



Health Policy Briefing

September 25, 2023

Deal to Avoid a Government Shutdown Remains Elusive

Congress is fast approaching the end of the fiscal year on September 30th without a clear path to avoid a federal government shutdown. Republicans in the House of Representatives are struggling to agree upon a set of demands for cutting government spending. House Speaker Kevin McCarthy (R-Calif.) abandoned plans for a Saturday vote on a temporary funding measure that was intended to appease a small group of conservative members. The decision followed McCarthy's third failed attempt to bring the latest defense spending bill to the floor. The chamber is instead expected to vote this week on four fiscal year 2024 (FY24) appropriations bills – including the Agriculture-Rural Development-Food and Drug Administration funding bill – which include provisions to address specific conservative priorities. The approach is an attempt to unify members behind a separate stopgap spending bill which would include immediate spending cuts while government funding negotiations for FY24 are ongoing. Democrats continue to urge McCarthy to support a bipartisan deal, an idea that already has the support of some moderate House Republicans. McCarthy, however, will risk a motion to vacate the chair from conservative members seeking to oust him as speaker should he pursue a bipartisan approach. While the House typically takes the lead in moving government funding bills, the Senate began the process of considering a potential legislative vehicle for a continuing resolution (CR) last week. A vote is expected on the measure this week. There is bipartisan support in the upper chamber for a CR that keeps funding at current levels to provide time for leadership to continue negotiating a bicameral deal for the next fiscal year.

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House Appropriations Panel May Soon Complete FY24 Markups

The House Appropriations Committee is reportedly planning to consider their final two FY24 spending bills – Commerce-Justice-Science and Labor-Health and Human Services-Education – in the coming days. The markups are in response to demands from conservative Republicans pushing for more votes on spending cuts before the end of the fiscal year. Conservatives aim to cut discretionary spending to \$1.526 trillion – lower than the previously agreed upon \$1.59 trillion in this year’s debt ceiling agreement – but it remains unclear from where the additional \$64 billion in cuts will be drawn.

House Republicans Release Budget Resolution

Republicans in the House of Representatives [released](#) a budget resolution last week dubbed “Reverse the Curse” which would balance the budget within a decade and make reforms to federal health programs. The budget includes \$16 trillion in deficit cuts and calls for the creation of a bipartisan commission to address the major drivers of the federal deficit. The document would add per-capita limits to federal funding for Medicaid and stricter work requirements for Medicaid, and proposes site-neutral payments in the Medicare program. The nation’s gross national debt exceeded the \$33 trillion mark for the first time ever earlier this month.

HELP Advances Primary Care, Health Care Workforce Bill

The Senate Health, Education, Labor and Pensions (HELP) Committee advanced its bipartisan primary care and health care workforce package (S. 2840) in a 14-7 vote last week. Sen. Roger Marshall (R-Kan.), who co-authored the bill with Chairman Bernie Sanders (I-Vt.), alongside Sens. Mike Braun (R-Ind.) and Lisa Murkowski (R-Alaska), joined panel Democrats in support of the measure. The ***Bipartisan Primary Care and Health Workforce Act*** includes an almost \$2 billion annual increase in mandatory funding for community health centers – totaling \$5.8 billion annually for three years. The bill would triple mandatory funding for the National Health Service Corps, from \$310 million to \$950 million annually for three years, while also providing \$1.5 in mandatory funding over the next five years to the Teaching Health Centers Graduate Medical Education program. Ranking Member Bill Cassidy (R-La.) filed 67 amendments to the bill detailing his concerns with the legislation. During the markup Cassidy highlighted that the legislation includes \$26 billion in mandatory spending but only includes approximately \$10 billion in offsets. Sanders has stated that he is working with leadership of the Judiciary and Finance committees on additional offsets for the bill. The Judiciary and Finance panels have each advanced their own health care proposals this year, including measures to overhaul the pharmacy benefit manager industry and to reform the nation’s patent system, which could eventually be packaged together with HELP’s workforce bill.

Health Transparency Legislation Pulled from House Floor

House leadership unexpectedly canceled plans to consider the bipartisan ***Lower Costs, More Transparency Act*** (H.R. 5378) under suspension of the rules last week. The bill includes many provisions previously advanced by the Energy and Commerce, Ways and Means, and Education and the Workforce committees, drawing much from the ***PATIENT Act***, to provide patients with timelier and more accurate information about the cost of health care procedures and services. It also increases funding for community health centers and the Teaching Health Centers Graduate Medical Education Program. While it remains unclear why the bill was pulled from the House schedule, Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-Wash.) stated that she remains “100% committed to getting this bill up for consideration on the floor, passed out of the House, and ultimately onto the president’s desk.”

Markey, Manchin Comment on FDA Evaluation of Opioid Risks

Sens. Ed Markey (D-Mass.) and Joe Manchin (D-W.Va.) have sent a [letter](#) to the Commissioner of Food and Drugs Robert Califf expressing concerns about how his agency evaluates opioids for chronic pain. They urge the Food and Drug Administration to reconsider the use of enriched enrollment randomized withdrawal (EERW) research methods to determine the efficacy and tolerability of extended-release and long-acting opioids in chronic pain patients. The letter warns that the use of EERW risks biasing findings in favor of opioid use and exposing clinical trial participants to opioid dependence and withdrawal.

VA Democrat Wexton Will Not Seek Re-Election

Rep. Jennifer Wexton (D-Va.) announced that she will not run for reelection next year. The three-term congresswoman cited her recent diagnosis with the rare neurological disorder progressive supranuclear palsy as the reason for her decision. Wexton currently serves on the House Appropriations and Budget committees.

CFPB to Propose Keeping Medical Debt Off Credit Reports

The Biden administration plans to propose that medical debt be barred from impacting individual's credit scores. Under the planned rule, from the Consumer Financial Protection Bureau (CFPB), credit reporting companies would not be permitted to include medical debts in consumer reports and would be prohibited from using coercive collection practices more generally. The agency is also seeking to ban lenders from using medical collections information when considering a borrower's application. The changes are a part of the agency's effort to update the 1970 *Fair Credit Reporting Act*. CFPB plans to issue the proposed rulemaking in 2024.

UTSA to Offer First Dual Degree in Medicine and AI

The University of Texas Health Science Center at San Antonio will offer the first combined Doctor of Medicine and Master of Science in artificial intelligence degree in the nation. The five-year program includes three tracks in the master's portion of the dual degree: data analytics, computer science, and intelligent and autonomous systems. Prospective dual degree students must first complete one year at the Long School of Medicine at UT Health San Antonio.

Upcoming Congressional Hearings and Markups

Senate Banking, Housing, and Urban Affairs Committee executive session to consider S. 2860, the *SAFER Banking Act*; 9:30 a.m.; September 27

Senate Budget Committee hearing "Medicare Forever: Protecting Seniors by Making the Wealthy Pay Their Fair Share;" 10:00 a.m.; September 27

House Education and the Workforce Subcommittee on Workforce Protections hearing "Examining the Policies and Priorities of the Occupational Safety and Health Administration;" 10:15 a.m.; September 27

H.Res.692 — Expressing support for the designation of September 2023 as “Sickle Cell Disease Awareness Month” in order to educate communities across the United States about sickle cell disease and the need for research, early detection methods, effective treatments, and preventative care programs with respect to complications from sickle cell disease and conditions related to sickle cell disease; Sponsor: Davis, Danny K. [Rep.-D-IL-7]; Committees: House - Energy and Commerce

H.Res.693 — Expressing support for the designation of September 9 as “National African Immigrant and Refugee HIV/AIDS and Hepatitis Awareness (NAIRHHA) Day”; Sponsor: Johnson, Henry C. “Hank,” Jr. [Rep.-D-GA-4]; Committees: House - Energy and Commerce

H.R.5526 — To amend title XVIII of the Social Security Act to clarify the application of the in-office ancillary services exception to the physician self-referral prohibition for drugs furnished under the Medicare program; Sponsor: Harshbarger, Diana [Rep.-R-TN-1]; Committees: House - Energy and Commerce; Ways and Means

H.R.5539 — To amend title XI of the Social Security Act to expand and clarify the exclusion for orphan drugs under the Drug Price Negotiation Program; Sponsor: Joyce, John [Rep.-R-PA-13]; Committees: House - Energy and Commerce; Ways and Means

H.R.5541 — To provide temporary licensing reciprocity for telehealth and interstate health care treatment; Sponsor: Latta, Robert E. [Rep.-R-OH-5]; Committees: House - Energy and Commerce

H.R.5545 — To authorize an Action Plan for United States foreign assistance to developing countries to increase access to sustainable safe water, sanitation, and hygiene in healthcare facilities, promote stronger health systems and sustainable health infrastructure, build capacity of health workers, and promote the safety of health workers and patients, especially women and girls, and for other purposes; Sponsor: Meng, Grace [Rep.-D-NY-6]; Committees: House - Foreign Affairs

H.R.5547 — To amend title XI of the Social Security Act to protect access to genetically targeted technologies; Sponsor: Nickel, Wiley [Rep.-D-NC-13]; Committees: House - Energy and Commerce; Ways and Means

S.Res.349 — A resolution supporting the designation of September 19, 2023, as “National Stillbirth Prevention Day”, recognizing tens of thousands of American families that have endured a stillbirth, and seizing the opportunity to keep other families from experiencing the same tragedy; Sponsor: Merkley, Jeff [Sen.-D-OR]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.352 — A resolution designating September 2023 as “National Childhood Cancer Awareness Month”; Sponsor: Manchin, Joe, III [Sen.-D-WV]; Latest Action: Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.2837 — A bill to amend title XIX of the Social Security Act to ensure health insurance coverage continuity for former foster youth; Sponsor: Casey, Robert P., Jr. [Sen.-D-PA]; Committees: Senate – Finance

S.2840 — A bill to improve access to and the quality of primary health care, expand the health workforce, and for other purposes; Sponsor: Sanders, Bernard [Sen.-I-VT]; Committees: Senate - Health, Education, Labor, and Pensions

S.2846 — A bill to improve Federal efforts with respect to the prevention of maternal mortality, and for other purposes; Sponsor: Durbin, Richard J. [Sen.-D-IL]; Committees: Finance

S.2850 — A bill to extend protections to part-time workers in the areas of family and medical leave and to ensure equitable treatment in the workplace; Sponsor: Warren, Elizabeth [Sen.-D-MA]; Committees: Senate - Health, Education, Labor, and Pensions

S.2853 — A bill to require the Secretary of Health and Human Services and the Secretary of Labor to conduct a study and issue a report on grant programs to support the nursing workforce; Sponsor: Rosen, Jacky [Sen.-D-NV]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.700 — Expressing support for the designation of September 2023 as “National Prostate Cancer Awareness Month”; Sponsor: Payne, Donald M., Jr. [Rep.-D-NJ-10]; Committees: House - Energy and Commerce

H.R.5555 — To direct the Secretary of Health and Human Services to provide for certain adjustments to Medicare payment for items of durable medical equipment that were formerly included in round 2021 of the DMEPOS competitive bidding program; Sponsor: Miller-Meeks, Mariannette [Rep.-R-IA-1]; Committees: House - Energy and Commerce; Ways and Means

H.R.5561 — To prohibit the President and the Secretary of Health and Human Services from declaring certain emergencies or disasters for the purpose of imposing gun control; Sponsor: Cloud, Michael [Rep.-R-TX-27]; Committees: House - Transportation and Infrastructure; Energy and Commerce

H.R.5568 — To improve Federal efforts with respect to the prevention of maternal mortality, and for other purposes; Sponsor: Kelly, Robin L. [Rep.-D-IL-2]; Committees: House - Energy and Commerce; Education and the Workforce; Ways and Means

H.R.5575 — To direct the Secretaries of Health and Human Services, Defense, and Veterans Affairs to end American over-dependence on Chinese pharmaceuticals by encouraging the growth of a robust domestic medicine supply chain for generic drugs, to empower the Food and Drug Administration to issue boxed warnings in the case of critical contamination, and for other purposes; Sponsor: Posey, Bill [Rep.-R-FL-8]; Committees: House - Energy and Commerce; Armed Services; Veterans’ Affairs; Ways and Means

H.R.5578 — To extend protections to part-time workers in the areas of family and medical leave and to ensure equitable treatment in the workplace; Sponsor: Schakowsky, Janice D. [Rep.-D-IL-9]; Committees: House - Education and the Workforce; House Administration; Oversight and Accountability; Judiciary

S.2860 — A bill to create protections for financial institutions that provide financial services to State-sanctioned marijuana businesses and service providers for such businesses, and for other purposes; Sponsor: Merkley, Jeff [Sen.-D-OR]; Committees: Senate - Banking, Housing, and Urban Affairs

H.Res.708 — Supporting the designation of the week of September 18 through September 23, 2023, as “Malnutrition Awareness Week”; Sponsor: Bonamici, Suzanne [Rep.-D-OR-1]; Committees: House - Energy and Commerce; Agriculture; Education and the Workforce; Ways and Means

H.Res.709 — Supporting the designation of September 2023, as “National Cholesterol Education Month”, and September 30, 2023, as LDL-C Awareness Day; Sponsor: Cherfilus-McCormick, Sheila [Rep.-D-FL-20]; Committees: House - Energy and Commerce

H.R.5584 — To amend title XIX of the Social Security Act to provide clarification with respect to the liability of third party payers for medical assistance paid under the Medicaid program, and for other purposes; Sponsor: Burgess, Michael C. [Rep.-R-TX-26]; Committees: House - Energy and Commerce

H.R.5592 — To prohibit the use of Federal funds from preventing a State from implementing their own laws with respect to psilocybin; Sponsor: Garcia, Robert [Rep.-D-CA-42]; Committees: House - Energy and Commerce; Judiciary

H.R.5598 — To amend the SUPPORT for Patients and Communities Act to reauthorize a youth prevention and recovery initiative; Sponsor: Lee, Susie [Rep.-D-NV-3]; Committees: House - Energy and Commerce; Education and the Workforce

H.R.5601 — To decriminalize and deschedule cannabis, to provide for reinvestment in certain persons adversely impacted by the War on Drugs, to provide for expungement of certain cannabis offenses, and for other purposes; Sponsor: Nadler, Jerrold [Rep.-D-NY-12]; Committees: House - Judiciary; Energy and Commerce; Agriculture; Education and the Workforce; Ways and Means; Small Business; Natural Resources; Oversight and Accountability; Transportation and Infrastructure

H.R.5607 — To amend the Internal Revenue Code of 1986 to allow both spouses to make catch-up contribution to the same health savings account; Sponsor: Steube, W. Gregory [Rep.-R-FL-17]; Committees: House - Ways and Means

H.R.5608 — To allow individuals to elect to receive contributions to a health savings account in lieu of reduced cost-sharing under health insurance obtained through a health insurance Exchange; Sponsor: Steube, W. Gregory [Rep.-R-FL-17]; Committees: House - Ways and Means; Energy and Commerce

H.R.5609 — To prohibit the use of Federal funds for security protection for the former Director of the National Institute of Allergy and Infectious Diseases who served between January 1984 and December 2022; Sponsor: Strong, Dale W. [Rep.-R-AL-5]; Committees: House - Judiciary

H.R.5611 — To amend title XVIII of the Social Security Act to provide for permanent payments for telehealth services furnished by Federally qualified health centers and rural health clinics under the Medicare program; Sponsor: Thompson, Glenn [Rep.-R-PA-15]; Committees: House - Energy and Commerce; Ways and Means

S.2880 — A bill to amend title XVIII of the Social Security Act to expand the scope of practitioners eligible for payment for telehealth services under the Medicare program, and for other purposes; Sponsor: Daines, Steve [Sen.-R-MT]; Committees: Senate - Finance

S.2886 — A bill to permit manufacturers of generic drugs to provide additional warnings with respect to such drugs in the same manner that the Food and Drug Administration allows brand names to do so; Sponsor: Van Hollen, Chris [Sen.-D-MD]; Committees: Senate - Health, Education, Labor, and Pensions

S.2891 — A bill to reauthorize the program of grants for innovative programs to address dental workforce needs; Sponsor: Booker, Cory A. [Sen.-D-NJ]; Committees: Senate - Health, Education, Labor, and Pensions

S.2897 — A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to molecularly targeted pediatric cancer investigations, and for other purposes; Sponsor: Bennet, Michael F. [Sen.-D-CO]; Committees: Senate - Health, Education, Labor, and Pensions

S.2907 — A bill to improve medical device recall notifications by amending the Federal Food, Drug, and Cosmetic Act to establish an electronic format for device recall notifications, and for other purposes; Sponsor: Durbin, Richard J. [Sen.-D-IL]; Committees: Senate - Health, Education, Labor, and Pensions

S.2909 — A bill to provide for congressional review of rules rescheduling marijuana; Sponsor: Lummis, Cynthia M. [Sen.-R-WY]; Committees: Senate - Judiciary

S.2911 — A bill to prohibit the President and the Secretary of Health and Human Services from declaring certain emergencies or disasters for the purpose of imposing gun control; Sponsor: Braun, Mike [Sen.-R-IN]; Committees: Senate - Homeland Security and Governmental Affairs

H.Res.722 — Supporting the designation of the week of September 18 through September 22, 2023, as “National Community Health Worker Awareness Week”; Sponsor: Ruiz, Raul [Rep.-D-CA-25]; Committees: House - Energy and Commerce

H.Con.Res.67 — Supporting the designation of the week of September 17 through September 23, 2023, as “National Fall Prevention Awareness Week” to raise awareness about, and encourage the prevention of, falls among older adults; Sponsor: Frankel, Lois [Rep.-D-FL-22]; Committees: House - Energy and Commerce

H.R.5615 — To amend the Comprehensive Addiction and Recovery Act of 2016 to authorize the Attorney General, in coordination with the Administrator of the Drug Enforcement Administration, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, to award grants to covered entities to establish or maintain disposal sites for unwanted prescription medications, and for other purposes; Sponsor: Bonamici, Suzanne [Rep.-D-OR-1]; Committees: House - Energy and Commerce

H.R.5623 — To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide substance use and alcohol use disorder services, and for other purposes; Sponsor: Balint, Becca [Rep.-D-VT-At Large]; Committees: House - Transportation and Infrastructure

H.R.5633 — To direct the Secretary of Veterans Affairs to conduct a review of the deaths of certain veterans who died by suicide, and for other purposes; Sponsor: Garbarino, Andrew R. [Rep.-R-NY-2]; Committees: House - Veterans' Affairs

H.R.5636 — To amend chapter 110 of title 18, United States Code, to prohibit gender affirming care on minors; Sponsor: Greene, Marjorie Taylor [Rep.-R-GA-14]; Committees: House - Judiciary

H.R.5647 — To amend title XXVII of the Public Health Service Act to require out-of-network coverage for qualified individuals diagnosed with a rare pediatric disease participating in approved clinical trials, and for other purposes; Sponsor: McCaul, Michael T. [Rep.-R-TX-10]; Committees: House - Energy and Commerce; Ways and Means

H.R.5652 — To amend the 21st Century Cures Act to require funds to be set aside for opioid reversal agent administration training in schools, and for other purposes; Sponsor: Newhouse, Dan [Rep.-R-WA-4]; Committees: House - Energy and Commerce

H.R.5662 — To improve medical device recall notifications by amending the Federal Food, Drug, and Cosmetic Act to establish an electronic format for device recall notifications, and for other purposes; Sponsor: Schakowsky, Janice D. [Rep.-D-IL-9]; Committees: House - Energy and Commerce

H.R.5663 — To amend title XVIII of the Social Security Act to provide coverage of ALS-related services under the Medicare program for individuals diagnosed with amyotrophic lateral sclerosis, and for other purposes; Sponsor: Schakowsky, Janice D. [Rep.-D-IL-9]; Committees: House - Energy and Commerce; Ways and Means