



## Health Policy Briefing

October 7, 2024

### Senators Maintain Spotlight on Steward Healthcare

A group of Massachusetts Democrats have sent a [letter](#) to the CEO of Rural Healthcare Group regarding the company’s acquisition of Steward Health Care’s physician group Stewardship Health. “We are concerned about the risks to Massachusetts residents and health professionals, who are still suffering from the private equity-induced damage of Steward’s collapse, if they were now at the mercy of another private equity firm intent on squeezing more profits out of our health care system,” the letter states. The lawmakers also express concerns about Rural Healthcare’s association with the software company NaviHealth, which is owned by UnitedHealth Group. NaviHealth is currently the subject of a class action lawsuit concerning its work to develop algorithms used by insurers to deny patient health care claims.

In related news, Dr. Ralph de la Torre, who was recently ousted as CEO of Steward, is suing the Senate Health, Education, Labor, and Pensions (HELP) Committee over the panel’s vote to hold him in contempt for refusing to testify before the committee about the impact of Steward’s bankruptcy on patients. The lawsuit argues that HELP violated de la Torre’s Fifth Amendment right against self-incrimination by threatening him with “criminal retribution” and “public humiliation.” De la Torre is asking the federal court to declare all actions related to enforcement of the HELP subpoena invalid and unconstitutional.

### Comer Subpoenas HHS on Development of Alcohol Consumption Guidelines

House Oversight and Accountability Committee Chairman James Comer (R-Ky.) is [subpoenaing](#) the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA) for documents related to the development of 2025 Dietary Guidelines for Americans. Some lawmakers have expressed concern in recent months about a potential anti-alcohol bias at HHS. “Despite USDA’s shared responsibility for formulating the Dietary Guidelines and the National Academies of Sciences, Engineering, and Medicine directive to study alcohol intake and health, HHS appears to be taking improper authority over the development of the alcohol consumption guidelines,” a press release from the committee states. The subpoena follows previous requests from the panel regarding recommendations related to alcohol consumption in which the administration failed to produce the requested documents.

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## GAO Releases New Report on Hospital Price Transparency

The Government Accountability Office (GAO) has released a new [report](#) concluding that the Centers for Medicare and Medicaid Services (CMS) is in need of more information on hospital pricing data completeness and accuracy. The report examines implementation of hospital price reporting requirements, which first went into effect in 2021. GAO found that despite assessing more than \$4 million in civil monetary penalties to 14 hospitals that failed to comply with the reporting requirements, CMS does not have a way to assure that the information provided by hospitals is sufficiently complete and accurate. In response to the new GAO report, House Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-Wash.) reiterated her commitment to working with the Senate to enact the House-passed ***Lower Costs, More Transparency Act*** (H.R. 5378) before the end of the year.

## Republicans Investigate ARPA-H Compliance with Civil Rights Laws

Republicans on the House Energy and Commerce and Education and the Workforce committees have [written](#) to Advanced Research Projects Agency for Health (ARPA-H) Director Renee Wegrzyn regarding ARPA-H's research funding process. The lawmakers highlight the rise in antisemitism on college and university campuses, and request information about how ARPA-H is ensuring that institutions and individuals funded by its research projects comply with Title VI to ensure a harassment and discrimination-free environment. The lawmakers request a response from Wegrzyn by October 16.

## Markey, Booker Urge FDA to Ban Phthalates from Food Contact Materials

Sens. Ed Markey (D-Mass.) and Cory Booker (D-N.J.) have sent a [letter](#) to the Food and Drug Administration urging the agency to restrict the use of phthalates in food contact materials (FCM). The letter details the evidence of harm stemming from exposure to phthalates, especially brain development in infants and children. "The FDA can revoke its authorizations for the use of phthalates in FCM independently or in response to formal requests filed by citizens," the lawmakers state, "so we urge the FDA to revoke the regulations allowing phthalates in FCMs—either of its own volition or by granting pending objections and reconsidering its denial of the 2016 phthalates food additive petition and citizen petition."

## Congressional Staff Start New AI Policy Group

Congressional staffers have launched a new working group on issues related to artificial intelligence. The Congressional Staff Association on Artificial Intelligence (CSA.ai) is an official, bi-cameral, non-partisan organization whose mission "is to ensure that congressional staff are well-equipped to respond to the challenges and opportunities that AI presents." Later this month, CSA.ai will hold the first event in a monthly speaker series titled "***AI and the Rule of Law: Empowering Congressional Staff for Future Policy Challenges***." More information about the group can be found [here](#).

## CBO Releases New Part D Projections

The Congressional Budget Office (CBO) [estimates](#) that temporary subsidies announced by the Centers for Medicare and Medicaid Services earlier this year to offset Medicare Part D premiums will increase federal spending by \$5 billion next year. This will also lead to an increase of \$2 billion in net spending on interest over the next decade. CBO's projections come in response to a request from Republican committee leaders on the House and Senate Budget committees, the Senate Finance Committee, the House Energy and Commerce Committee, and the House Ways and Means Committee.

## Congressional Retirements and Resignations

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

<b>SENATE</b>	
Stabenow (D), MI	Braun (R), IN
Cardin (D), MD	Romney (R), UT
Carper (D), DE	
Butler (D), CA	
Manchin (D), WV	
Sinema (I), AZ	
Menendez (D), NJ (effective Aug. 20, 2024)	
<b>HOUSE OF REPRESENTATIVES</b>	
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	Burgess, MD (R), TX
Trone (D), MD	Wenstrup, DPM (R), OH
Blunt Rochester (D), DE	McHenry (R), NC
Napolitano (D), CA	Ferguson, IV, DMD, PC (R), GA
Wexton (D), VA	Curtis (R), UT
Kim, Andy (D), NJ	Luetkemeyer (R), MO
Jackson, Jeff (D), NC	Lamborn (R), CO
Sarbanes (D), MD	Bucshon, MD (R), IN
Blumenauer (D), OR	Pence (R), IN
Kilmer (D), WA	Duncan (R), SC
Spanberger (D), VA	Armstrong (R), ND
Kildee (D), MI	McMorris Rodgers (R), WA
Phillips (D), MN	Gallagher (R), WI (effective April 19, 2024)
Cardenas (D), CA	Rosendale (R), MT
Eshoo (D), CA	Carl (R), AL
Manning (D), NC	LaTurner (R), KS
Nickel (D), NC	Posey (R), FL
Sablan (D), MP	González-Colón (R), PR
Ruppersberger (D), MD	Graves (R), LA
Kuster (D), NH	Good (R), VA
Bowman (D), NY	
Bush (D), MO	
Payne (D), NJ (died April 24, 2024)	
Jackson Lee (D), TX (died July 19, 2024)	
Pascrell (D), NJ (died Aug. 21, 2024)	

H.Res.1521 — Expressing support for the designation of September 30, 2024, as “Rare Cancer Day” to highlight the challenges patients with rare cancers face and to raise awareness and support efforts to improve early diagnosis and treatment; Sponsor: Kelly, Mike [Rep.-R-PA-16]; Committees: House - Energy and Commerce

H.R.9864 — To amend the Federal Food, Drug, and Cosmetic Act to prohibit the introduction or delivery for introduction into interstate commerce of food packaging containing intentionally added PFAS, and for other purposes; Sponsor: Dingell, Debbie [Rep.-D-MI-6]; Committees: House - Energy and Commerce

H.R.9865 — To amend title 10, United States Code, to ensure that members of the Armed Forces and their families have access to the contraception they need in order to promote the health and readiness of all members of the Armed Forces; Sponsor: Escobar, Veronica [Rep.-D-TX-16]; Committees: House - Armed Services

H.R.9866 — To direct the Secretary of Health and Human Services to conduct a study and submit to Congress a report on contraceptive access at community health centers in health care deserts; Sponsor: Hinson, Ashley [Rep.-R-IA-2]; Committees: House - Energy and Commerce

H.R.9870 — To improve the provision of benefits and services to members of the Ready Reserve Corps of the Public Health Service, and for other purposes; Sponsor: Landsman, Greg [Rep.-D-OH-1]; Committees: House - Armed Services; Oversight and Accountability; Veterans’ Affairs; Energy and Commerce

H.R.9871 — To establish grants to combat opioid trafficking; Sponsor: Larsen, Rick [Rep.-D-WA-2]; Committees: House - Judiciary

H.R.9872 — To establish a program to address sickle cell disease and other heritable hemoglobinopathies; Sponsor: Lee, Barbara [Rep.-D-CA-12]; Committees: House - Energy and Commerce

H.R.9874 — To prohibit the performance of gender-related medical treatment on minors, to amend title XVIII of the Social Security Act to prohibit payment and participation under the Medicare program with respect to such treatment, and for other purposes; Sponsor: Mace, Nancy [Rep.-R-SC-1]; Committees: House - Energy and Commerce; Judiciary; Ways and Means

H.R.9879 — To amend the Controlled Substances Act to clarify how controlled substance analogues that are imported or offered for import are to be regulated, and for other purposes; Sponsor: Pfluger, August [Rep.-R-TX-11]; Committees: House - Energy and Commerce; Judiciary

H.R.9882 — To amend title XIX of the Social Security Act to permit States to apply a work requirement for nondisabled, nonelderly, nonpregnant adults under Medicaid; Sponsor: Rosendale, Matthew M. [Rep.-R-MT-2]; Committees: House - Energy and Commerce

H.R.9886 — To require the Administrator of the Drug Enforcement Administration to temporarily exempt buprenorphine from the Suspicious Orders Report System for the remainder of the opioid public health emergency; Sponsor: Tonko, Paul [Rep.-D-NY-20]; Committees: House - Energy and Commerce; Judiciary

H.Res.1527 — Recognizing October 2024 as “American Pharmacists Month” in honor of the contribution of pharmacists to provide safe, accessible, affordable, and beneficial patient care services and products to all residents and protect the public health of our communities; Sponsor: Green, Mark E. [Rep.-R-TN-7]; Committees: House - Energy and Commerce

H.R.9907 —To provide for a comprehensive Federal response to Long COVID, including research, education, and support for affected individuals, to direct the National Institutes of Health to establish a Long COVID research program, and for other purposes; Sponsor: Omar, Ilhan [Rep.-D-MN-5]; Committees: House - Energy and Commerce; Education and the Workforce