



Health Policy Briefing

October 21, 2024

DEA Sends Telehealth Extension Regulation to OMB for Review

The Drug Enforcement Administration (DEA) is expected to officially extend COVID-era flexibilities related to the prescribing of controlled substances via telemedicine. The agency recently sent a final rule titled “Third Temporary Extension of COVID-19 Telemedicine Flexibilities for Prescription of Controlled Substances” to the Office of Management and Budget (OMB) for review. Rules must be cleared by OMB prior to being published in the Federal Register, but there is no minimum time period for this review. Earlier this year, it was reported that the DEA was considering restricting providers’ ability to prescribe certain drugs virtually going forward. Such reports received pushback from both the U.S. Department of Health and Human Services as well as advocates for telehealth and substance use disorder treatment on Capitol Hill. It remains unclear whether the latest extension will contain any new guardrails on the prescription of controlled substances via telemedicine, and for how long the extension will last.

Lawmakers Urge Leadership to Prevent Physician Pay Cut

A bipartisan group of 233 members of the House of Representatives have sent a [letter](#) to House Speaker Mike Johnson (R-La.) and Minority Leader Hakeem Jeffries (D-N.Y.) stressing the need for Congress to act to stop an impending 2.8% cut to Medicare physician payments. The lawmakers highlight that Medicare payment rates have fallen by 29% over the last two decades when adjusting for the costs of running a practice. The letter urges congressional leadership to move legislation to provide a permanent, annual inflationary update in Medicare equivalent to the Medicare Economic Index and to enact targeted reforms to statutory Medicare Physician Fee Schedule budget neutrality requirements.

Senate Panel Releases Report on MA Coverage Denials

The Senate Permanent Subcommittee on Investigations released a majority staff [report](#) last week examining the barriers Medicare Advantage (MA) enrollees face in accessing care, as well as the magnitude and scope of prior authorization requests and denials for particular types of care. The report is based on more than 280,000 pages of documents obtained by the panel from UnitedHealthcare, Humana, and CVS, which together

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represent approximately 60% of all MA patients. The investigation revealed that the three companies each denied prior authorization requests for post-acute care at much higher rates than other types of care. The use of prior authorization also grew significantly between 2020 and 2022, at the same time each company began to rely on technology to further automate the prior authorization process. The report states that while the subcommittee continues to investigate the use of predictive technologies by MA insurers, “the data obtained so far is troubling regardless of whether the decisions reflected in the data were the result of predictive technology or human discretion,” and that it suggests “MA insurers are intentionally targeting a costly but critical area of medicine—substituting judgment about medical necessity with a calculation about financial gain.”

Turner, Tonko Inquire About Buprenorphine Access Barriers

Co-chairs of the Addiction, Treatment and Recovery Caucus Reps. Mike Turner (R-Ohio) and Paul Tonko (D-N.Y.) care [requesting](#) information from certain health care stakeholders about access to treatment for opioid use disorder. The lawmakers have contacted dozens of hospitals, insurance plans, pharmacies, pharmacists, and providers about how to eliminate the barriers to accessing opioid use disorder medications that have arisen since passage of the *Mainstreaming Addiction Treatment Act in 2022*. The lawmakers intend for the inquiry to inform future legislation.

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	
Menendez (D), NJ (effective Aug. 20, 2024)	
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	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.1540 — Thanking and promoting the professions of perinatal nurses by encouraging participation in National Perinatal Nurses Week; Sponsor: Joyce, David P. [Rep.-R-OH-14]; Committees: House - Energy and Commerce

H.Res.1541 — Expressing the sense of the House of Representatives regarding the relationships among firearm violence, misogyny, and violence against women, and reaffirming the importance of preventing individuals with a history of violence against women from accessing a firearm; Sponsor: Moore, Gwen [Rep.-D-WI-4]; Committees: House - Judiciary

H.R.9962 — To establish a Gun Safety Board, and for other purposes; Sponsor: DeSaulnier, Mark [Rep.-D-CA-10]; Committees: House - Energy and Commerce

H.R.9974 — To amend title 10, United States Code, to expand the health care benefits available for Gold Star surviving spouses; Sponsor: Kaptur, Marcy [Rep.-D-OH-9]; Committees: House - Armed Services

H.R.9975 — To direct the Comptroller General of the United States to conduct a study on insurance coverage of dyspraxia/developmental coordination disorder; Sponsor: Lawler, Michael [Rep.-R-NY-17]; Committees: House - Energy and Commerce; Ways and Means; Oversight and Accountability

H.R.9977 — To direct the Administrator of the United States Agency for International Development, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs to provide assistance for individuals affected by exposure to Agent Orange, and for other purposes; Sponsor: Lee, Barbara [Rep.-D-CA-12]; Committees: House - Veterans' Affairs; Foreign Affairs; Energy and Commerce

H.R.9979 — To amend the Federal Food, Drug, and Cosmetic Act to establish a process for externally led, science-focused drug development meetings, and for other purposes. Sponsor: Matsui, Doris O. [Rep.-D-CA-7]; Committees: House - Energy and Commerce

H.R.9982 — To require the Office of Children's Health Protection to be maintained within the Environmental Protection Agency, and for other purposes; Sponsor: Nadler, Jerrold [Rep.-D-NY-12]; Committees: House - Energy and Commerce

H.Res.1544 — Expressing support for the designation of September 22, 2024, as "National Hispanic Nurses Day" and recognizing the National Association of Hispanic Nurses as the leading organization representing and advocating for Hispanic nurses; Sponsor: Barragán, Nanette Diaz [Rep.-D-CA-44]; Committees: House - Energy and Commerce

H.R.9996 — To amend title 38, United States Code, to make certain improvements to the laws relating to patient advocacy for patients who receive health care furnished by the Department of Veterans Affairs, and for other purposes; Sponsor: Yakym, Rudy [Rep.-R-IN-2]; Committees: House - Veterans' Affairs