



Health Policy Briefing

April 8, 2024

Bipartisan Privacy Rights Draft Released

House Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-Wash.) and Senate Commerce, Science and Transportation Chair Maria Cantwell (D-Wash.) jointly [released](#) a discussion draft for the [American Privacy Rights Act](#). The legislation would set a national standard and minimize the data that companies can collect, keep, and use. It also would provide individuals with the right to opt out of targeted advertising and other data practices. The discussion draft provides enforcement by the Federal Trade Commission, State attorneys general, and consumers. Small businesses that are not selling customers’ personal information would be exempt. The discussion draft includes “health information” under the definition of “sensitive covered data.” Upon release of the draft, House Energy and Commerce Committee Ranking Member Frank Pallon (D-N.J.) said “This is a very strong discussion draft, built on the foundation of years of hard work by the Energy and Commerce Committee to strengthen our nation’s data privacy laws.”

Aderholt Presses for Budget Reforms Before Vote on New Appropriations Leader

Rep. Robert Aderholt (R-Ala.) sent a Dear Colleague letter last week asking the House GOP to delay a vote to select the next chair of the House Appropriations Committee. Aderholt currently leads the Appropriations Subcommittee on Labor-Health and Human Services-Education. Rep. Tom Cole (R-Okla.) is widely considered the frontrunner to replace outgoing Appropriations Committee Chair Kay Granger (R-Texas). The GOP Steering Committee is scheduled to meet April 9 to select a new chair, but Aderholt urges his conference to first conduct an overhaul of the budget process before selecting a new leader. His letter recommends a focus on restoring regular order, strengthening bipartisanship, and promoting fiscal responsibility. “Instead of hastily selecting a new Appropriations chair, I believe that now is the time to focus on correcting the process and developing our theory of government on how we will manage our responsibilities,” Aderholt wrote.

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CMS Finalizes 2025 MA Payment Update

The Centers for Medicare and Medicaid Services (CMS) finalized the calendar year 2025 rate [announcement](#) for the Medicare Advantage (MA) program last week in line with the agency's January proposal. Payments to MA plans are projected to increase an average of 3.7% - totaling over \$16 billion - from 2024 to 2025. The agency estimates that the federal government will pay between \$500 and \$600 billion in MA payments to private health plans in 2025. The rate announcement also finalizes updates to MA payment growth rates and changes to the MA payment methodology to improve payment accuracy. CMS also finalized concurrent changes to the structure of the Medicare Part D drug benefit to implement the **Inflation Reduction Act's** \$2,000 cap on annual out-of-pocket costs for people with Part D in 2025.

HHS Releases Drug Shortages White Paper

The U.S. Department of Health and Human Services (HHS) released a white [paper](#) last week outlining steps the administration has taken to prevent and mitigate drug shortages and proposing additional solutions for policymakers to consider. The paper focuses specifically on generic sterile injectables used in inpatient settings, though HHS acknowledges that the solutions considered in the paper may be applicable to other markets. HHS recommends further collaboration with the private sector to develop and implement a Manufacturer Resiliency Assessment Program and a Hospital Resilient Supply Program. The new programs would be aimed at increasing transparency in the market, linking purchasing and payment decisions to supply chain resilience practices, and incentivizing investments in supply chain resilience and diversification of the supply chain—including domestic manufacturing—to drive impactful change.

HSGAC Chairman Seeks Information on Private Equity Impact on ER Care

Senate Homeland Security and Governmental Affairs Committee (HSGAC) Chairman Gary Peters (D-Mich.) is requesting information from private equity firms about their impact on emergency department operations. Peters cites patient safety issues raised by emergency physicians about private-equity owned staffing companies and hospitals, highlighting that in some cases “physicians reportedly have been responsible for over 20 beds at a given time and patients routinely had a 16-hour wait time in the emergency department.” Peters also expresses concerns that companies “previously engaged in surprise billing may now consider other cost cutting efforts that more directly risk negatively impacting patient safety and care.” Peters sent [letters](#) to Team Health, Envision Healthcare, Apollo Global Management, US Acute Care Solutions, and Lifepoint Health.

E&C GOP Requests GAO Report on NIH Handling of National Security Concerns

Republicans on the House Energy and Commerce Committee are [requesting](#) that the Government Accountability Office “examine the extent to which the National Institutes of Health (NIH) adequately safeguards research funds from national security concerns related to the Chinese military or over the unethical use of human beings in research studies, especially from entities of concern in China.” The lawmakers highlight recent reports about the agency's ability to screen for national security issues and vet foreign collaborators. They pose a series of questions aimed at better understanding the extent of current vulnerabilities and NIH's ability to safeguard federal funding.

Grijalva Announces Cancer Diagnosis

Rep. Raúl Grijalva (D-Ariz.) announced last week that he has been diagnosed with cancer. Grijalva had sought treatment several weeks ago for a persistent cough, which was initially diagnosed as pneumonia. “This diagnosis has been difficult to process, but I am confident in the vigorous course of treatment that my medical team has developed, and I've begun my journey to fight this cancer,” he stated. Grijalva does not plan to resign from Congress and will continue to work and run for reelection as he undergoes treatment.

Democratic Physicians on the Ballot This November

At least six Democratic doctors are running for the House of Representatives this election cycle, with many of their platforms focused on access to reproductive health and bringing down the cost of health care.

- Minnesota state senator Kelly Morrison, an OB-GYN, is running to replace retiring Rep. Dean Phillips (D-Minn.).
- Arizona state representative Amish Shah, an emergency physician, is running to flip Rep. David Schweikert's (R-Ariz.) seat.
- Maxine Dexter, a pulmonary and critical care doctor, is running in the Democratic primary to replace retiring Rep. Earl Blumenauer (D).
- Tim Peck, an emergency physician, is running to flip Rep. Erin Houchin's (R-Ind.) seat.
- Bob Lorinser, a family physician, is running in the Democratic primary for Michigan's 1st congressional district, a seat currently held by Rep. Jack Bergman (R-Mich.).
- Kristin Lyerly, an OB-GYN, is unopposed in the Democratic primary in the race to represent Wisconsin's 8th congressional district, a seat opened by the retirement of Rep. Mike Gallagher (R-Wis.).

Congressional Retirements and Resignations

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 Appropriations Subcommittee on State, Foreign Operations, and Related Programs hearing “A Review of the President’s Fiscal Year 2025 Budget Request for the U.S. Agency for International Development;” 2:30 p.m.; April 9

Senate Finance Subcommittee on Health Care hearing “Closing Gaps in the Care Continuum: Opportunities to Improve Substance Use Disorder Care in the Federal Health Programs;” 2:30 p.m.; April 9

House Veterans’ Affairs Subcommittee on Technology Modernization oversight hearing “VA Supply Chain Modernization: Ready for Prime Time?” 3:00 p.m.; April 9

Senate Judiciary Committee hearing “Artificial Intelligence and Intellectual Property: Part III-IP Protection for AI-Assisted Inventions and Creative Works;” 10:00 a.m.; April 10

Senate Committee on Environment & Public Works hearing “Examining the State of Air Quality Monitoring Technology;” 10:00 a.m.; April 10

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

House Energy and Commerce Subcommittee on Health hearing “Legislative Proposals to Support Patient Access to Telehealth Services;” 10:00 a.m.; April 10

House Appropriations Subcommittee on Homeland Security budget hearing “Fiscal Year 2025 Request for the Department of Homeland Security;” 10:00 a.m.; April 10

Senate Appropriations Subcommittee on Homeland Security hearing “A Review of the President’s Fiscal Year 2025 Budget Request for the Department of Homeland Security;” 2:30 p.m.; April 10

Senate Finance Committee hearing “Bolstering Chronic Care through Medicare Physician Payment;” 10:00 a.m.; April 11

House Oversight and Accountability Committee hearing “Oversight of the U.S. Food and Drug Administration;” 1:00 p.m.; April 11

House Appropriations Subcommittee on State, Foreign Operations, and Related Programs budget hearing “Fiscal Year 2025 Request for the United States Agency for International Development;” 1:30 p.m.; April 11

House Appropriations Subcommittee on Homeland Security Member Day hearing; 2:00 p.m.; April 11

House Energy and Commerce Committee hearing with EcoHealth Alliance President Dr. Peter Daszak; time TBD; May 1

H.R.7848 — To update the National Action Plan for Adverse Drug Event Prevention to consider advances in pharmacogenomic research and testing, to improve electronic health records for pharmacogenomic information, and for other purposes. Sponsor: Swalwell, Eric [Rep.-D-CA-14]; Committees: House - Energy and Commerce

H.R.7834 — To improve the licensing requirements for the retail sale of firearms, and for other purposes. Sponsor: Frost, Maxwell [Rep.-D-FL-10]; Committees: House – Judiciary

H.R.7855 — To amend the Public Health Service Act to authorize rural residency planning and development grant programs, and for other purposes; Sponsor: Caraveo, Yadira [Rep.-D-CO-8]; Committees: House - Energy and Commerce

H.R.7856 — To amend title XVIII of the Social Security Act to provide for coverage of the Medicare Diabetes Prevention program, and for other purposes; Sponsor: DeGette, Diana [Rep.-D-CO-1]; Committees: House - Energy and Commerce; Ways and Means

H.R.7858 — To amend title XVIII of the Social Security Act to establish a Medicare incident to modifier for mental health services furnished through telehealth; Sponsor: James, John [Rep.-R-MI-10]; Committees: House - Energy and Commerce; Ways and Means

H.R.7863 — To require the Secretary of Health and Human Services to issue guidance on furnishing behavioral health services via telehealth to individuals with limited English proficiency under Medicare program; Sponsor: Steel, Michelle [Rep.-R-CA-45]; Committees: House - Energy and Commerce