



## Health Policy Briefing

October 23, 2023

### What's Next in the House Speaker Race

The House of Representatives remains without a Speaker following a closed-door Republican conference vote on Friday to drop Rep. Jim Jordan (R-Ohio) as the party's nominee. Jordan was unable to secure the support necessary to be elected over the course of three failed floor votes last week. The House GOP is expected to meet on Monday to hear from the new candidates seeking the position, and to vote as early as Tuesday on its next speaker-designate. The members currently running for the position include House Majority Whip Tom Emmer (R-Minn.), Republican Study Committee chairman Rep. Kevin Hern (R-Okla.), House Republican Vice Conference chairman Rep. Mike Johnson (R-La.), Rep. Pete Sessions (R-Texas), Rep. Austin Scott (R-Ga.), Rep. Byron Donalds (R-Fla.), Rep. Jack Bergman (R-Mich.), Rep. Dan Meuser (R-Pa.), and Rep. Gary Palmer (R-Ala.). The chamber has a significant agenda of items to tackle whenever a speaker is elected. The current continuing resolution (CR) funding the federal government expires November 17. Federal funding for community health centers and health workforce programs were also temporarily extended by the CR. Both the *Pandemic All Hazards Preparedness Act* (PAHPA) and the President's Emergency Plan for AIDS Relief (PEPFAR) program authorizations expired on September 30, with only certain PAHPA authorities temporarily extended by the CR.

### HELP to Vote on NIH Nominee This Week

President Joe Biden's nominee to serve as Director of the National Institutes of Health (NIH) Dr. Monica Bertagnolli declined to specify what steps she would take to lower drug prices during her confirmation hearing before the Senate Health, Education, Labor, and Pensions (HELP) Committee last week. Chairman Bernie Sanders (I-Vt.) asked the nominee whether she would commit to reinstating and expanding the reasonable pricing clause in NIH contracts. While Bertagnolli agreed that taxpayers deserve a fair return on their investment, she did not explicitly commit to whether she would, or would not, use the reasonable pricing clause if confirmed. The HELP Committee is scheduled to vote on Bertagnolli's nomination on Wednesday.

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## Senators Launch Mental Health Caucus

Sens. Alex Padilla (D-Calif.), Thom Tillis (R-N.C.), Tina Smith (D-Minn.), and Joni Ernst (R-Iowa) announced the launch of a new bipartisan Mental Health Caucus last week. The 10-member caucus will focus on addressing health care workforce issues, raising awareness of the 988-crisis hotline, and effectively implementing the *Bipartisan Safer Communities Act*. The other members of the caucus include Sens. Cory Booker (D-N.J.), Shelley Moore Capito (R-W.Va.), Susan Collins (R-Maine), John Fetterman (D-Pa.), Amy Klobuchar (D-Minn.), and Lisa Murkowski (R-Alaska).

## Lawmakers Comment on Biden Administration's Proposed Changes to Mental Health Parity Requirements

Leadership of the House Education and Workforce Committee have weighed in on the Biden administration's proposed expansion of mental health parity requirements. The regulation builds on the *Mental Health Parity and Addiction Equity Act* by mandating that insurers analyze the outcomes of their coverage policies. In her comments submitted on the proposed rule, Chair Virginia Foxx (R-N.C.) argued that the regulation "will serve only to weaken parity compliance by given prominence to bureaucratic reporting, paperwork, and audits." Ranking Member Bobby Scott (D-Va.) and Health Subcommittee Ranking Member Mark DeSaulnier (D-Calif.), however, expressed support for the proposed rule and urged the administration to further limit the exceptions to the non-quantitative treatment limitation requirements contemplated by the proposal.

## CA Sen. Butler Will Not Seek a Full Term

Sen. Laphonza Butler (D-Calif.) has confirmed that she will not run for a full Senate term in 2024. Butler, a labor leader and consultant, was recently appointed to fill the seat of the late Dianne Feinstein. Senate Majority Leader Chuck Schumer (D-N.Y.) confirmed last week that Sen. Butler will take the late Feinstein's seat on the Judiciary Committee. Sen. Kyrsten Sinema (I-Ariz.) will take her place on the Appropriations Committee and Sen. Mark Kelly (D-Ariz.) will fill her seat on the Intelligence panel.

## CMS Rejects More than 300 Misleading MA Ads

The Centers for Medicare and Medicaid Services (CMS) rejected more than 300 misleading advertisements for Medicare Advantage (MA) plans in the lead-up to this year's open enrollment period. For the first time, and in response to complaints about MA ads, the agency reviewed more than 1,700 ads between May and September. Of the more than 250 ads submitted by third-party marketing organizations, 192 were rejected. Plans were permitted to start advertising on October 1st ahead of open enrollment, which runs from October 15 through December 7. The Senate Finance Committee convened a hearing on the subject of deceptive MA marketing practices on Wednesday and heard testimony from the Ohio Department of Insurance, Security Health Plan, and Chapter, a technology-enabled Medicare and retirement navigation platform.

## Upcoming Congressional Hearings and Markups

House Oversight and Accountability Select Subcommittee on the Coronavirus Pandemic “Reforming the WHO: Ensuring Global Health Security and Accountability;” 10:00 a.m.; October 24

Senate Health, Education, Labor, and Pensions Committee executive session to consider the nomination of Monica Bertagnolli to be Director of the National Institutes of Health; 10:00 a.m.; October 25

House Energy and Commerce Subcommittee on Health hearing “Supporting Access to Long-Term Services and Supports: An Examination of the Impacts of Proposed Regulations on Workforce and Access to Care;” 2:00 p.m.; October 25

Senate Veterans’ Affairs Committee hearing “VA Accountability and Transparency: A Cornerstone of Quality Care and Benefits for Veterans;” 3:30 p.m.; October 25

Senate Specialty Committee on Aging hearing “Unlocking Hope: Access to Therapies for People with Rare, Progressive, and Serious Diseases;” 10:00 a.m.; October 26

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.5958 — 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: Spanberger, Abigail Davis [Rep.-D-VA-7]

H.R.5957 — To amend the Public Health Service Act to establish a program of research regarding the risks posed by the presence of dioxins, phthalates, pesticides, chemical fragrances, and other components of menstrual products and intimate care products. Sponsor: Meng, Grace [Rep.-D-NY-6]

H.Res.784 — Supporting the designation of October 15, 2023, as “National Pregnancy and Infant Loss Remembrance Day” and recognizing the people who have lost a pregnancy or an infant. Sponsor: Schneider, Bradley Scott [Rep.-D-IL-10]

S.3048 — A bill to amend the Family and Medical Leave Act of 1993 to prohibit an employer from recovering any health care premium paid by the employer for an employee if the employee fails to return to work due to the birth of a child, and for other purposes; Sponsor: Vance, J. D. [Sen.-R-OH]; Committees: Senate - Health, Education, Labor, and Pensions

S.3059 — A bill to amend title XVIII of the Social Security Act to establish provider directory requirements, and to provide accountability for provider director accuracy, under Medicare Advantage; Sponsor: Bennet, Michael F. [Sen.-D-CO]; Committees: Senate – Finance

S.3060 — A bill to establish a Youth Mental Health Research Initiative in the National Institutes of Health for purposes of encouraging collaborative research to improve youth mental health; Sponsor: Klobuchar, Amy [Sen.-D-MN]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.792 — Expressing support for the designation of October 17, 2023, as “National Vitiligo Awareness Day”; Sponsor: Johnson, Henry C. “Hank,” Jr. [Rep.-D-GA-4]

H.R.5975 — To authorize grants to implement school-community partnerships for preventing substance use and misuse among youth; Sponsor: Sánchez, Linda T. [Rep.-D-CA-38]

H.R.5976 — To establish a Youth Mental Health Research Initiative in the National Institutes of Health for purposes of encouraging collaborative research to improve youth mental health; Sponsor: Watson Coleman, Bonnie [Rep.-D-NJ-12]

S.3069 — A bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; Sponsor: Duckworth, Tammy [Sen.-D-IL]; Committees: Senate – Finance

S.3070 — A bill to amend the SUPPORT for Patients and Communities Act to reauthorize the youth prevention and recovery initiative; Sponsor: Peters, Gary C. [Sen.-D-MI]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.5984 — To authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to award grants for expanding, modernizing, or streamlining emergency room operations; Sponsor: Lawler, Michael [Rep.-R-NY-17]

S.3085 — A bill to establish a program for purposes of carrying out programs to prevent adverse childhood experiences and promoting positive childhood experiences, and to require the Secretary of Health and Human Services to conduct studies, evaluations, and research to address adverse childhood experiences, including through the promotion of positive childhood experiences; Sponsor: King, Angus S., Jr. [Sen.-I-ME]; Committees: Senate - Health, Education, Labor, and Pensions

S.3090 — A bill to amend titles XIX and XXI of the Social Security Act to improve Medicaid and the Children's Health Insurance Program for low-income mothers; Sponsor: Booker, Cory A. [Sen.-D-NJ]; Committees: Senate – Finance

S.3091 — A bill to amend title XVIII of the Social Security Act to permit certain clinics to qualify as a rural emergency hospital under the Medicare program; Sponsor: Murkowski, Lisa [Sen.-R-AK]; Committees: Senate – Finance

S.3098 — A bill to amend title XIX of the Social Security Act to make permanent the Medicaid option to remove the IMD exclusion to provide medical assistance for certain individuals who are patients in an institution for mental diseases; Sponsor: Thune, John [Sen.-R-SD]; Committees: Senate – Finance

S.3103 — A bill to amend the Fair Credit Reporting Act to prohibit the inclusion of medical debt on a consumer report, and for other purposes; Sponsor: Merkley, Jeff [Sen.-D-OR]; Committees: Senate - Banking, Housing, and Urban Affairs

H.R.6003 — To amend the Fair Credit Reporting Act to prohibit the inclusion of medical debt on a consumer report, and for other purposes; Sponsor: Porter, Katie [Rep.-D-CA-47]

H.R.6004 — To amend titles XIX and XXI of the Social Security Act to improve Medicaid and the Children's Health Insurance Program for low-income mothers; Sponsor: Pressley, Ayanna [Rep.-D-MA-7]