



Health Policy Briefing

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Biden Administration Sends Supplemental Budget Request to Congress

The Biden administration released its request for \$40 billion in supplemental funding for fiscal year 2024 last week. The supplemental budget request to Congress includes approximately \$24 billion for continued aid to Ukraine. These emergency funds would not be subject to budget caps, and are likely to meet strong Republican opposition on the Hill. The request to meet critical needs also includes \$350 million to support the Substance Abuse and Mental Health Services Administration and the federal response to the overdose epidemic. The money would be directed to states and territories via the State Opioid Response Grant program. The Indian Health Service would receive \$50 million for the provision of substance use treatment and prevention services. Approximately \$800 million of the \$40 billion would be put toward efforts to reduce the supply of illegal fentanyl through the departments of Justice and Homeland Security.

Cassidy Urges Correct Implementation of Surprise Billing Law

Senate Health, Education, Labor, and Pensions Committee Ranking Member Bill Cassidy (R-La.) has sent a [letter](#) to Secretary of Health and Human Services Xavier Becerra urging the administration to correctly implement the *No Surprises Act*. Cassidy argues that rather “than implement the criteria as written in the statute, the Centers for Medicare and Medicaid Services took artistic license” and “deviated from the criteria,” which has resulted in numerous legal disputes. The letter outlines the adverse patient impacts that have resulted from the administration’s flawed implementation of the 2021 law and highlights the “lack of consistent, standardized information flow between parties and the absence of timely payments once a payment determination has been made.” Cassidy poses a series of over 40 questions covering issues including the qualifying payment amount, ensuring timely and accurate payments, the independent dispute resolution process, batching challenges, the administrative fee, and audit and enforcement authorities, and requests a response from Secretary Becerra by September 15.

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Lawmakers Question Nonprofit Hospital Abuse of Tax-Exempt Status

A bipartisan group of senators are [asking](#) the Biden administration to investigate nonprofit hospitals' compliance with community benefit requirements. These hospitals receive tax exemptions in exchange for community benefits – the provision of free or discounted care to low-income individuals. Sens. Elizabeth Warren (D-Mass.), Raphael Warnock (D-Ga.), Bill Cassidy (R-La.), and Chuck Grassley (R-Iowa) sent letters to the Internal Revenue Service and Treasury Department calling for an examination of the approximately \$28 billion in nonprofit hospital tax exemptions. The lawmakers highlight concerns that the definition of community benefits is overly broad, allowing “some nonprofit hospitals to avoid providing essential care in the community for those who need it most.” The letter calls for the government to update the forms hospitals file to disclose charity care and to identify hospitals whose tax-exempt status was revoked and those that were audited or deemed at risk for non-compliance with charity care requirements.

Intelligence Chair Warner Comments On Google Medical Language Model

Senate Intelligence Committee Chairman Mark Warner (R-Va.) has sent a [letter](#) to the CEO of Google asking him to increase transparency, strengthen privacy, and establish ethical guardrails around the company's medical language model dubbed Med-PaLM2. Warner cites reports of inaccuracies in the model, arguing that “premature deployment of unproven technology could lead to the erosion of trust in our medical professionals and institutions, the exacerbation of existing racial disparities in health outcomes, and an increased risk of diagnostic and care-delivery errors.” Google, which made Med-PaLM 2 available to a limited number of health care organizations for testing, has previously stated that users of its technology retain complete control of their data.

HHS Announces Funding to Grow Nursing Workforce

The U.S. Department of Health and Human Services (HHS) has announced that it will award more than \$100 million to strengthen the nation's nursing workforce. Nearly \$65 million will be put toward advanced nursing education and nurse practitioner residency and fellowship programs. Another \$26 million will be used to recruit and retain more nursing faculty. Approximately \$9 million will support the training of licensed practice nurses to become registered nurses. The funding announcement is a part of a broader effort at HHS to grow the nation's health care workforce.

UnitedHealthcare to Scale Back Use of Prior Authorization

Effective September 1 and November 1, UnitedHealthcare will move forward with a plan to reduce its overall volume of prior authorization requirements by 20% for the vast majority of its commercial and Medicaid members. The company has [detailed](#) which procedures would no longer be subject to prior authorization, including hundreds of codes for genetic testing. UnitedHealthcare also plans to implement a gold card program starting next year, which would eliminate prior authorization requirements for physicians with high approval rates. Cigna and Aetna have recently announced similar intentions to scale back some of their prior authorization requirements.

New WaPo Analysis of Physician Spread of COVID Misinformation

The Washington Post released a [report](#) last week investigating complaints against U.S. doctors for the spread of COVID-19 misinformation. The investigation's survey of all 50 state medical boards found at least 480 COVID-19 misinformation related complaints. Only 20 doctors were officially sanctioned for their behavior, with five losing their licenses and only one having their license revoked. These providers often promoted unproven treatments like ivermectin and hydroxychloroquine for the treatment of COVID-19, or spread false statements about the use of vaccines and masks.

H.R.5138 — To amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital stay requirement for coverage of skilled nursing facility services under Medicare, and for other purposes; Sponsor: Courtney, Joe [Rep.-D-CT-2]; Committees: House - Ways and Means; Energy and Commerce

H.R.5142 — To amend the Public Health Service Act to make updates to the Vaccine Injury Compensation Program, and for other purposes; Sponsor: Doggett, Lloyd [Rep.-D-TX-37]; Committees: House - Energy and Commerce

H.R.5143 — To amend the Internal Revenue Code of 1986 to provide authority to add additional vaccines to the list of taxable vaccines; Sponsor: Doggett, Lloyd [Rep.-D-TX-37]; Committees: House - Ways and Means

H.R.5150 — To direct the Secretary of Defense to submit to Congress a report evaluating beneficiary access to TRICARE network pharmacies; Sponsor: Neguse, Joe [Rep.-D-CO-2]; Committees: House - Armed Services

H.R.5151 — To require responsiveness testing of Defense Logistics Agency pharmaceutical contracts; Sponsor: Neguse, Joe [Rep.-D-CO-2]; Committees: House - Armed Services

H.R.5159 — To amend title XVIII of the Social Security Act to ensure stability in payments to home health agencies under the Medicare program; Sponsor: Sewell, Terri A. [Rep.-D-AL-7]; Committees: House - Ways and Means; Energy and Commerce

H.R.5163 — To amend the Controlled Substances Act to allow for the use of telehealth in substance use disorder treatment, and for other purposes; Sponsor: Trone, David J. [Rep.-D-MD-6]; Committees: House - Energy and Commerce; Judiciary

H.Res.649 — Calling on the United States to champion a regional artificial intelligence strategy in the Americas to foster inclusive artificial intelligence systems that combat biases within marginalized groups and promote social justice, economic well-being, and democratic values; Sponsor: Espaillat, Adriano [Rep.-D-NY-13]; Committees: House - Foreign Affairs; Science, Space, and Technology

H.R.5165 — To amend title XIX of the Social Security Act to allow States more flexibility with respect to using contractors to make eligibility determinations and redeterminations on behalf of the State Medicaid plan, and for other purposes; Sponsor: Carter, Earl L. "Buddy" [Rep.-R-GA-1]; Committees: House - Energy and Commerce