



Health Policy Briefing

April 1, 2024

GAO Releases Report on Federal Improper Payments

The Government Accountability Office has released a new [report](#) on government-wide improper payments made in fiscal year 2023, finding that total improper payments declined by \$11 billion from the prior fiscal year. According to the report, programs at the U.S. Department of Health and Human Services accounted for an estimated \$100 billion of \$236 billion in improper payments across all federal agencies. The Medicare program saw \$51.1 billion in improper payments, while the Medicaid program saw \$50.3 billion.

Wyden, Grassley Seek Details on UNOS Data Breach

Sens. Ron Wyden (D-Ore.) and Chuck Grassley (R-Iowa) sent a [letter](#) to the United Network for Organ Sharing (UNOS) last week regarding a November 2023 data breach that gave unauthorized access to at least 1.5 million patient records to Organ Procurement and Transplantation Network (OPTN) and DonorNet system users. The lawmakers outline the multiple prior concerns that they have raised regarding UNOS' data security and its ability to operate critical information technology. Wyden and Grassley criticize UNOS' "apparent inability to efficiently and effectively operate the OPTN" and request details about the November data breach by April 10.

Markey, Warren Push for Field Hearing on For-Profit Health Companies

Massachusetts Senators Ed Markey (D) and Elizabeth Warren (D) are once [again](#) calling on the head of a for-profit health system to testify at a [field hearing](#) on April 3rd in their state about the impact of for-profit companies on patient access to health care. The lawmakers sent a letter to the CEO of Steward Health Care Systems following up on their initial invitation to testify before the Senate Health, Education, Labor and Pensions Subcommittee on Primary Health and Retirement Security last month. "Investing in and operating a health care system includes a responsibility to the public," the letter states. "You must answer for Steward's current financial insecurity and its impact on access to health care."

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Democrats Comment on Abortion, EMTALA in Amicus Brief

More than 250 congressional Democrats have filed an amicus [brief](#) ahead of a case in which Supreme Court justices will consider whether Idaho's near-total abortion ban is subject to the **Emergency Medical Treatment and Labor Act's** (EMTALA) requirements that abortion be offered when it constitutes the necessary stabilizing treatment for a pregnant patient experiencing a medical emergency. "If this Court allows Idaho's near-total abortion ban to supersede federal law, pregnant patients in Idaho will continue to be denied appropriate medical treatment, placing them at heightened risk for medical complications and severe adverse health outcomes," the brief states. The lawmakers also caution that "health care providers, forced to let Idaho's abortion law take precedence over their medical judgment about their patients' best interests, will continue their exile from Idaho, creating maternity-care "deserts" all over the state." The brief was led by Sens. Chuck Schumer (D-N.Y.), Patty Murray (D-Wash.), Ron Wyden (D-Ore.), and Dick Durbin (D-Ill.); and Reps. Hakeem Jeffries (D-N.Y.), Katherine Clark (D-Mass.), Frank Pallone (D-N.J.), Jerry Nadler (D-N.Y.), Diana DeGette (D-Colo.), and Barbara Lee (D-Calif.).

White House Releases Memo on Use of AI

The White House released the first government-wide [memo](#) for federal departments and agencies on the use of artificial intelligence (AI). The memorandum directs agencies to advance AI governance and innovation while managing risks from the use of AI, particularly those affecting the rights and safety of the public, and follows President Joe Biden's October 2023 Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence. Agencies will be required to designate a chief AI officer within 60 days to coordinate the use of AI with existing officials and organizations within the agency. The memo also outlines requirements for the creation of publicly reported, annual AI use case inventories, including an identification of which use cases are safety-impacting and rights-impacting, and how agencies are working to manage those risks.

Congressional Retirements and Resignations

Rep. Annie Kuster (D-N.H.) will not seek re-election this year. Kuster has served in Congress since 2013 and currently sits on the House Energy and Commerce Committee and Health Subcommittee. She also chairs the centrist New Democrat Coalition. House Democratic leadership touted Kuster's leadership in addressing the opioid crisis and lending a voice to survivors of sexual assault following her retirement announcement.

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 (effective April 19, 2024)
Higgins (D), NY (effective Feb. 2, 2024)	
Nickel (D), NC	
Ruppersberger (D), MD	
Sablan (D), MP	
Kuster (D), NH	

Upcoming Congressional Hearings and Markups

Senate Health, Education, Labor, and Pensions (HELP) Committee field hearing "When Health Care Becomes Wealth Care: How Corporate Greed Puts Patient Care and Health Workers at Risk;" 11:00 a.m.; April 3

Senate Foreign Relations Committee hearing "FY 2025 United States Agency for International Development Budget Request;" 10:00 a.m.; April 10

S.Res.625 — A resolution recognizing the week of March 17 through March 23, 2024, as “National Poison Prevention Week” and encouraging communities across the United States to raise awareness of the dangers of poisoning and promote poison prevention; Sponsor: Brown, Sherrod [Sen.-D-OH]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.4054 — A bill to require entities to meet minimum cybersecurity standards to be eligible for Medicare accelerated and advance payment programs if the reason for the need for such payments is due to a cybersecurity incident; Sponsor: Warner, Mark R. [Sen.-D-VA]; Cosponsors: (0) Committees: Senate – Finance

S.4060 — A bill to improve maternal health policies in correctional facilities, and for other purposes; Sponsor: Booker, Cory A. [Sen.-D-NJ]; Committees: Senate - Judiciary

S.4063 — A bill to establish a State public option through Medicaid to provide Americans with the choice of a high-quality, low-cost health insurance plan; Sponsor: Schatz, Brian [Sen.-D-HI]; Committees: Senate – Finance

S.4065 — A bill to prohibit discrimination in health care and require the provision of equitable health care, and for other purposes; Sponsor: Padilla, Alex [Sen.-D-CA]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.7808 — To amend title XIX of the Public Health Service Act to provide for prevention and early intervention services under the Block Grants for Community Mental Health Services program, and for other purposes; Sponsor: Pfluger, August [Rep.-R-TX-11]; Committees: House - Energy and Commerce

H.R.7809 — To establish a State public option through Medicaid to provide Americans with the choice of a high-quality, low-cost health insurance plan; Sponsor: Schrier, Kim [Rep.-D-WA-8]; Committees: House - Energy and Commerce; Ways and Means

H.R.7812 — To Direct the Secretary of Health and Human Services to carry out a grant program to support the establishment of a national, toll-free telephone helpline to provide information and assistance to parents, caregivers, and youth to prevent child abuse and strengthen families; Sponsor: Torres, Norma J. [Rep.-D-CA-35]; Committees: House - Education and the Workforce

H.R.7814 — To amend the Internal Revenue Code of 1986 to exclude from gross income certain federally subsidized loan repayments for dental school faculty; Sponsor: Van Drew, Jefferson [Rep.-R-NJ-2]; Committees: House - Ways and Means; Energy and Commerce

H.R.7815 — To authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to award grants to expand and improve maternal health care services, and for other purposes; Sponsor: Waters, Maxine [Rep.-D-CA-43]; Committees: House - Energy and Commerce

H.R.7820 — To amend the Public Health Service Act to direct the Secretary of Health and Human Services to conduct a public health education, awareness, and outreach campaign to enhance access to abortion and related health services. Sponsor: Crockett, Jasmine [Rep.-D-TX-30]; Committees: House - Energy and Commerce

H.R.7823 — To amend the Federal Food, Drug, and Cosmetic Act to require a warning label advising that the effects of mifepristone can be counteracted, to amend the Public Health Service Act to establish a hotline to provide information to women seeking to counteract the effects of mifepristone, and for other purposes. Sponsor: Miller, Mary E. [Rep.-R-IL-15]; Committees: House - Energy and Commerce

H.R.7827 — To amend the Federal Food, Drug, and Cosmetic Act to encourage the development of vaccines to prevent, treat, or mitigate opioid, cocaine, methamphetamine, or alcohol use disorder, to establish an x-prize for the development of such a vaccine, and for other purposes. Sponsor: Schweikert, David [Rep.-R-AZ-1]; Committees: House - Energy and Commerce

H.R.7829 — To amend title XVIII of the Social Security Act to improve the payment method for oxygen and oxygen related equipment, supplies, and services, to increase beneficiary access to oxygen and oxygen related equipment, supplies, and services, and for other purposes. Sponsor: Valadao, David G. [Rep.-R-CA-22]; Committees: House - Energy and Commerce; Ways and Means