



Health Policy Briefing

November 28, 2022

Senators Seek Solutions for Dual-Eligibles

A bipartisan group of senators is seeking to improve health care and coverage for dually-eligible Medicare-Medicaid patients. In an open [letter](#) by Sen. Bill Cassidy (R-La.) and co-signed by Sens. Tim Scott (R-S.C.), John Cornyn (R-Texas), Mark Warner (D-Va.), Tom Carper (D-Del.), and Bob Menendez (D-N.J.), the lawmakers – all members of the Senate Finance Committee - ask for information about the structural problems impacting the dual eligible population to inform future legislation. Spending on the 12.2 million individuals considered to be dual eligible reached \$440.2 billion in 2019. “While the complex set of conditions represented by this population contributes to this high cost, the current fragmented and disjointed system of care for dual eligibles is also a driver of expenditure... This discordance can potentially lead to both poor outcomes for patients and inefficient spending for the health-care system,” the letter states. The lawmakers plan to consider the diversity of needs in the dual-eligible population, the range of states’ capabilities in supporting their care, and financial incentives that can drive health system behaviors on outcomes and efficiency in the development of a solution to reduce inefficiency and improve outcomes for dual eligible patients. Responses to the questions posed in the letter are requested by January 13, 2023 and can be submitted to dualeligibles@cassidy.senate.gov.

House Democrats to Vote on Leadership, Caucus Rules This Week

Democrats in the House of Representatives are considering a proposal to institute term limits for committee leadership. The caucus’ rules will be voted on during the party’s leadership elections for the 118th Congress on November 30. An amendment from Rep. Bill Foster (D-Ill.) would allow members to serve six years at the top of a committee; following that period, they would need caucus approval to remain in the leadership post. Democrats are also considering an amendment to the rules from Reps. Suzan DelBene (D-Wash.) and Mark Pocan (D-Wis.) that would make caucus leadership responsible for appointing the chair of the Democratic Congressional Campaign Committee.

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Medicare Prior Authorization Transparency Bill Introduced in Senate

Sens. Roger Marshall (R-Kan.) and Maggie Hassan (D-N.H.) have introduced legislation (S. 5117) to require the inclusion of information on prior authorization requirements and other utilization management techniques in the Medicare & You handbook and annual notice educational materials sent to seniors during the annual Medicare Open Enrollment period. The lawmakers stated that the bill is in response to complaints from patients and stakeholders about seniors inadvertently selecting Medicare plans that do not best meet their health care needs. The budget-neutral **Medicare & You Handbook Improvement Act** would require the Centers for Medicare and Medicaid Services to include information on the following:

- A description of what utilization management techniques are including prior authorization and step therapy, and how a beneficiary can find which techniques apply under a specific Medicare Advantage (MA) plan or prescription drug plan.
- A description of the network sizes of MA plans relative to the number of health care providers who accept original Medicare.
- A description explaining that seniors who switch to an MA plan and later switch back to original Medicare may be prohibited from purchasing supplemental coverage or else must pay significantly higher premiums.

Companion legislation has been introduced by Reps. Mike Kelly (R-Pa.) and Tom O'Halleran (D-Ariz.) in the House of Representatives. The bill's sponsors are pushing for its inclusion in the year-end package.

Incoming House Global Health Panel Chair Outlines Agenda

Rep. Chris Smith (R-N.J.), who is expected to secure the chairmanship of the Africa, Global Health, and Global Human Rights Subcommittee of the House Foreign Affairs Committee in the 118th Congress, outlined his priorities for the panel during an interview last week. His focus areas will include reauthorizing the President's Emergency Plan for AIDS Relief (PEPFAR), promoting childhood vaccinations – including against polio, and passing the **Global Brain Health Act**. This legislation promotes research on autism, Alzheimer's, and hydrocephalus, and helps address the lag in access to treatments for brain diseases in developing countries.

HHS Plan to Fund New COVID Vaccine Initiative with Provider Relief Fund Met with Opposition by House GOP Health Leaders

The U.S. Department of Health and Human Services has announced a \$350 million initiative for Health Resources and Services Administration (HRSA)-supported health centers to increase COVID-19 vaccines in their communities, with a specific focus on underserved populations. Funding will support health centers administering updated COVID-19 vaccines through mobile, drive-up, walk-up, or community-based vaccination events, including working with community-based organizations, and other efforts to increase the administration of COVID-19 vaccines. All HRSA-funded health centers, as well as health centers that received American Rescue Plan funding, will be eligible for the Expanding COVID-19 Vaccination initiative. The administration's public education initiative includes an additional \$125 million for organizations serving the elderly and disabled. House Energy and Commerce Ranking Member Cathy McMorris Rodgers (R-Wash.) and House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Ranking Member Tom Cole (R-Okla.) released a statement in opposition to reports that the White House will use \$475 million from the Provider Relief Fund for the COVID-19 vaccination campaign. "As Democrats have already spent more than a billion dollars on vaccine confidence activity, with no reporting on the success of its outcomes, we believe continuing these efforts is not the best use of these funds," the lawmakers said. "These funds were intended for doctors, nurses, and frontline health care workers, who have been experiencing record burnout, and should instead be used to mitigate inflation and address the workforce shortages driven by Democrat policymaking."

Senate Republicans Call for Halt of Gain of Function Research

A group of Senate Republicans have sent a [letter](#) to the White House Office of Science and Technology Policy asking the administration to immediately institute a government-wide pause of all ongoing and new viral gain-of-function and Dual Use Research of Concern studies in the life sciences involving all enhanced pathogens of pandemic potential. They cite concerns regarding the current lack of research oversight, clear guidelines, and potential risks of outbreaks from laboratory accidents. The letter, signed by Sens. Roger Marshall (R-Kan.), Chuck Grassley (R-Iowa), Joni Ernst (R-Iowa), Marsha Blackburn (R-Tenn.), and Marco Rubio (R-Fla.), argues that such experiments pose extreme risk to public health if the altered pathogens are accidentally or deliberately released.

ARPA-H Launches Website, Social Media Accounts

The Advanced Research Projects Agency for Health (ARPA-H) officially launched its [website](#) and social media accounts last week. The webpage highlights the new agency's focus areas of accelerating better health outcomes and supporting the development of high-impact solutions to society's most challenging health problems. ARPA-H's Twitter [account](#) will provide regular updates on its current initiatives.

WHO to Rename Monkeypox 'MPOX'

The World Health Organization (WHO) plans to rename monkeypox as "MPOX" to destigmatize the virus. WHO made the decision this summer to consider a new name designation for the virus. Public health experts, LGBT activists, and the Biden administration have called for changing the virus' name, arguing that it is imprecise and worsens the stigma surrounding the virus, particularly among communities of color. Nearly 30,000 monkeypox infections have been recorded in the U.S. since the start of the outbreak that began in May, but daily national caseloads have fallen from more than 400 per day over the summer to just in the teens over the last week.

Republican States Push for Repeal of Health Worker Vaccine Mandate

A group of Republican-led states is arguing that the Biden administration's vaccine mandate for health care workers should be invalidated because of the significant difference between the current phase of the pandemic compared to the conditions under which the mandate was created and took effect, at the height of the delta variant. The states submitted an amended complaint to the US District Court for the Eastern District of Missouri that the mandate will only exacerbate health care staffing shortages, particularly in rural areas. The Centers for Medicare and Medicaid Services has previously reasoned that the mandate would assuage workforce shortages because employees would get sick less often.

Recently Introduced Health Legislation

S.5123 — A bill to amend the Controlled Substances Act to modify the registration requirements relating to research, and for other purposes. Sponsor: Booker, Cory A. [Sen.-D-NJ]; Committees: Senate – Judiciary

S.5117 — A bill to amend title XVIII of the Social Security Act to require the inclusion of information on prior authorization requirements and other utilization management techniques, and other information, in the Medicare & You annual notice. Sponsor: Marshall, Roger [Sen.-R-KS]; Committees: Senate - Finance

S.8 — A bill to amend title XVIII of the Social Security Act to establish a demonstration program to promote collaborative treatment of mental and physical health comorbidities under the Medicare program. Sponsor: Bennet, Michael F. [Sen.-D-CO]; Committees: Senate – Finance

S.6 — A bill to improve the requirements for making a determination of interchangeability of a biological product and its reference product. Sponsor: Lee, Mike [Sen.-R-UT]; Committees: Senate - Health, Education, Labor, and Pensions

S.5 — A bill to amend title XVIII of the Social Security Act to ensure appropriate supervision requirements for outpatient physical therapy and outpatient occupational therapy. Sponsor: Carper, Thomas R. [Sen.-D-DE]; Committees: Senate – Finance

S.Con.Res.49 — A concurrent resolution expressing support for the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family and urging that the United States be added as a signatory. Sponsor: Daines, Steve [Sen.-R-MT]; Committees: Senate - Foreign Relations

S.Res.842 — A resolution supporting the goals and ideals of American Diabetes Month. Sponsor: Shaheen, Jeanne [Sen.-D-NH]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.Res.839 — A resolution expressing support for the goals of Stomach Cancer Awareness Month. Sponsor: Young, Todd [Sen.-R-IN]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

H.R.9354 — To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to recognize nurse registries for purposes of the Veterans Community Care Program, and for other purposes. Sponsor: Mast, Brian J. [Rep.-R-FL-18]; Committees: House - Veterans' Affairs