



Health Policy Briefing

September 19, 2022

House Passes MA Prior Authorization Legislation

On Wednesday, the House of Representatives passed the *Improving Seniors' Timely Access to Care Act* ([H.R. 3173](#)), introduced by Rep. Suzan DelBene (D-Wash.), by voice vote. The Energy and Commerce Health Subcommittee had unanimously approved the measure earlier that day. The bill would require Medicare Advantage (MA) plans to establish an electronic prior authorization process. It also aims to improve transparency in the prior authorization process by requiring plans to make public data on prior authorization approval rates and response times. The Congressional Budget Office [estimates](#) that the bill will cost more than \$16 billion over the next decade. Companion legislation ([S. 3018](#)) has been introduced in the Senate by Sen. Roger Marshall (R-Kansas) and currently has 40 bipartisan cosponsors.

Bera, Bucshon Introduce Bill to Protect Physicians from Medicare Pay Cuts

Reps. Ami Bera (D-Calif.) and Larry Bucshon (R-Ind.) [introduced](#) the *Supporting Medicare Providers Act* ([H.R. 8800](#)) last week. The bill seeks to hold providers harmless from the impending 4.42% cut to the Medicare Physician Fee Schedule conversion factor resulting from budget neutrality. In 2023, physicians face more than 8.42% in payment cuts, and this legislation would stop the 4.42% cut in Medicare payments providers will face on January 1st. The bill also includes a Sense of the Congress related to the need to pursue administrative and legislative actions to “ensure financial stability and predictability in the Medicare physician payment system; promote and reward value-based care innovation; and safeguard timely access to high-quality care by advancing health equity and reducing disparities.”

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Congress Approaches End of Fiscal Year Without Agreement

The Senate has begun drafting a continuing resolution (CR) to keep the government open beyond the end of the fiscal year on September 30. The stopgap spending bill currently under discussion would fund the federal government through December 16. Lawmakers are still debating what other measures should be attached to the CR, with a deal currently being held up over a proposal to streamline the energy permitting process. The White House continues to push for the inclusion of more money for the COVID-19 and monkeypox responses. Senate Republicans hope to include a clean five-year reauthorization of medical product user fees at the Food and Drug Administration (FDA) in the government funding bill. Other policy riders – such as an overhaul of the FDA’s diagnostic, dietary supplement, and cosmetic regulations – may be pushed for consideration in an end-of-the-year omnibus appropriations package; negotiations are ongoing.

E&C Health Subcommittee Advances Five Bills

The House Energy and Commerce Health Subcommittee advanced five pieces of legislation last week to improve health care delivery systems and increase access to care.

- H.R. 3173, the ***Improving Seniors’ Timely Access to Care Act of 2021*** was forwarded to the full committee by voice vote.
- H.R. 3655, the ***Vaccine Injury Compensation Modernization Act of 2021*** was forwarded to the full committee by voice vote.
- H.R. 5141, the ***Maximizing Outcomes through Better Investments in Lifesaving Equipment for Health Care Act*** was forwarded to the full committee by a vote of 29-0.
- H.R. 8163, the ***Improving Trauma Systems and Emergency Care Act*** was forwarded to the full committee by voice vote.
- H.R. 6737, the ***Flint Registry Reauthorization Act*** was forwarded to the full committee by a vote of 16-12.

Ways and Means Report on Health Care System and Climate Change

The House Ways and Means Committee has released a new [report](#) examining the role of the U.S. health care system in the climate crisis. The Majority Staff Report explores the responses received from health systems, hospitals, dialysis companies, nursing homes, community health centers, and health care trade associations following a request for information issued by the panel in March 2022 about how they are addressing climate change and how they have been impacted by extreme weather events. A majority of respondents reported having experienced one such extreme weather event in the last five years. The report reflects a diversity of experiences in responding to carbon emissions and found that the health care sector is responsible for an estimated 10% of national greenhouse gas emissions. On September 15th, the committee held a hearing titled “Preparing America’s Health Care Infrastructure for the Climate Crisis.”

Hassan, Braun Encourage More Provider Training on Substance Use Disorders

Sens. Maggie Hassan (D-N.H.) and Mike Braun (R-Ind.) have sent a [letter](#) to the Accreditation Council for Graduate Medical Education (ACGME) asking the organization to update its requirements for training medical practitioners in the treatment of substance use disorders. Hassan and Braun are seeking to ensure that physicians-in-training are taught the skills necessary to address the current overdose epidemic. The lawmakers argue that the overdose crisis has persisted in part because of a lack of treatment providers. “Just one in five individuals with an opioid use disorder receives the treatment they need. As of 2019, fewer than 7% of all physicians prescribe buprenorphine for an opioid use disorder,” the letter states.

Senators Urge HHS to Strengthen HIPAA Privacy Rule

A group of 30 senators led by Senate Health, Education, Labor, and Pensions (HELP) Committee Chair Patty Murray (D-Wash.) is [asking](#) the U.S. Department of Health and Human Services (HHS) to update Health Information Portability and Accountability Act (HIPAA) privacy protections to ban health care providers from sharing a patient's abortion-related information with law enforcement. "To safeguard the privacy of women's personal health care decisions and ensure patients feel safe seeking medical care, including reproductive health care, we urge you to quickly initiate the rulemaking process to strengthen privacy protections for reproductive health information," the letter states. "In particular, HHS should update the HIPAA Privacy Rule to broadly restrict regulated entities from sharing individuals' reproductive health information without explicit consent, particularly for law enforcement, civil, or criminal proceedings premised on the provision of abortion care."

Pascrell Asks HHS to Investigate HCA Healthcare's Medicare Billing Practices

Chair of the House Ways and Means Subcommittee on Oversight Bill Pascrell (D-N.J.) is [asking](#) the U.S. Department of Health and Human Services to investigate possible Medicare fraud by the HCA Healthcare chain. "In light of reports that there may be misconduct and potentially the improper shifting of taxpayer dollars, I ask that HHS launch an investigation into the allegations leveled against HCA regarding its emergency department admissions practice." Pascrell states that patients in HCA's emergency rooms "may have been admitted for inpatient stays regardless of medical necessity."

Bennet Urges Guidance on Medicaid Funding for School Mental Health Services

Sen. Michael Bennet (D-Colo.) is [asking](#) the Biden administration to update its guidance on Medicaid funding for school-based mental health care. "Updating federal guidance regarding Medicaid funding for services in school-based settings is long overdue and urgently needed to help address the youth mental and behavioral health crisis," the letter states. The [Bipartisan Safer Communities Act](#), passed earlier this year, instructed the Centers for Medicare and Medicaid Services to issue updated guidance for state Medicaid programs, local educational agencies, and school-based settings to implement and expand school-based health programs, including best practices for accessing Medicaid funding, identifying eligible providers, and utilizing telehealth to deliver mental and behavioral health services in schools.

President Taps Inaugural ARPA-H Director

President Joe Biden has appointed Renee Wegrzyn to serve as the inaugural director of the Advanced Research Projects Agency for Health (ARPA-H). Wegrzyn is a longtime biologist and former government scientist. She currently works as a Vice President of Business Development at Ginkgo Bioworks and as Head of Innovation at Concentric by Ginkgo. She has previous experience at the Defense Advanced Research Projects Agency (DARPA) and the Intelligence Advanced Research Projects Activity (IARPA). Wegrzyn is expected to assume her new role by October 1.

Upcoming Congressional Hearings and Markups

Senate Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies hearing "VA's Electronic Health Record Modernization: An Update on Rollout, Cost, and Schedule;" 10:00 a.m.; September 21

Senate Veterans' Affairs Committee hearing "Ensuring Veterans' Timely Access to Care in VA and the Community;" 3:00 p.m.; September 21

Senate Special Committee on Aging hearing "Stopping Senior Scams: Empowering Communities to Fight Fraud;" 10:00 a.m.; September 22

S.4804 — A bill to provide for civil monetary penalties for violations of mental health parity requirements; Sponsor: Murphy, Christopher [Sen.-D-CT]; Committees: Senate - Health, Education, Labor, and Pensions

S.4818 — A bill to prohibit the use of Federal and local funds to impose or enforce a COVID-19 vaccine mandate in District of Columbia schools, and to repeal the Coronavirus Immunization of School Students and Early Childhood Workers Regulation Amendment Act of 2021 enacted by the District of Columbia Council; Sponsor: Cruz, Ted [Sen.-R-TX]; Committees: Senate - Homeland Security and Governmental Affairs

S.4827 — A bill to authorize the Secretary of Health and Human Services to establish a national sepsis data trust, and to fund State-based pilots and programs to establish interoperable State-based sepsis data trusts; Sponsor: Cassidy, Bill [Sen.-R-LA]; Committees: Senate - Health, Education, Labor, and Pensions

S.4839 — A bill to reauthorize and expand a grant program for State and Tribal response to opioid and stimulant use and misuse, and for other purposes; Sponsor: Baldwin, Tammy [Sen.-D-WI]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.8800 — To amend title XVIII of the Social Security Act to extend certain increases in payments for physicians services under the Medicare program through 2023; Sponsor: Bera, Ami [Rep.-D-CA-7]; Committees: House - Energy and Commerce; Ways and Means

H.R.8805 — To amend titles XVIII and XIX of the Social Security Act with respect to nursing facility requirements, and for other purposes; Sponsor: Connolly, Gerald E. [Rep.-D-VA-11]; Committees: House - Energy and Commerce; Ways and Means

H.R.8806 — To enhance the cybersecurity of the Healthcare and Public Health Sector; Sponsor: Crow, Jason [Rep.-D-CO-6]; Committees: House - Homeland Security

H.R.8809 — To provide an individual with an eligible medical condition access to an employee restroom facilities of a retail establishment under certain conditions, and for other purposes; Sponsor: Norton, Eleanor Holmes [Del.-D-DC-At Large]; Committees: House - Energy and Commerce

H.R.8811 — To amend title 38, United States Code, to expand certain rehabilitation programs for certain veterans with service-connected disabilities; Sponsor: Obernolte, Jay [Rep.-R-CA-8]; Committees: House - Veterans' Affairs

H.R.8812 — To amend titles XVIII and XIX of the Social Security Act and the Bipartisan Budget Act of 2018 to increase access to services provided by advanced practice registered nurses under the Medicare and Medicaid programs, and for other purposes; Sponsor: Roybal-Allard, Lucille [Rep.-D-CA-40]; Committees: House - Energy and Commerce; Ways and Means

H.R.8815 — To amend the Public Health Service Act, to establish within the Office of Minority Health, the position of Outreach Coordinator, and for other purposes; Sponsor: Smith, Adam [Rep.-D-WA-9]; Committees: House - Energy and Commerce

S.Res.764 — A resolution designating September 2022, as “National Spinal Cord Injury Awareness Month”; Sponsor: Rubio, Marco [Sen.-R-FL]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.4844 — A bill to amend the Public Health Service Act to support and stabilize the existing nursing workforce, establish programs to increase the number of nurses, and for other purposes; Sponsor: Merkley, Jeff [Sen.-D-OR]; Committees:

Senate - Health, Education, Labor, and Pensions

S.4851 — A bill to direct the Secretary of Health and Human Services to carry out a national project to prevent and cure Parkinson's, to be known as the National Parkinson's Project, and for other purposes; Sponsor: Capito, Shelley Moore [Sen.-R-WV]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.1348 — Expressing support for the designation of September 15, 2022, as "National Brain Health Day"; Sponsor: Blumenauer, Earl [Rep.-D-OR-3]; Committees: House - Energy and Commerce; Referred to the House Committee on Energy and Commerce.

H.Res.1352 — Supporting the designation of "Telehealth Awareness Week"; Sponsor: Welch, Peter [Rep.-D-VT-At Large]; Committees: House - Oversight and Reform

H.R.8817 — To amend the Public Health Service Act to support and stabilize the existing nursing workforce, establish programs to increase the number of nurses, and for other purposes; Sponsor: Blunt Rochester, Lisa [Rep.-D-DE-At Large]; Committees: House - Energy and Commerce

H.R.8820 — To amend the Public Health Service Act to prohibit governmental discrimination against certain health care providers with certain objections to abortion; Sponsor: Carter, Earl L. "Buddy" [Rep.-R-GA-1]; Committees: House - Energy and Commerce

H.R.8828 — To address potential conflicts of interest among entities serving as Food and Drug Administration contractors, and for other purposes; Sponsor: Kuster, Ann M. [Rep.-D-NH-2]; Committees: House - Energy and Commerce

H.R.8831 — To amend title 10, United States Code, to authorize certain claims for personal injury or death caused by medical malpractice onboard certain naval vessels, and for other purposes; Sponsor: Speier, Jackie [Rep.-D-CA-14]; Committees: House - Armed Services