



Health Policy Briefing

March 18, 2024

President Releases FY 2025 Budget Proposal

The Biden administration released its fiscal year (FY) 2025 [budget](#) proposal last week. The \$7.3 trillion budget calls for more than \$1.6 trillion in base discretionary spending, including \$621 billion for non-defense related programs, and would reduce the deficit by \$3 trillion over the next decade. The budget request would increase discretionary spending at the U.S. Department of Health and Human Services by \$5 billion over FY 2023 for a total of \$133.8 billion. The budget keeps in place for FY 2025 the discretionary spending caps agreed to with Congress in last year’s debt ceiling deal.

The President’s budget represents the White House’s current priorities and a vision for a potential second term, with most proposals standing little chance of becoming law in the currently divided Congress. Notable health-related proposals contained in the budget include:

- Raising the Medicare tax rate on those earning more than \$400,000 from 3.8% to 5% to extend the solvency of the Medicare program;
- Expanding the number of drugs subject to Medicare price negotiation, and speeding the price negotiation process;
- Extending Medicare’s \$2,000 per year out of pocket cap on drug spending and the \$35 insulin cap to commercial insurance;
- Limiting Medicare Part D cost-sharing for expensive generic drugs to \$2;
- Expanding domestic manufacturing capacity of medical countermeasures;
- Expanding end-to-end supply chain visibility to prepare for and mitigate potential drug shortages;
- Permanently expanding the *Affordable Care Act’s* enhanced premium tax credits;
- Providing “Medicaid-like” coverage for eligible individuals in the 10 states that have yet to expand their programs;
- Allowing states to expand continuous Children’s Health Insurance Program (CHIP) eligibility from 12 months to 36 months, and prohibiting premiums and enrollment fees in CHIP;
- Providing new funding to support states in enforcing

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- current mental health parity requirements;
- Mandating that insurers cover three behavioral health visits and three primary care visits annually without cost-sharing;
- Expanding access to the HIV prevention drug PrEP for uninsured individuals and those on Medicaid;
- Prohibiting facility fees for telehealth services;
- Penalizing hospitals that do not adopt minimum cybersecurity standards, while providing incentives for cybersecurity upgrades and support for low-resourced hospitals to increase their cybersecurity;
- Recategorizing funding for nursing home surveys from discretionary to mandatory beginning in 2026 and increasing funding to cover the full cost of statutorily mandated surveys; and
- Expanding the Title X family planning program.

HHS FY 2024 Funding Deadline Approaches

Congress has through Friday, March 22 to pass the remaining six appropriations bills for FY 2024. Funding for the departments of Homeland Security, Defense, State, Treasury, Health and Human Services, Education, and Labor was not included in the \$460 billion appropriations package passed by Congress earlier this month. The most recent reports indicate that the next government funding package will not include health care policy riders addressing issues like pharmacy benefit manager reform or hospital transparency. The Congressional Budget Office (CBO) stated its [prediction](#) last week that nondefense discretionary spending will not be subject to sequestration even if lawmakers fail to pass the six remaining appropriations bills for FY 2024 by the end of April because nondefense funding in the ***Consolidated Appropriations Act, 2024*** and the continuing resolution is \$3 billion below the section 102 nondefense cap. Defense programs could still face a 1% spending cut, which could amount to a reduction totaling \$11 billion. The debt limit agreement reached between the President and House Republican leadership last year included a provision to subject defense and nondefense programs to a 1% across-the-board cut to all discretionary spending if Congress did not complete FY 2024 appropriations by an April 30 deadline. Lawmakers have successfully passed six of the annual 12 government funding bills. CBO predicts that those funding bills, along with the specifics of the current stopgap spending measure funding the remaining parts of the federal government, equate to more than a 1% cut to base nondefense discretionary spending, which could shield nondefense programs from sequestration. The agency qualified that the authority to determine whether sequestration is required ultimately lies with the Office of Management and Budget.

Lankford Blocks VA IVF Legislation

Sen. James Lankford (R-Okla.) blocked legislation that would expand veterans' access to in vitro fertilization last week. Sen. Patty Murray (D-Wash.) sought to pass her bill (S. 2801), which would have removed a requirement that veterans must have a service-related injury or illness to access the procedure, by unanimous consent. Lankford expressed concerns about the legislation's "overly broad definitions," including its definition of infertility, and noted his support for moving the bill through the committee process. The Department of Veterans Affairs recently announced that it would lift a requirement that veterans be married to receive in vitro fertilization.

E&C Health Subcommittee Advances 19 Bills

- The House Energy and Commerce Subcommittee on Health advanced 19 bipartisan bills during a markup on Tuesday.
- H.R. 619, the *NAPA Reauthorization Act* was advanced, as amended, by a roll call vote of 26-0.
 - H.R. 620, the *Alzheimer's Accountability and Investment Act* was advanced by a roll call vote of 26-0.
 - H.R. 7218, the *Building Our Largest Dementia Infrastructure for Alzheimer's Act of 2024* was advanced by a roll call vote of 25-0.
 - H.R. 4581, the *Maternal and Child Health Stillbirth Prevention Act of 2023* was advanced by a roll call vote of 25-0.
 - H.R. 4646, the *SIREN Reauthorization Act* was advanced by a roll call vote of 24-0.
 - H.R. 6160, to amend the Public Health Service Act to reauthorize a lifespan respite care program, was advanced by a roll call vote of 25-0.
 - H.R. 6960, the *Emergency Medical Services for Children Reauthorization Act of 2024* was advanced by a roll call vote of 23-0.
 - H.R. 7153, the *Dr. Lorna Breen Health Care Provider Protection Reauthorization Act* was advanced by a roll call vote of 25-0.
 - H.R. 7251, the *Poison Control Centers Reauthorization Act of 2024* was advanced by a roll call vote of 23-0.
 - H.R. 7224, to amend the Public Health Service Act to reauthorize the Stop, Observe, Ask, and Respond to Health and Wellness Training Program, was advanced by a roll call vote of 24-0.
 - H.R. 6829, the *Cardiomyopathy Health Education, Awareness, Research, and Training in the Schools Act of 2023* was advanced by a roll call vote of 24-0.
 - H.R. 7189, the *Congenital Heart Futures Reauthorization Act of 2024* was advanced by a roll call vote of 24-0.
 - H.R. 3916, the *SCREENS for Cancer Act of 2023* was advanced by a roll call vote of 24-0.
 - H.R. 2706, the *Charlotte Woodward Organ Transplant Discrimination Prevention Act* was advanced by voice vote.
 - H.R. 5012, the *SHINE for Autumn Act of 2023* was advanced by voice vote.
 - H.R. 7208, the *Traumatic Brain Injury Program Reauthorization Act of 2024* was advanced by voice vote.
 - H.R. 7406, the *DeOndra Dixon INCLUDE Project Act of 2024* was advanced by voice vote.
 - H.R. 5074, the *Kidney PATIENT Act*, was advanced by a roll call vote of 16-10. Full committee Ranking Member Frank Pallone (D-N.J.) expressed concerns that the legislation, which would delay implementation of the inclusion of oral-only end-stage renal disease (ESRD) related drugs in the Medicare ESRD prospective payment system, would negatively impact access to care and increase costs.
 - H.R. 5526, the *Seniors' Access to Critical Medications Act of 2023*, was advanced by a roll call vote of 19-6. Ranking Member Pallone was joined by several other panel Democrats in voting against the bill, which would permanently allow independent doctors to send prescriptions via mail, due to concerns about the risk of fraud.

Hassan Urges UnitedHealth to Better Support Providers Impacted by Cyberattack

Sen. Maggie Hassan (D-N.H.) has sent a [letter](#) urging UnitedHealth Group and Optum to take immediate steps to better support health care providers impacted by the February 21 cyberattack on Change Healthcare. She asserts that the structure of the current funding assistance program in place has discouraged providers from applying, and makes recommendations to address the Temporary Funding Assistance Program's (TFAP) calculation for financial assistance and loan agreement. "As this weeks-long disruption continues, many providers are approaching a financial cliff that could endanger the availability of care," the letter states. "In order to fulfill its obligation to its clients and the patients they serve, I urge UnitedHealth Group to immediately expand and revise its TFAP."

Finance, HELP Leadership Push Agencies to Address Surprise Costs Related to Preventive Services

Senate Finance Committee Chairman Ron Wyden (D-Ore.) and Senate Health, Education, Labor, and Pensions (HELP) Committee Chairman Bernie Sanders (I-Vt.) have sent a [letter](#) to federal agencies urging them to issue guidance for insurers to protect patients against surprise cost-sharing. The letter follows reports of individuals with private health insurance plans receiving surprise bills for equipment and facility fees for certain preventive services that should be, under law, covered by their insurance. The lawmakers urge the U.S. departments of Health and Human Services, Treasury, and Labor to issue clarifying guidance to protect patients from being charged cost-sharing when they receive recommended preventive services and to address inappropriate charges for services that are integral to their care. “Health plans should be accountable for ensuring that preventive services are covered without cost sharing in accordance with the law,” Wyden and Sanders wrote. “Patients should not have to appeal these charges and be deterred from seeking preventive services.” The lawmakers also encourage the Biden administration to investigate and audit health insurers participating in the federal marketplace and employer-sponsored plans to ensure that the appropriate preventive services are covered without cost-sharing.

Cassidy Issues RFI on Regulation of Clinical Tests

Senate HELP Committee Ranking Member Bill Cassidy (R-La.) has [requested](#) information from stakeholders on ways to improve the regulation of clinical tests in the United States. Cassidy poses a series of 20 questions covering both the Food and Drug Administration’s proposed regulatory framework for diagnostics and the Clinical Laboratory Improvement Amendments regulatory framework for laboratory developed tests. The feedback received will be used to determine how Congress can modernize current regulations to support innovation while ensuring clinical tests are safe and effective to use. Responses should be submitted to diagnostics@help.senate.gov by April 3, 2024.

Bucshon Aims to Enact Medicare Reforms Before Year’s End

Rep. Larry Bucshon, M.D. (R-Ind.) believes reforms to the Medicare physician payment system are possible before the end of the year. In remarks made at POLITICO’s Health Care Summit last week, Bucshon stated that it was his goal to “address the reimbursement issues at CMS” before he retires at the end of this Congress. Potential reforms include changes to how physicians are reimbursed by the Medicare program and additional transparency requirements aimed at lowering prices across the health care system.

MedPAC, MACPAC Release March Reports to Congress

The Medicare Payment Advisory Commission (MedPAC) has released its annual March [report](#) to Congress. In addition to the Commission’s recommended provider payment updates for 2025, the report contains a recommendation on providing additional resources to Medicare safety-net hospitals and to clinicians who furnish care to fee-for-service Medicare beneficiaries with low incomes. The report also contains chapters describing recent trends in enrollment, plan offerings, and payments to Medicare Advantage (MA) plans and discusses related MA issues such as coding intensity, favorable selection, and market concentration.

The Medicaid and CHIP Payment and Access Commission (MACPAC) also released its March [report](#) to Congress last week containing recommendations on ways to improve Medicaid and the Children’s Health Insurance Program (CHIP). This year’s report focuses on how state Medicaid agencies can improve beneficiary engagement on Medical Care Advisory Committees (MCACs) and actions the federal government can take to aid states, recommending the Centers for Medicare and Medicaid Services issue guidance focused on specific state concerns related to implementation challenges. The recommendations also call on state Medicaid agencies to develop a plan to recruit beneficiary members from historically marginalized communities as well as to develop and implement policies that reduce beneficiary participation barriers. The report also focuses on the monitoring and oversight of denials and appeals in Medicaid managed care and makes recommendations to improve the transparency of denials and appeals as well as the beneficiary experience with the appeals process.

USPSTF Appoints New Chair, Vice Chair

The U.S. Preventive Services Task Force (USPSTF) has announced the appointments of a new chair and vice chair, Wanda Nicholson, M.D., M.P.H., M.B.A., and John Wong, M.D., MACP, respectively. Dr. Nicholson is a senior associate dean for diversity, equity, and inclusion, director of the Office of Inclusive Excellence, and professor of prevention and community health at the Milken Institute School of Public Health at the George Washington University. She is an obstetrician-gynecologist with expertise in perinatal and women's population health and health equity. Dr. Wong is vice chair for academic affairs, chief of the Division of Clinical Decision Making, and a primary care clinician in the Department of Medicine at Tufts Medical Center. He is also director of comparative effectiveness research for the Tufts Clinical Translational Science Institute and a distinguished professor of medicine at Tufts University School of Medicine and the Tufts University Graduate School of Biomedical Sciences.

Congressional Retirements and Resignations

Rep. Ken Buck (R-Colo.) will retire from Congress effective March 22. Buck, who had already announced that he would not be running for reelection in November, did not give a reason for resigning early. Buck is a member of the Foreign Affairs and Judiciary committees. The June 25 special election to fill Buck's vacant seat will coincide with the Republican primary for the full two-year term.

Rep. John James (R-Mich.) has filled the open seat on the House Energy and Commerce Committee following the retirement of Rep. Bill Johnson (R-Ohio) in January. "I congratulate Rep. James on becoming the newest member of the Energy and Commerce Committee—the best Committee on Capitol Hill," Chair Cathy McMorris Rodgers (R-Wash.) stated. "I welcome his experience and perspective as a veteran and businessman as we continue working to deliver solutions to improve the lives of the American people."

A running list of members of Congress who are retiring or seeking other office can be found below.

SENATE	
Stabenow (D), MI	Braun (R), IN
Cardin (D), MD	Romney (R), UT
Carper (D), DE	
Butler (D), CA	
Manchin (D), WV	
Sinema (I), AZ	
HOUSE OF REPRESENTATIVES	
Porter (D), CA	Mooney (R), WV
Lee (D), CA	Banks (R), IN
Gallego (D), AZ	Bishop (R), NC
Schiff (D), CA	Lesko (R), AZ
Slotkin (D), MI	Granger (R), TX
Allred (D), TX	Buck (R), CO (effective March 22, 2024)
Trone (D), MD	Burgess, MD (R), TX
Blunt Rochester (D), DE	Wenstrup, DPM (R), OH
Napolitano (D), CA	McHenry (R), NC
Wexton (D), VA	McCarthy (R), CA (effective Dec. 31, 2023)
Kim, Andy (D), NJ	Johnson (R), OH (effective Jan. 21, 2024)
Jackson, Jeff (D), NC	Ferguson, IV, DMD, PC (R), GA
Sarbanes (D), MD	Curtis (R), UT
Blumenauer (D), OR	Luetkemeyer (R), MO
Kilmer (D), WA	Lamborn (R), CO
Spanberger (D), VA	Bucshon, MD (R), IN
Kildee (D), MI	Pence (R), IN
Phillips (D), MN	Duncan (R), SC
Cardenas (D), CA	Armstrong (R), ND
Eshoo (D), CA	McMorris Rodgers (R), WA
Manning (D), NC	Gallagher (R), WI
Higgins (D), NY (effective Feb. 2, 2024)	
Nickel (D), NC	
Ruppersberger (D), MD	
Sablan (D), MP	

Upcoming Congressional Hearings and Markups

House Ways and Means Committee field hearing “Access to Health Care in America: Ensuring Resilient Emergency Medical Care;” 2:00 p.m.; Denton, TX; March 18

House Appropriations Subcommittee on Labor, Health and Human Services, Education, hearing “Fiscal Year 2025 Budget Request for the Department of Health and Human Services;” 10:00 a.m.; March 20

House Ways and Means Committee hearing with Health and Human Services Secretary Becerra; 2:00 p.m.; March 20

House Energy and Commerce Subcommittee on Health hearing “Evaluating Approaches to Diagnostic Test Regulation and the Impact of the FDA’s Proposed Rule;” 10:00 a.m.; March 21

House Oversight and Accountability Subcommittee on Cybersecurity, Information Technology, and Government Innovation hearing “White House Overreach on AI;” 10:00 a.m.; March 21

House Select Subcommittee on the Coronavirus Pandemic hearing “Assessing America’s Vaccine Safety Systems, Part 2;” 2:00 p.m.; March 21

House Veterans’ Affairs Subcommittee on Health hearing on pending legislation; 2:00 p.m.; March 21

Recently Introduced Health Legislation

H.R.7591 — To establish the National Patient Safety Board; Sponsor: Barragán, Nanette Diaz [Rep.-D-CA-44]; Committees: House - Energy and Commerce; Veterans’ Affairs

H.R.7596 — To direct the Secretaries of Defense and of Veterans Affairs to take certain steps regarding research related to menopause, perimenopause, or mid-life women’s health, and for other purposes; Sponsor: Houlihan, Chrissy [Rep.-D-PA-6]; Committees: House - Armed Services; Veterans’ Affairs

H.R.7599 — To amend title XVIII of the Social Security Act to expand the eligibility for designation as a rural emergency hospital under the Medicare program; Sponsor: LaTurner, Jake [Rep.-R-KS-2]; Committees: House - Ways and Means

H.R.7605 — To address the worsening long-term care workforce crisis and increase access to and affordability of long-term care; Sponsor: Trahan, Lori [Rep.-D-MA-3]; Committees: House - Education and the Workforce; Energy and Commerce

S.Res.586 — A resolution supporting the goals and ideals of “Deep Vein Thrombosis and Pulmonary Embolism Awareness Month”; Sponsor: Grassley, Chuck [Sen.-R-IA]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

H.R.7618 — To amend title XVIII of the Social Security Act to include physical therapists and occupational therapists as health professionals for purposes of the annual wellness visit under the Medicare program, and for other purposes; Sponsor: Miller, Carol D. [Rep.-R-WV-1]; Committees: House - Energy and Commerce; Ways and Means

H.R.7619 — To require the Secretary of Health and Human Services to issue guidance to States on strategies under Medicaid and CHIP to increase mental health and substance use disorder care provider education, training, recruitment, and retention; Sponsor: Neguse, Joe [Rep.-D-CO-2]; Committees: House - Energy and Commerce

S.3921 — A bill to amend title XIX of the Social Security Act to provide a higher Federal matching rate for increased expenditures under Medicaid for behavioral health services (including those related to mental health and substance use), and for other purposes; Sponsor: Smith, Tina [Sen.-D-MN]; Committees: Senate – Finance

S.3932 — A bill to prohibit the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury from finalizing a rule proposing restrictions on short-term limited duration insurance, and to amend title XXVII of the Public Health Service Act to define such insurance; Sponsor: Kennedy, John [Sen.-R-LA]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.7623 — To amend title XVIII of the Social Security Act to make permanent certain telehealth flexibilities under the Medicare program; Sponsor: Carter, Earl L. “Buddy” [Rep.-R-GA-1]; Committees: House - Energy and Commerce; Ways and Means

H.R.7635 — To amend title III of the Social Security Act to ensure the accessibility of drugs furnished under the 340B drug discount program; Sponsor: Matsui, Doris O. [Rep.-D-CA-7]; Committees: House - Energy and Commerce

H.R.7641 — To prohibit the inclusion of mandatory predispute arbitration clauses and clauses limiting class action lawsuits in health insurance contracts; Sponsor: Porter, Katie [Rep.-D-CA-47]; Committees: House - Energy and Commerce; Ways and Means; Education and the Workforce

H.Res.1078 — Recognizing the 75th anniversary of the National Institute of Dental and Craniofacial Research and its critical role in improving the dental, oral, and craniofacial health of the United States through research, training, and the dissemination of health information; Sponsor: Babin, Brian [Rep.-R-TX-36]; Committees: House - Energy and Commerce

H.R.7647 — To direct the Secretary of Health and Human Services to provide guidance to State Medicaid agencies, public housing agencies, Continuums of Care, and housing finance agencies on connecting Medicaid beneficiaries with housing-related services and supports under Medicaid and other housing resources, and for other purposes; Sponsor: Barragán, Nanette Diaz [Rep.-D-CA-44]; Committees: House - Energy and Commerce; Financial Services

H.R.7652 — To increase oversight and transparency with respect to Medicare billing codes; Sponsor: Ciscomani, Juan [Rep.-R-AZ-6]; Committees: House - Ways and Means; Energy and Commerce

H.R.7657 — To direct the Secretary of Veterans Affairs to revise a certain directive of the Veterans Health Administration of the Department of Veterans Affairs; Sponsor: Finstad, Brad [Rep.-R-MN-1]; Committees: House - Veterans’ Affairs

H.R.7665 — To amend title XVIII of the Social Security Act to improve the way beneficiaries are assigned under the Medicare shared savings program by also basing such assignment on primary care services furnished by nurse practitioners, physician assistants, and clinical nurse specialists; Sponsor: Kilmer, Derek [Rep.-D-WA-6]; Committees: House - Ways and Means; Energy and Commerce

H.R.7669 — To make States ineligible for funding through the State Maternal and Child Health Services Block Grant program if the States prohibit a licensed physician from performing in vitro fertilization for an individual experiencing medical hardship in conceiving a child, and for other purposes; Sponsor: Luna, Anna Paulina [Rep.-R-FL-13]; Committees: House - Energy and Commerce

H.R.7677 — To prohibit the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury from finalizing a rule proposing restrictions on short-term limited duration insurance, and to amend title XXVII of the Public Health Service Act to define such insurance; Sponsor: Self, Keith [Rep.-R-TX-3]; Committees: House - Energy and Commerce; Ways and Means; Education and the Workforce

H.R.7681 — To amend the Internal Revenue Code of 1986 to extend the exemption for telehealth services from certain high deductible health plan rules, to establish a safe harbor for high deductible health plans with no deductible for certain primary care services, and to direct the Comptroller General of the United States to conduct a study on the effects of such safe harbor; Sponsor: Wenstrup, Brad R. [Rep.-R-OH-2]; Committees: House - Ways and Means

H.R.7682 — To amend title XIX of the Social Security Act to increase under the Medicaid program the minimum monthly personal needs allowance for institutionalized individuals and couples, and for other purposes; Sponsor: Wexton, Jennifer [Rep.-D-VA-10]; Committees: House - Energy and Commerce

S.Res.588 — A resolution recognizing March 14, 2024, as “Black Midwives Day”; Sponsor: Booker, Cory A. [Sen.-D-NJ]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.590 — A resolution designating March 15, 2024, as “Long COVID Awareness Day”; Sponsor: Sanders, Bernard [Sen.-I-VT]; Committees: Senate – Judiciary

S.J.Res.65 — A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Reconsideration of the National Ambient Air Quality Standards for Particulate Matter”; Sponsor: McConnell, Mitch [Sen.-R-KY]; Committees: Senate - Environment and Public Works

S.3934 — A bill to require the Secretary of Health and Human Services to establish a demonstration project to increase access to biosimilar biological products under the Medicare program; Sponsor: Cornyn, John [Sen.-R-TX]; Committees: Senate – Finance

S.3939 — A bill to amend title XVIII of the Social Security Act to improve the way beneficiaries are assigned under the Medicare shared savings program by also basing such assignment on primary care services furnished by nurse practitioners, physician assistants, and clinical nurse specialists; Sponsor: Whitehouse, Sheldon [Sen.-D-RI]; Committees: Senate – Finance

S.3949 — A bill to amend title V of the Public Health Service Act to ensure protections for lesbian, gay, bisexual, and transgender youth and their families; Sponsor: Butler, Laphonza R. [Sen.-D-CA]; Committees: Senate - Health, Education, Labor, and Pensions

S.3950 — A bill to provide States with support to establish integrated care programs for individuals who are dually eligible for Medicare and Medicaid, and for other purposes; Sponsor: Cassidy, Bill [Sen.-R-LA]; Committees: Senate – Finance

S.3951 — A bill to amend title XVIII of the Social Security Act to provide for adjustments to the Medicare part D cost-sharing reductions for low-income individuals; Sponsor: Casey, Robert P., Jr. [Sen.-D-PA]; Committees: Senate – Finance

S.3953 — A bill to make demonstration grants to eligible local educational agencies or consortia of eligible local educational agencies for the purpose of increasing the numbers of school nurses in public elementary schools and secondary schools; Sponsor: Tester, Jon [Sen.-D-MT]; Committees: Senate - Health, Education, Labor, and Pensions

S.3958 — A bill to require the Interagency Working Group on Toxic Exposure to conduct research on the diagnosis and treatment of health conditions of descendants of individuals exposed to toxic substances while serving as members of the Armed Forces, and for other purposes; Sponsor: Tester, Jon [Sen.-D-MT]; Committees: Senate - Veterans’ Affairs