs: misaligned incentives that drive up prices and costs, insufficient transparency that distorts the market, hurdles to pharmacy access, and behind-the-scenes practices that impede competition and increase costs. Their proposal includes the following potential policy solutions:

- Delinking PBM compensation from drug prices;
- Enhancing PBM accountability to health plan clients;
- Ensuring discounts negotiated by PBMs produce meaningful savings for seniors;
- Addressing and mitigating practices that unfairly inflate the prices patients and government programs pay for prescription drugs;
- Modernizing Medicare's “Any Willing Pharmacy” requirements; and
- Increasing transparency around how financial flows across the prescription drug supply chain impact government health care programs.

According to recent reports, the emerging health care packages from HELP and Finance have the potential to be combined with bipartisan drug patent legislation advanced by the Senate Commerce and Judiciary committees earlier this year.

Constituents Call for Feinstein Resignation Amidst Extended Absence from Senate

A coalition of more than 60 progressive grassroots organizations representing more than 100,000 Californians have sent a letter to Sen. Dianne Feinstein (D-Calif.) urging her to resign. Her resignation would allow California Governor Gavin Newsom to appoint an interim senator to serve through the 2024 election. The groups argue that Feinstein's extended absence from the Senate following her shingles diagnosis in February and subsequent hospitalization have impeded the Democratic Senate majority from advancing the President's agenda. Democrats currently hold a 51-49 majority in the Senate, and Feinstein's vote may soon be necessary to confirm Julie Su as secretary of the Department of Labor and to raise or suspend the debt limit. Her absence has also deadlocked the Judiciary Committee and impacted the panel's ability to consider the President's judicial nominations and subpoena hearing witnesses. Republicans blocked an attempt by Senate Majority Leader Chuck Schumer (D-N.Y.) to allow Sen. Ben Cardin (D-Md.) to temporarily fill Feinstein's position on the Judiciary Committee last week. Feinstein is also a member of the Senate Appropriations Committee, and her absence could impact markups of fiscal year 2024 spending legislation. Feinstein's office has not provided an estimated return date for the 89-year-old senator.

President Expected to Announce NIH Nominee This Week

President Joe Biden is expected to announce his nomination of National Cancer Institute (NCI) Director Monica Bertagnolli to serve as Director of the National Institutes of Health (NIH) this week. Dr. Bertagnolli is a cancer surgeon and researcher. If confirmed, she would be only the second woman to lead the NIH as permanent director. Prior to starting as NCI's first female director last year, Bertagnolli worked as the Richard E. Wilson Professor of Surgery in the field of surgical oncology at Brigham and Women's Hospital in Boston. She has led NCI since October 2022 while undergoing her own treatment for early-stage breast cancer diagnosed in November.

E&C Republicans Probe NIH Leadership Vacancies, EPA Regulation of HFCs

Republican leadership of the House Energy and Commerce Committee have launched an investigation into leadership vacancies at the National Institutes of Health (NIH). The probe, announced by Chair Cathy McMorris Rodgers (R-Wash.), Health Subcommittee Chair Brett Guthrie (R-Ky.), and Oversight and Investigations Chair Morgan Griffith (R-Va.), focuses on the current lack of directors at the National Institute of Allergy and Infectious Diseases and the Fogarty International Center. The lawmakers [request](#) that U.S. Department of Health and Human Services Secretary Xavier Becerra respond to questions regarding his involvement in the appointment and reappointment of vacant director positions. They argue that his involvement is necessary to comply with the Appointments Clause of the Constitution, but that information provided by the NIH in response to questions from the committee last year indicate that the NIH Director has been the individual solely responsible for making appointments or reappointments.

Chair Rodgers, alongside Health Subcommittee Chair Guthrie and Environment, Manufacturing, & Critical Materials Subcommittee Chair Bill Johnson (R-Ohio), have also sent a [letter](#) to the Environmental Protection Agency (EPA) regarding the regulation of the reclaiming and reuse of hydrofluorocarbons (HFCs). The lawmakers express concern that the agency's delay of reclaim and reuse provisions will negatively impact the availability and affordability of meter dose inhalers (MDIs). "We are worried that forcing albuterol MDI manufacturers to rely upon constrained and increasingly expensive options to satisfy the market's needs jeopardizes the supply of essential public health devices and endangers drug access, availability, and affordability for Americans," the letter states.

Sen. Patty Murray Casts 10,000th Vote

Sen. Patty Murray (D-Wash.) became the first woman in the Senate's history to cast 10,000 votes last week. The vote came on a proposed amendment to the *Fire Grants and Safety Act* (S. 870), which would extend federal funding for programs supporting the nation's local fire departments. The milestone was recognized on the Senate floor and applauded by Democrats and Republicans alike. Only 32 individuals – including Mitch McConnell, Chuck Grassley, and Joe Biden – have cast more than 10,000 votes in the chamber's history. Murray, who was first elected to the Senate in 1993, was selected as the first woman to serve as Senate president pro tempore earlier this year.

VA Delays EHR Modernization Effort Indefinitely

The Department of Veterans Affairs (VA) has decided to further delay the implementation of its electronic health records (EHR) modernization project for an indefinite period of time. While the project was initially slated to be completed over 10 years, the VA had already decided to pause its roll-out to new sites until June. The system upgrade has faced significant issues both in terms of projected costs and patient safety. The VA's contract with its vendor Oracle Cerner expires in May, and the two parties are currently in negotiations about the next five-year contract period.

Medscape Releases 2023 Physician Compensation Report

A new [report](#) from Medscape reveals that the number of physicians who accept Medicare and Medicaid patients is at an all-time low. According to the 2023 Physician Compensation Report, only 65% of physicians surveyed indicated that they would continue treating current Medicare or Medicaid patients and take on new ones. Eight percent stated that they would not take on new Medicare patients, while 5% stated they would not take on new Medicaid patients. Four percent plan to stop treating all or some of their current Medicare patients, while 3% will stop treating all or some of their current Medicaid patients altogether. Approximately 22% of respondents had not decided their plans for accepting Medicare and Medicaid beneficiaries. The report is based on responses from 10,011 physicians across more than 29 specialties collected between October 2022 and January 2023.

Upcoming Congressional Hearings and Markups

House Veterans' Affairs Subcommittee on Technology Modernization hearing "Electronic Health Record Modernization Deep Dive: Pharmacy;" 3:00 p.m.; April 25

House Energy and Commerce Subcommittee on Health legislative hearing "Lowering Unaffordable Costs: Legislative Solutions to Increase Transparency and Competition in Health Care;" 10:00 a.m.; April 26

Senate Budget Committee hearing "Under the Weather: Diagnosing the Health Costs of Climate Change;" 10:00 a.m.; April 26

House Appropriations Subcommittee on Departments of Labor, Health and Human Services, Education, and Related Agencies hearing "Provider Relief Fund and Healthcare Workforce Shortages;" 10:00 a.m.; April 26

House Education and the Workforce Subcommittee on Health, Employment, Labor, and Pensions hearing "Reducing Health Care Costs for Working Americans and Their Families;" 10:15 a.m.; April 26

Senate Environment and Public Works Subcommittee on Chemical Safety, Waste Management, Environmental Justice, and Regulatory Oversight hearing to examine impacts of plastic production and disposal on environmental justice communities; 9:30 a.m.; April 27

House Energy and Commerce Subcommittee on Innovation, Data, and Commerce hearing "Addressing America's Data Privacy Shortfalls: How a National Standard Fills Gaps to Protect Americans' Personal Information;" 2:00 p.m.; April 27

House Homeland Security Subcommittee on Cybersecurity and Infrastructure Protection hearing "CISA 2025: The State of American Cybersecurity from CISA's Perspective;" 2:00 p.m.; April 27

House Energy and Commerce Subcommittee on Oversight and Investigations hearing "The Biosafety of Risky Research: Examining if Science is Outpacing Policy and Safety;" 2:30 p.m.; April 27

House Energy and Commerce Subcommittee on Oversight and Investigations hearing "Antimicrobial Resistance: Examining an Emerging Public Health Threat;" 9:00 a.m., April 28

Senate Health, Education, Labor, and Pensions Committee hearing "The Need to Make Insulin Affordable for All Americans;" 1:00 p.m., May 10

S.1165 — A bill to amend title XIX of the Social Security Act to allow States to make medical assistance available to inmates during the 30-day period preceding their release; Sponsor: Baldwin, Tammy [Sen.-D-WI]; Committees: Senate – Finance

S.1166 — A bill to require the Comptroller General of the United States to submit a report on the public health mitigation messaging and guidance of the Centers for Disease Control and Prevention; Sponsor: Rubio, Marco [Sen.-R-FL]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.2631 — To prohibit the Federal Government from imposing any mandate requiring an individual to receive a vaccine that has not been authorized for marketing for at least 10 years, and for other purposes; Sponsor: Santos, George [Rep.-R-NY-3]; Committees: House - Energy and Commerce

H.R.2636 — To amend the Public Health Service Act to include neuropathy in the list of conditions covered by the World Trade Center Health Program, and for other purposes; Sponsor: Santos, George [Rep.-R-NY-3]; Committees: House - Energy and Commerce

H.R.2639 — To amend title XVIII of the Social Security Act to provide for additional requirements with respect to electrodiagnostic services under the Medicare program; Sponsor: Sessions, Pete [Rep.-R-TX-17]; Committees: House - Energy and Commerce; Ways and Means

H.R.2642 — To amend the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, to award grants for peer mental health first aid, and for other purposes; Sponsor: Balint, Becca [Rep.-D-VT-At Large]; Committees: House - Energy and Commerce

H.R.2647 — To require the Comptroller General of the United States to submit a report on the public health mitigation messaging and guidance of the Centers for Disease Control and Prevention; Sponsor: Crenshaw, Dan [Rep.-R-TX-2]; Committees: House - Energy and Commerce

S.Res.159 — A resolution recognizing the designation of the week of April 11 through April 17, 2023, as the sixth annual “Black Maternal Health Week” to bring national attention to the maternal health crisis in the United States and the importance of reducing maternal mortality and morbidity among Black women and birthing persons; Sponsor: Booker, Cory A. [Sen.-D-NJ]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.162 — A resolution designating the week of April 17 through April 23, 2023, as “National Osteopathic Medicine Week”; Sponsor: Manchin, Joe, III [Sen.-D-WV]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.1172 — A bill to amend title 28, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished to veterans in non-Department of Veterans Affairs facilities, and for other purposes; Sponsor: Sinema, Kyrsten [Sen.-I-AZ]; Committees: Senate - Veterans’ Affairs

S.1174 — A bill to amend the Internal Revenue Code of 1986 to increase funding for Social Security and Medicare; Sponsor: Whitehouse, Sheldon [Sen.-D-RI]; Committees: Senate – Finance

S.1176 — A bill to direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan, and for other purposes; Sponsor: Baldwin, Tammy [Sen.-D-WI]; Committees: Senate - Health, Education, Labor, and Pensions

S.1182 — A bill to amend the Public Health Service Act to increase the transparency and accountability of the drug discount program, and for other purposes; Sponsor: Kennedy, John [Sen.-R-LA]; Committees: Senate - Health, Education, Labor, and Pensions

S.1183 — A bill to prohibit discrimination on the basis of mental or physical disability in cases of organ transplants; Sponsor: Rubio, Marco [Sen.-R-FL]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.303 — Recognizing the roles and the contributions of care workers in the United States and expressing support for the designation of April 2023 as “Care Worker Recognition Month”; Sponsor: Dingell, Debbie [Rep.-D-MI-6]; Committees: House - Education and the Workforce; Energy and Commerce

H.R.2663 — To direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan, and for other purposes; Sponsor: Courtney, Joe [Rep.-D-CT-2]; Committees: House - Education and the Workforce; Energy and Commerce; Ways and Means

H.R.2665 — To amend title XIX of the Social Security Act to delay certain disproportionate share hospital payment reductions under the Medicaid program; Sponsor: Clarke, Yvette D. [Rep.-D-NY-9]; Committees: House - Energy and Commerce

H.R.2666 — To amend title XIX of the Social Security Act to codify value-based purchasing arrangements under the Medicaid program and reforms related to price reporting under such arrangements, and for other purposes; Sponsor: Guthrie, Brett [Rep.-R-KY-2]; Committees: House - Energy and Commerce; Ways and Means

H.R.2673 — To amend the Internal Revenue Code of 1986 to restore the deduction for research and experimental expenditures; Sponsor: Estes, Ron [Rep.-R-KS-4]; Committees: House - Ways and Means

H.R.2679 — To amend the Public Health Service Act, the Employee Retirement Income Security Act, and the Internal Revenue Code of 1984 to increase oversight of pharmacy benefits manager services, and for other purposes; Sponsor: Kuster, Ann M. [Rep.-D-NH-2]; Committees: House - Energy and Commerce; Education and the Workforce; Ways and Means

H.R.2682 — To allow veterans to use, possess, or transport medical marijuana and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by a State or Indian Tribe, and for other purposes; Sponsor: Lee, Barbara [Rep.-D-CA-12]; Committees: House - Energy and Commerce; Judiciary; Veterans' Affairs

H.R.2691 — To promote hospital and insurer price transparency; Sponsor: McMorris Rodgers, Cathy [Rep.-R-WA-5]; Committees: House - Energy and Commerce

H.R.2692 — To amend title XX of the Social Security Act to provide grants and training to support area agencies on aging or other community-based organizations to address social isolation among vulnerable older adults and adults with disabilities; Sponsor: Sánchez, Linda T. [Rep.-D-CA-38]; Committees: House - Ways and Means

S.1192 — A bill to amend the Public Health Service Act to provide the Secretary of Health and Human Services with the authority to suspend the right to introduce certain persons or property into the United States in the interest of the public health; Sponsor: Hagerty, Bill [Sen.-R-TN]; Committees: Senate - Health, Education, Labor, and Pensions

S.1198 — A bill to reauthorize funding for programs to prevent and investigate elder abuse, neglect, and exploitation, and for other purposes; Sponsor: Wyden, Ron [Sen.-D-OR]; Committees: Senate - Finance

- S.1204 — A bill to allow veterans to use, possess, or transport medical marijuana and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by a State or Indian Tribe, and for other purposes; Sponsor: Schatz, Brian [Sen.-D-HI]; Committees: Senate – Judiciary
- S.1210 — A bill to designate a laboratory as the National Biodefense Analysis and Countermeasures Center, and for other purposes; Sponsor: Cardin, Benjamin L. [Sen.-D-MD]; Committees: Senate - Veterans' Affairs
- S.1211 — A bill to amend title II of the Social Security Act to credit individuals serving as caregivers of dependent relatives with deemed wages for up to five years of such service; Sponsor: Murphy, Christopher [Sen.-D-CT]; Committees: Senate – Finance
- S.1214 — A bill to set forth limitations on exclusive approval or licensure of drugs designated for rare diseases or conditions; Sponsor: Baldwin, Tammy [Sen.-D-WI]; Committees: Senate - Health, Education, Labor, and Pensions
- S.1217 — A bill to prohibit the distribution and receipt of rebates for prescription drugs; Sponsor: Hawley, Josh [Sen.-R-MO]; Committees: Senate - Health, Education, Labor, and Pensions
- S.1218 — A bill to require that the retail list price for certain prescription drugs and biological products may not exceed the average retail list price for the drug or biological product among certain nations; Sponsor: Hawley, Josh [Sen.-R-MO]; Committees: Senate - Health, Education, Labor, and Pensions
- S.1219 — A bill to amend the Public Health Service Act to provide health equity for people with disabilities; Sponsor: Casey, Robert P., Jr. [Sen.-D-PA]; Committees: Senate - Health, Education, Labor, and Pensions
- H.Res.309 — Expressing the sense of the House of Representatives that the Food and Drug Administration has the authority to approve drugs for abortion care; Sponsor: Manning, Kathy E. [Rep.-D-NC-6]; Committees: House - Energy and Commerce
- H.R.2701 – To provide for individual rights relating to privacy of personal information, to establish privacy and security requirements for covered entities relating to personal information, and to establish an agency to be known as the Digital Privacy Agency to enforce such rights and requirements, and for other purposes; Sponsor: Eshoo, Anna G. [Rep.-D-CA-16]; Committees: House - Energy and Commerce; Judiciary; House Administration; Science, Space, and Technology
- H.R.2706 — To prohibit discrimination on the basis of mental or physical disability in cases of organ transplants; Sponsor: Cammack, Kat [Rep.-R-FL-3]; Committees: House - Energy and Commerce
- H.R.2707 — To mitigate drug shortages and provide incentives for maintaining, expanding, and relocating the manufacturing of active pharmaceutical ingredients, excipients, medical diagnostic devices, pharmaceuticals, and personal protective equipment in the United States, and for other purposes; Sponsor: Carter, Earl L. “Buddy” [Rep.-R-GA-1]; Committees: House - Ways and Means
- H.R.2713 — To amend titles XVIII and XIX of the Social Security Act to increase access to services provided by advanced practice registered nurses under the Medicare and Medicaid programs, and for other purposes; Sponsor: Joyce, David P. [Rep.-R-OH-14]; Committees: House - Energy and Commerce; Ways and Means
- H.R.2718 — To reauthorize funding for programs to prevent, investigate, and prosecute elder abuse, neglect, and exploitation, and for other purposes; Sponsor: Neal, Richard E. [Rep.-D-MA-1]; Committees: House - Ways and Means; Energy and Commerce; Education and the Workforce; Judiciary

H.R.2730 — To amend the Public Health Service Act to include Middle Easterners and North Africans in the statutory definition of a “racial and ethnic minority group”, and for other purposes; Sponsor: Tlaib, Rashida [Rep.-D-MI-12]; Committees: House - Energy and Commerce

S.1229 — A bill to establish a Green New Deal for Health to prepare and empower the health care sector to protect the health and wellbeing of our workers, our communities, and our planet in the face of the climate crisis, and for other purposes; Sponsor: Markey, Edward J. [Sen.-D-MA]; Committees: Senate - Health, Education, Labor, and Pensions

S.1235 — A bill to establish an awareness campaign related to the lethality of fentanyl and fentanyl-contaminated drugs, to establish a Federal Interagency Work Group on Fentanyl Contamination of Illegal Drugs, and to provide community based coalition enhancement grants to mitigate the effects of drug misuse; Sponsor: Murkowski, Lisa [Sen.-R-AK]; Committees: Senate - Health, Education, Labor, and Pensions

S.1246 — A bill to amend title XVIII of the Social Security Act to strengthen the drug pricing reforms in the Inflation Reduction Act; Sponsor: Klobuchar, Amy [Sen.-D-MN]; Committees: Senate – Finance

S.1250 — A bill to amend title XI of the Social Security Act to require that direct-to-consumer advertisements for drugs and biologicals include an appropriate disclosure of pricing information; Sponsor: Durbin, Richard J. [Sen.-D-IL]; Committees: Senate – Finance

H.R.2748 — To amend the Fairness to Contact Lens Consumers Act to modernize verification of contact lens prescriptions, and for other purposes; Sponsor: Burgess, Michael C. [Rep.-R-TX-26]; Committees: House - Energy and Commerce

H.R.2761 — To amend the Public Health Service Act to authorize a loan repayment program to encourage specialty medicine physicians to serve in rural communities experiencing a shortage of specialty medicine physicians, and for other purposes; Sponsor: Joyce, John [Rep.-R-PA-13]; Committees: House - Energy and Commerce

H.R.2763 — To require the Secretary of Health and Human Services to improve the detection, prevention, and treatment of mental health issues among public safety telecommunicators; Sponsor: Kelly, Robin L. [Rep.-D-IL-2]; Committees: House - Energy and Commerce

H.R.2764 — To establish a Green New Deal for Health to prepare and empower the health care sector to protect the health and wellbeing of our workers, our communities, and our planet in the face of the climate crisis, and for other purposes; Sponsor: Khanna, Ro [Rep.-D-CA-17]; Committees: House - Energy and Commerce; Ways and Means; Science, Space, and Technology

H.R.2768 — To authorize the Secretary of Veterans Affairs to make grants to State and local entities to carry out peer-to-peer mental health programs; Sponsor: LaLota, Nick [Rep.-R-NY-1]; Committees: House - Veterans' Affairs

H.R.2769 — To amend the Internal Revenue Code of 1986 to allow individuals only enrolled in Medicare Part A to contribute to health savings accounts; Sponsor: Latta, Robert E. [Rep.-R-OH-5]; Committees: House - Ways and Means