



Health Policy Briefing

October 9, 2023

Kevin McCarthy Ousted as House Speaker

Last week, eight conservative critics of Rep. Kevin McCarthy (R-Calif.) were joined by the House Democratic caucus in successfully ousting McCarthy as Speaker of the House in a 216-210 vote. The motion to vacate was brought to the floor by Rep. Matt Gaetz (R-Fla.) and supported by Republican Reps. Andy Biggs (Ariz.), Ken Buck (Colo.), Tim Burchett (Tenn.), Eli Crane (Ariz.), Bob Good (Va.), Nancy Mace (S.C.), and Matt Rosendale (Mont.). McCarthy is the first House speaker in history to be removed from the job. The GOP dissidents cited McCarthy’s support for the latest continuing resolution to prevent a government shutdown as the main reason for their campaign against him. Rep. Patrick McHenry (R-N.C.) has been tapped to serve as speaker pro-tempore, having been on the top of McCarthy’s secret list of successors, a practice initiated after 9/11 to protect the continuity of government. While the chamber cannot vote on legislation until a new speaker has been elected, McHenry now has the full power of speaker to sign enrolled bills and joint resolutions and usher the House through votes to elect a permanent replacement.

House Majority Leader Steve Scalise (R-La.) and Rep. Jim Jordan (R-Ohio), who both supported Speaker McCarthy in last week’s vote, have formally announced their candidacies to be the next Speaker. Both members are seen as ideologically to the right of McCarthy, with Jordan being considered the more conservative of the two. Jordan currently serves as chair of the House Judiciary Committee and is leading the GOP’s investigations into the current administration and Biden family. He recently voted against the continuing resolution to keep the government running through November 17, while Scalise voted in favor of it. Both candidates have focused on the need to address the fentanyl crisis and have criticized the Biden administration’s response to the COVID-19 pandemic. Jordan has been endorsed by former president Donald Trump. Gaetz has expressed support for both bids for speaker while emphasizing that a plan to reduce government spending is more important than the individual speaker themselves.

The House GOP plans to hold a party conference on Tuesday to provide rank-and-file members the opportunity to ask questions of the candidates. The conference would then vote on their nominee for speakership. If a strong candidate emerges, McHenry plans to hold a

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floor vote to elect a new speaker on Wednesday. The next speaker faces a possible government shutdown when the current continuing resolution expires on November 17, as well as reauthorization of key health programs like the U.S. President's Emergency Plan for AIDS Relief (PEPFAR), the Children's Hospital Graduate Medical Education program, the *Pandemic and All-Hazards Preparedness Act*, and the *SUPPORT Act*, which expired last month.

GOP Senators Pledge to Block Bills Unrelated to Government Funding

A group of 20 Republican senators have sent a [letter](#) to Senate Majority Leader Chuck Schumer (D-N.Y.) pledging to withhold their support for any vote to proceed to items unrelated to the fiscal year 2024 appropriations process. "We urge you to present a plan to the Republican Conference for how you intend to pass the remaining appropriations bills and conference them with the House in a manner that respects an open amendment process and which does not end in a December omnibus spending package," the letter states. The lawmakers highlight that limited time remains until government funding once again expires on November 17th.

Ways and Means Members Probe Implementation of Hospice Special Focus Program

A bipartisan group of House Ways and Means Committee members have sent a letter to the Biden administration regarding the Hospice Special Focus Program (SFP). The lawmakers assert that the Centers for Medicare and Medicaid Services' (CMS) proposal for identifying poorly performing hospices is based on incomplete survey data and would "not adequately identify hospices that are truly struggling with performance." The letter also encourages CMS to ensure Medicare-certified hospices get a preview of their performance under the SFP before the program is formally launched. The letter was signed by Reps. Beth Van Duyne (R-Texas), Earl Blumenauer (D-Ore.), Brad Wenstrup (R-Ohio), and Jimmy Panetta (D-Calif.).

Warren, Jayapal Urge Scrutiny of UnitedHealth, Amedisys Merger

Sen. Elizabeth Warren (D-Mass.) and Rep. Pramila Jayapal (D-Wash.) have [requested](#) that antitrust regulators examine UnitedHealth Group's proposed acquisition of home health and hospice provider Amedisys Inc. The letter characterizes the deal as the "latest example of massive health care conglomerates using anti-competitive mergers to increase their market dominance, reducing competition, hurting patients, and increasing health care costs." The lawmakers urge the Department of Justice to closely scrutinize the deal and to "oppose the growing trend of insurers buying up health care providers to reduce competition."

Laphonza Butler Sworn in as Senator

California Governor Gavin Newsom (D) tapped Laphonza Butler, president of EMILY's List, to fill the seat of the late Sen. Dianne Feinstein. EMILY's List advocates for the election of Democratic, pro-choice women to political office. Butler previously served as president of SEIU Local 2015 in California, and has also worked as a partner at political consulting firm SCRB Strategies. Butler was sworn in by Vice President Kamala Harris on Tuesday, becoming only the third Black female senator in history. She is one of three LGBTQ senators currently in office. She has not yet indicated whether she will seek the office in the 2024 election.

CBO Issues Call for New Obesity Research

The Congressional Budget Office (CBO) is [requesting](#) new research to inform its analysis of obesity treatment policies, including the use of new anti-obesity medications. Medicare is currently prohibited from covering weight-loss drugs like Ozempic and Trulicity, but legislation – including the *Treat and Reduce Obesity Act* (S. 2407/H.R. 4818) – has been introduced to change that policy. CBO's [blog](#) on the issue states that were Medicare to pay for these drugs some of the cost would be captured through higher premiums and patient cost sharing, but that the drugs' net cost to the Medicare program would still be "significant" over the next decade.

DEA Extends COVID Telehealth Rules for Remote Prescribing

The Drug Enforcement Administration (DEA) has extended COVID-era flexibilities for the prescription of controlled substances via telemedicine through the end of 2024. The agency's second temporary rule will allow all patients to be prescribed controlled substances without an in-person visit. DEA plans to issue new standards by fall 2024 that will "most effectively expand access to telemedicine encounters" while also preventing misuse.

Recently Introduced Health Legislation

S.Res.389 — A resolution expressing support for the annual designation of October 1st as "National Latino/a Physician Day". Sponsor: Padilla, Alex [Sen.-D-CA]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.5864 — To amend title XIX of the Social Security Act to provide for coverage under the Medicaid program of non-invasive prenatal genetic screening; Sponsor: Fitzpatrick, Brian K. [Rep.-R-PA-1]; Committees: House - Energy and Commerce

H.R.5866 — To ensure comprehensive wraparound services for families impacted by substance use disorders, and for other purposes; Sponsor: Lee, Barbara [Rep.-D-CA-12]; Committees: House - Energy and Commerce; Ways and Means; Education and the Workforce

S.3006 — A bill to ensure comprehensive wraparound services for families impacted by substance use disorders, and for other purposes; Sponsor: Markey, Edward J. [Sen.-D-MA]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.405 — A resolution expressing support for the designation of September 30, 2023, as "National Veterans Suicide Prevention Day;" Sponsor: Brown, Sherrod [Sen.-D-OH]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.3010 — A bill to amend title XVIII of the Social Security Act to provide coverage of medical nutrition therapy services for individuals with eating disorders under the Medicare program; Sponsor: Hassan, Margaret Wood [Sen.-D-NH]; Committees: Senate - Finance

S.3021 — A bill to amend title XVIII of the Social Security Act to permanently extend certain in-home cardiopulmonary rehabilitation flexibilities established in response to COVID-19, and for other purposes; Sponsor: Sinema, Kyrsten [Sen.-I-AZ]; Committees: Senate - Finance

S.3022 — A bill to amend the Indian Health Care Improvement Act to allow Indian Health Service scholarship and loan recipients to fulfill service obligations through half-time clinical practice, and for other purposes; Sponsor: Cortez Masto, Catherine [Sen.-D-NV]; Committees: Senate - Indian Affairs