



Health Policy Briefing

June 3, 2024

Bipartisan Working Group Releases GME Proposal

Senate Finance Committee Chairman Ron Wyden (D-Ore.), along with seven members of the Bipartisan Medicare Graduate Medical Education (GME) Working Group, released a [policy outline](#) last week aimed at strengthening the Medicare GME program and addressing physician workforce shortages. The framework focuses particularly on shortages in primary care and psychiatry, and on how the distribution of physicians across the nation can be improved to better care for rural and underserved communities. The paper was released with the support of Sens. John Cornyn (R-Texas), Robert Menendez (D-N.J.), Bill Cassidy (R-La.), Michael Bennet (D-Colo.), Thom Tillis (R-N.C.), Catherine Cortez Masto (D-Nev.), and Marsha Blackburn (R-Tenn.). The lawmakers are requesting feedback be submitted by June 24.

Finance, HELP Leaders Request Briefing From MultiPlan

Senate Finance Committee Chairman Ron Wyden (D-Ore.) and Health, Education, Labor, and Pensions (HELP) Committee Chairman Bernie Sanders (I-Vt.) have sent a [letter](#) to the CEO of MultiPlan, a health care data analytics firm, about the operation of the company's business model. A recent report from the *New York Times* revealed MultiPlan's role in helping health insurers determine medical payments for out-of-network claims and raised questions about possible price fixing. "We are concerned that your company's Data iSight product improperly drives up patient health care costs and, further, that the financial incentives built into the fee for the use of the Data iSight product result in an improper conflict of interest between determining a plan's liability for out-of-network claims and the plan's duty to provide promised benefits pursuant to ERISA," the letter states. The chairmen request that MultiPlan meet with committee staff on the allegations contained in the *New York Times* investigation published on April 7th.

Number of Health Care Data Breaches Increasing

There were 226 health care data breaches in the first quarter of 2024, a 44% increase over the same time period last year, according to the latest data from the U.S. Department of Health and Human Services' Office for Civil Rights (OCR). The breaches compromised the data of 17.6 million patients. OCR's data does not include the Change Healthcare attack that took place in February, which UnitedHealth Group has estimated may have impacted a third of Americans. In related news, Sen. Ron Wyden (D-Ore.) is [asking](#) the Federal

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Trade Commission and the Securities and Exchange Commission to further investigate cybersecurity and technology failures by UnitedHealth Group to determine whether any laws were broken in the events leading up to the hack of Change Healthcare. The hack “caused substantial harm to consumers, investors, the health-care industry and US national security,” Wyden writes in the letter, and the breach was “completely preventable and the direct result of corporate negligence.”

E&C Members Introduce 340B Reform Legislation

Reps. Larry Bucshon, MD (R-Ind.), Buddy Carter, BSPHarm (R-Ga.), and Diana Harshbarger, PharmD (R-Tenn.) reintroduced legislation last week aimed at ensuring access and transparency in the 340B drug pricing program. The **340B ACCESS Act** (H.R. 8574) would clarify the intent of the 340B program “to provide for manufacturer price reductions that enable covered entities, whose mission is to serve underserved or otherwise vulnerable communities, to increase access to affordable drugs and health services for these communities.” The bill also contains provisions to:

- Ensure 340B prescriptions are offered to patients at a discount.
- Update the 340B patient definition with strong safeguards.
- Establish clear criteria for 340B contract pharmacy arrangements to improve access.
- Prevent middlemen and for-profit entities from profiting off the 340B program.
- Update and strengthen 340B hospital eligibility requirements.
- Address standards for 340B child sites and subgrantee eligibility.
- Create a neutral 340B claims data clearinghouse.
- Facilitate public reporting on 340B program data.
- Establish enforceable rules and enhance federal administration and oversight of the 340B program.

The bill’s sponsors all serve on the House Energy and Commerce Committee, the committee of jurisdiction. The Subcommittee on Oversight and Investigation will hold a [hearing](#) on Tuesday, June 4 titled “Oversight of 340B Drug Pricing Program.”

GAO Issues Report on Medicaid MCOs Use of Prior Authorization

The Government Accountability Office (GAO) issued a [report](#) last week warning that Medicaid managed care organizations (MCOs) may be denying children access to early screening tests to which they are entitled. The report, which was requested by House Energy and Commerce Committee Ranking Member Frank Pallone (D-N.J.), attests that the Centers for Medicare and Medicaid Services’ (CMS) requirements around plans’ use of prior authorization are not clearly defined. GAO recommends that CMS provide written expectations for state monitoring of plans’ prior authorization decisions and claims denials, and to more clearly define when plans can mandate prior authorization for screening, diagnostic, and treatment services when it is not required by the state. Pallone stated that GAO’s findings will be used to inform Democrats’ ongoing investigation into the use of prior authorization and its impact on access to care.

Manchin Registers as Independent

Sen. Joe Manchin announced his decision leave the Democratic Party last week. Manchin officially filed as an Independent on Friday. “My commitment to do everything I can to bring out country together has led me to register as an independent with no party affiliation,” Manchin posted on the social platform X. Manchin has served in the Senate since 2010 and announced in November that he would not be running for reelection later this year. However, there is some speculation that his announcement could lead to a decision to run as an Independent for the US Senate which has a filing deadline of August 1.

Congressional Retirements and Resignations

Oregon state representative Maxine Dexter, MD has won the Democratic primary in the race to replace retiring Rep. Earl Blumenauer (D-Ore.). Dexter is a pulmonologist and critical care medicine specialist. She is expected to win November's general election to represent Oregon's heavily Democratic 3rd congressional district in the House of Representatives.

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 (I), 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)	LaTurner (R), KS
Nickel (D), NC	
Ruppersberger (D), MD	
Sablan (D), MP	
Kuster (D), NH	

Upcoming Congressional Hearings and Markups

House Oversight and Accountability Select Subcommittee on the Coronavirus Pandemic hearing with Dr. Anthony Fauci; 10:00 a.m.; June 3

Senate Health, Education, Labor, and Pensions Committee hearing “The Assault on Women’s Freedoms: How Abortion Bans Have Created a Health Care Nightmare Across America;” 10:00 a.m.; June 4

House Energy and Commerce Subcommittee on Oversight and Investigations hearing “Oversight of the 340B Drug Pricing Program;” 10:30 a.m.; June 4

House Natural Resources Subcommittee on Energy and Mineral Resources legislative hearing on H.R. 6395, *Recognizing the Importance of Critical Minerals in Healthcare Act of 2023*; 10:30 a.m.; June 4

Senate Special Committee on Aging and Veterans’ Affairs Committee “Heroes at Home: Improving Services for Veterans and their Caregivers;” 10:00 a.m.; June 5

Recently Introduced Health Legislation

H.R.8570 — To establish a pharmacy program to award grants for safe in-home drug disposal and practical medication safety education, and for other purposes; Sponsor: Hudson, Richard [Rep.-R-NC-9]; Committees: House - Energy and Commerce

H.R.8571 — To require the Attorney General to establish a grant program to assist with the medical expenses of qualified working dogs, and for other purposes; Sponsor: James, John [Rep.-R-MI-10]; Committees: House - Judiciary; Armed Services; Veterans’ Affairs

H.Res.1264 — Expressing support for the designation of May 2024 as “National Brain Tumor Awareness Month”; Sponsor: Quigley, Mike [Rep.-D-IL-5]; Committees: House - Energy and Commerce

H.R.8574 — To amend the Public Health Service Act to reform the 340B drug pricing program, and for other purposes; Sponsor: Bucshon, Larry [Rep.-R-IN-8]; Committees: House - Energy and Commerce; Ways and Means

H.R.8575 — To amend title XIX of the Social Security Act to revise the definition of institution for mental diseases under the Medicaid program to exclude from such definition institutions having 36 beds or less if such institutions meet certain standards; Sponsor: Goldman, Daniel S. [Rep.-D-NY-10]; Committees: House - Energy and Commerce

H.R.8576 — To amend title XVIII of the Social Security Act to establish a new criterion for the nonapplication of site-neutral payments to long-term care hospitals under the Medicare program; Sponsor: Hern, Kevin [Rep.-R-OK-1]; Committees: House - Ways and Means