



## Health Policy Briefing

October 16, 2023

### GOP Nominee Jordan Faces Unclear Path to Speaker

The House of Representatives remains without a speaker following the ousting of Kevin McCarthy (R-Calif.) on October 3. On Friday, Rep. Jim Jordan (R-Ohio) became the House GOP's new nominee for speaker following a closed-door 124-81 vote. Speaker designate Steve Scalise (R-La.) dropped out of the race on Thursday after it became clear that he did not have enough support amongst Republican lawmakers to be elected on the floor. Scalise had previously beat out Jordan to earn the GOP conference nomination in a 113-99 vote earlier in the week. Any nominee will need to receive 217 votes to win the speakership on the floor. House Minority Leader Hakeem Jeffries (D-N.Y.) stated over the weekend that "informal conversations" are taking place regarding a bipartisan solution to the chamber's current speaker situation. Over the weekend, House Republican Leadership announced plans to vote on the election of the Speaker on Tuesday afternoon.

A group of centrist House Democrats have sent a [letter](#) to House Speaker Pro Tempore Patrick McHenry (R-N.C.) stating that they would back the temporary expansion of McHenry's authority to allow the chamber to take up urgent legislative matters, including government funding and foreign aid. The current continuing resolution expires on November 17, and the House is unable to vote on a government funding plan until a new speaker is elected. "In light of our nation's pressing issues, a looming government shutdown, and the attacks on our key ally, Israel, we strongly support an immediate vote to expand the Speaker Pro Tempore's authorities to all for the consideration of a legislative agenda limited to the most pressing issues," the lawmakers said. They suggest the expansion of the speaker pro tempore's authorities in 15-day increments until the election of a new speaker. The letter was signed by four leaders of the bipartisan Problems Solvers Caucus: Reps. Josh Gottheimer (D-N.J.), Ed Case (D-Hawaii), Susie Lee (D-Nev.), and Jared Golden (D-Maine).

### Inside

GOP Doctors Caucus Release Proposal to Reform MPFS.....	2
Blackburn Urges HHS to Affirm Parameters Around Patient Cost-Sharing.....	2
HELP Dems Release Staff Report on Nonprofit Charity Care.....	2
Doc Caucus Comments on Proposed Nursing Home Staffing Requirements.....	2
Upcoming Congressional Hearings and Markups.....	3
Recently Introduced Health Legislation.....	3

## GOP Doctors Caucus Release Proposal to Reform MPFS

The GOP Doctors Caucus released a [discussion draft](#) of legislation last week that would overhaul Medicare's physician fee schedule (MPFS). The proposal would provide more flexibility around how much the Centers for Medicare and Medicaid Services can spend. The agency is currently restrained by a budget neutrality requirement. The bill would also update how the Medicare program calculates practice expense relative value units (RVUs). Practice expense RVUs have been on the decline since they were last addressed by Congress in 2015.

## Blackburn Urges HHS to Affirm Parameters Around Patient Cost-Sharing

Sen. Marsha Blackburn (R-Tenn.) has sent a letter urging the U.S. Department of Health and Human Services (HHS) to affirm that patients' prescription drug payments, including when financed through copay assistance, constitute cost-sharing, and should be treated as such. Blackburn cites data finding that manufacturer-funded copay assistance reduced Americans' prescription drug costs by nearly \$19 billion last year, and that forgone or delayed care due to accumulators and other comparable tools likely total between \$1.3 billion and \$2.5 billion annually. "By clarifying that cost-sharing, even when financed through a copay assistance program, still comprises cost-sharing, HHS could correct the legal defects of the 2021 Notice of Benefit and Payment Parameters and save patients tens of billions in out-of-pocket costs," Blackburn argues.

## HELP Dems Release Staff Report on Nonprofit Charity Care

Senate Health, Education, Labor and Pensions Committee Chairman Bernie Sanders (I-Vt.) has released a majority staff [report](#) asserting that major non-profit hospitals are prioritizing profits over spending on charity care. The *Affordable Care Act* requires nonprofit hospitals to establish financial assistance policies to care for patients who are unable to afford treatment. According to the report, between 2012 and 2019 nonprofit hospitals increased their average operating profits by 36% and nearly doubled their cash reserves, while their average spending on charity care decreased from \$6.7 million to \$6.4 million over the same period. Of the 16 largest nonprofit hospitals, 12 of them dedicated less than 2% of their total revenue to charity care, and half of those dedicated less than 1%. The report recommends mandating that tax-exempt hospitals provide a minimum level of charity care and suggests reforms to increase transparency around the reporting of community benefit data to the Internal Revenue Service.

## Doc Caucus Comments on Proposed Nursing Home Staffing Requirements

The GOP Doctors Caucus is [asking](#) the Biden administration to reconsider its proposed rule regarding nursing home staffing requirements. The new rule from the Centers for Medicare and Medicaid Services would increase the on-site registered nurse staffing requirement to 24 hours and mandate that nursing homes provide 2.45 hours of care per resident day from nurse aides and 0.55 hours per resident day from registered nurses. The lawmakers express concerns that the "one-size-fits-all approach to staffing long-term care facilities, especially those in rural areas, is tone deaf to challenges they face."

## Upcoming Congressional Hearings and Markups

House Oversight and Accountability Select Subcommittee on the Coronavirus Pandemic hearing “Strengthening Biosafety and Biosecurity Standards: Protecting Against Future Pandemics;” 10:00 a.m.; October 18

House Science, Space, and Technology Subcommittee on Investigations and Oversight hearing “Balancing Knowledge and Governance: Foundations for Effective Risk Management of Artificial Intelligence;” 10:00 a.m.; October 18

House Energy and Commerce Subcommittee on Innovation, Data, and Commerce hearing “Safeguarding Data and Innovation: Building the Foundation for the Use of Artificial Intelligence;” 10:00 a.m.; October 18

Senate Committee on Health, Education, Labor, and Pensions hearing to examine the nomination of Monica M. Bertagnolli, of Massachusetts, to be Director of the National Institutes of Health; 10:00 a.m.; October 18

Senate Finance Committee hearing “Medicare Advantage Annual Enrollment: Cracking Down on Deceptive Practices and Improving Senior Experiences;” 10:00 a.m.; October 18

Senate Budget Committee hearing “Improving Care, Lowering Costs: Achieving Health Care Efficiency;” 10:00 a.m.; October 18

House Energy and Commerce Subcommittee on Environment, Manufacturing, and Critical Materials hearing “Exposing EPA Efforts to Limit Chemicals Needed for Life-Saving Medical Devices and Other Essential Products;” 10:30 a.m.; October 18

House Energy and Commerce Subcommittee on Health hearing “What’s the Prognosis?: Examining Medicare Proposals to Improve Patient Access to Care & Minimize Red Tape for Doctors;” 10:00 a.m.; October 19

House Veterans’ Affairs Subcommittee on Health hearing “Emerging Therapies: Breakthroughs in the Battle Against Suicide?” 1:30 p.m.; October 19

Senate Committee on Health, Education, Labor, and Pensions field hearing “Overworked and Undervalued: Is the Severe Hospital Staffing Crisis Endangering the Well-Being of Patients and Nurses?;” 9:00 a.m.; October 27

## Recently Introduced Health Legislation

H.R.5910 — To prioritize educating and training for existing and new environmental health professionals. Sponsor: Thanedar, Shri [Rep.-D-MI-13]

H.R.5909 — To amend title XXVII of the Public Health Service Act to limit cost sharing for prenatal services in certain circumstances. Sponsor: Spanberger, Abigail Davis [Rep.-D-VA-7]

H.R.5906 — To amend title XI of the Social Security Act to exclude expenditures attributable to a State medicaid fraud control unit from the payment limits under Medicaid for Guam, the Northern Mariana Islands, and American Samoa. Sponsor: Sablan, Gregorio Kilili Camacho [Del.-D-MP-At Large]

H.R.5901 — To amend the Public Health Service Act to encourage programs to address college athlete mental health. Sponsor: Hudson, Richard [Rep.-R-NC-9]

H.R.5894 — Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2024, and for other purposes. Sponsor: Aderholt, Robert B. [Rep.-R-AL-4]

H.Res.766 — Supporting the designation of October 7, 2023, as National Ostomy Awareness Day. Sponsor: Payne, Donald M., Jr. [Rep.-D-NJ-10]

H.Res.780 — Expressing support for the goals of “World Sight Day” by promoting the importance of accessible, affordable, and inclusive eye care; Sponsor: Veasey, Marc A. [Rep.-D-TX-33]

H.R.5924 — To amend title XVIII of the Social Security Act with respect to the timing of changes to the annual out-of-pocket threshold for the Medicare prescription drug benefit, and to amend title XI of such Act with respect to the timing of the Medicare drug price negotiation program; Sponsor: Magaziner, Seth [Rep.-D-RI-2]

H.Res.782 — Thanking and promoting the professions of perinatal nurses by encouraging participation in National Perinatal Nurses Week; Sponsor: Joyce, David P. [Rep.-R-OH-14]

H.R.5935 — To amend title XVIII of the Social Security Act to extend the Quality Payment Program-Small Practice, Underserved, and Rural Support program; Sponsor: Stansbury, Melanie Ann [Rep.-D-NM-1]

H.R.5938 — To amend the Veterans’ Benefits Improvements Act of 1996 and the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 to improve the temporary licensure requirements for contract health care professionals who perform medical disability examinations for the Department of Veterans Affairs, and for other purposes; Sponsor: Ciscomani, Juan [Rep.-R-AZ-6]

H.R.5948 — To terminate the Office of Gun Violence Prevention in the Executive Office of the President and prohibit the establishment of any similar successor office, and for other purposes; Sponsor: Rosendale Sr., Matthew M. [Rep.-R-MT-2]