



Health Policy Briefing

November 25, 2024

Trump Names CMS, CDC, FDA, Surgeon General Nominees

President-elect Donald Trump named several additional nominations for key health-related administration positions last week.

Mehmet Oz, M.D., the celebrity physician and TV personality known as Dr. Oz, was selected to serve as the Administrator of the Centers for Medicare and Medicaid Services (CMS). Oz is a well-known supporter of alternative and unconventional remedies and holistic care. As an informal health advisor to President Trump during his first term in office, Oz supported unproven COVID-19 therapies, including the use of hydroxychloroquine for the treatment of COVID-19. Oz’s experience as a physician and cardiothoracic surgeon has been highlighted as a potential strength for the role of CMS Administrator. Senate Health, Education, Labor, and Pensions Committee Chair Bill Cassidy, M.D. (R-La.), who also serves on the Senate Finance Committee, expressed support for Oz’s nomination on X, stating “It has been over a decade since a physician has been at the helm of CMS, and I look forward to discussing his priorities. This is a great opportunity to help patients and implement conservative health reforms.” Oz unsuccessfully ran for the U.S. Senate in Pennsylvania in 2022, losing to now-Sen. John Fetterman (D). While most Democrats on Capitol Hill have raised concerns about Oz’s lack of government experience and endorsement of questionable health supplements, Fetterman stated that he would support his previous opponent if Oz “is about protecting and preserving Medicare and Medicaid.” Oz supports expansion of the Medicare Advantage (MA) program, having proposed a “Medicare Advantage for All” plan funded by a 20% payroll tax during his campaign for Senate. Oz co-founded a digital health company, Sharecare, in 2010, and has since called for making COVID-19-era telehealth flexibilities permanent. Oz’s nomination will be voted on by the Senate Finance Committee. Incoming Finance Chair Mike Crapo (R-Idaho) has praised Oz “for providing consumers with the necessary information to make their own health care decisions,” while current Chair Ron Wyden (D-Ore.) has already stated his plans to question Oz about MA plans’ use of prior authorization.

Trump has nominated former Congressman **Dave Weldon, M.D.** as the Director of the Centers for Disease Control and Prevention (CDC).

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Weldon is a board-certified internist who served in the House of Representatives from 1995 through 2009. He is currently a professor of biomedical engineering at the Florida Institute of Technology. Weldon's medical career has focused on the management of hypertension, elevated cholesterol, diabetes, arthritis, cancer screening, preventive care, and general illnesses of the elderly. In the House, Weldon sponsored a provision known as the "Weldon Amendment," which prevents federal funds from being made available to Federal agencies and programs, and State and local governments, that "subject any institutional or individual health care entity to discrimination" on the basis of not providing, paying for, providing coverage of, or referring for abortions.

Marty Makary, M.D. has been tapped to lead the Food and Drug Administration (FDA). Makary is a Johns Hopkins professor and surgeon. He is also a health policy researcher and adviser at the Paragon Health Institute. Makary's work has focused on the high costs and overtreatment present in the U.S. health care system. He has been a frequent critic of many aspects of the nation's response to the COVID-19 pandemic, including COVID vaccine use in children.

Trump also tapped **Janette Nesheiwat, M.D.** to serve as the next Surgeon General. Nesheiwat is a Fox News medical contributor and the medical director at CityMD, a group of urgent care centers in New York. She is board certified in family/emergency medicine.

House Democratic Leadership Elections

Democratic leadership in the House of Representatives will remain largely unchanged next Congress after caucus-wide elections last week. Democratic leader Hakeem Jeffries (D-N.Y.), Whip Katherine Clark (D-Mass.), Caucus Chair Pete Aguilar (D-Calif.), Vice Chair Ted Lieu (D-Calif.), and Assistant Leader Joe Neguse (D-Colo.) will continue to serve in their current positions during the 119th Congress. The remaining results of the House Democratic leadership elections are as follows:

- Rep. Debbie Dingell (D-Mich.) defeated Rep. Jasmine Crockett (D-Texas) in the race for Democratic Policy and Communications Committee (DPCC) Chair.
- Reps. Lauren Underwood, R.N. (D-Ill.), Lori Trahan (D-Mass.), and Maxwell Frost (D-Fla.) were elected to serve as DPCC co-chairs.
- Rep. Robert Garcia (D-Calif.) was elected Caucus Leadership Representative.
- Rep. Susie Lee (D-Nev.) defeated Reps. Kim Schrier, M.D. (D-Wash.) and Greg Landsman (D-Ohio) to serve as the next Battleground Leadership Representative.

Leader Jeffries is responsible for appointing the next Democratic Congressional Campaign Committee (DCCC) Chair. Current DCCC Chair Suzan DelBene (D-Wash.) has declined to say whether she is interested in serving another term.

Congress Considers Biden's Emergency Supplemental Funding Request

Lawmakers' focus during the lame duck period so far has been on electing leadership for the 119th Congress and negotiating an emergency supplemental relief bill. House Speaker Mike Johnson (R-La.) has indicated that there is bipartisan interest in passing a supplemental relief package, and that the President's request for \$98.6 billion in disaster aid in response to recent hurricanes is currently being evaluated. The administration's emergency supplemental funding request sent to Congress last week calls for \$40 billion for the Federal Emergency Management Agency's Disaster Relief Fund and \$3 billion for the U.S. Department of Health and Human Services (HHS) to support health care needs in areas impacted by the hurricanes, among other funding requests. It remains unclear if the aid will be passed as a standalone measure or be attached to government funding legislation. Congress faces a December 20 deadline to avoid a federal government shutdown. House Republican leadership is expected to push for a stopgap spending bill that funds the government through March 2025, which would allow the GOP to implement their own budget priorities under Republican control of the White House, Senate, and Congress in the new year.

Senate Judiciary Advances Patent Reform Bill

The Senate Judiciary Committee advanced the **PREVAIL Act** (S. 2220) last week in an 11-10 vote. The bipartisan legislation, which was introduced by Sens. Chris Coons (D-Del.) and Thom Tillis (R-N.C.), aims to reform the Patent Trial and Appeal Board (PTAB) and ensure the U.S. Patent and Trademark Office (USPTO) has the resources it needs to effectively administer the nation's patent system. The legislation would also end USPTO fee diversion. The panel agreed to a [manager's amendment](#) addressing Democratic concerns that the bill could impede access to PTAB by advocates for patient and generic drug manufacturers.

Senators Push for Doc Fix and Long-Term Physician Payment Reform

A bipartisan group of 41 senators led by Sens. John Boozman, OD (R-Ark.) and Peter Welch (D-Vt.) have sent a Dear Colleague letter to Majority Leader Chuck Schumer (D-N.Y.) and Minority Leader Mitch McConnell (R-Ky.) urging leadership to address the 2.8% cut to Medicare payments set to go into effect on January 1. "Persistent instability in the health care sector – due, in part, to consistent payment cuts – impacts the ability of physicians and clinicians to provide the highest quality of care," the lawmakers argue. "These continued payment cuts undermine the ability of independent clinical practices – especially in rural and underserved areas – to care for their communities." The letter also underscores the need for long-term legislative solutions to reform the **Medicare Access and CHIP Reauthorization Act**, such as reforms to statutory budget neutrality requirements and payment updates reflective of inflation.

Senators Introduce Health Care Cybersecurity Legislation

Members of the Senate Bipartisan Cybersecurity Working Group introduced legislation last week to strengthen cybersecurity in the nation's health care sector and better protect Americans' health data. The [Health Care Cybersecurity and Resiliency Act of 2024](#) (S. 5390) was introduced on Friday by Sens. Bill Cassidy, M.D. (R-La.), Mark Warner (D-Va.), John Cornyn (R-Texas), and Maggie Hassan (D-N.H.). The bill would:

- Provide grants to health entities to improve cyberattack prevention and response;
- Provide training to health entities on cybersecurity best practices;
- Provide best practices to rural health clinics and other providers on cybersecurity breach prevention, resilience, and coordination with federal agencies;
- Improve coordination between HHS and the Cybersecurity and Infrastructure Security Agency;
- Modernize regulations so entities covered under HIPAA use the best cybersecurity practices; and
- Require the HHS Secretary to develop and implement a cybersecurity incident response plan.

Warren, Grassley Request IRS Briefing on Tax Exempt Hospitals

Sens. Elizabeth Warren (D-Mass.) and Chuck Grassley (R-Iowa) have [written](#) to the Internal Revenue Service urging the Agency to increase oversight of tax-exempt hospitals. The letter specifically requests clarification around requirements for hospital patient financial assistance programs. "While the promotion of health is an exempt purpose, not every entity that promotes health is entitled to a tax exemption. Instead, to qualify for a federal tax exemption based on the promotion of health, an organization must 'primarily benefit the community.' We are concerned that some nonprofit hospitals may fall short on this measure," the lawmakers state. They request a staff-level briefing on the subject by December 10.

Casey Concedes PA Senate Race

Sen. Bob Casey (D-Pa.) has conceded the Pennsylvania Senate race to his Republican opponent David McCormick. The race recently underwent a state-ordered recount because McCormick's margin of victory was less than 0.5%. McCormick is the former CEO of Bridgewater Associates. He previously served in the Bush administration as the Under Secretary of Commerce for Industry and Security and later as the Under Secretary of the Treasury for International Affairs. Casey's concession puts the Senate balance of power in the 119th Congress at 53 Republicans and 47 Democrats.

Sherrill to Run for NJ Governor

Rep. Mikie Sherrill (D-N.J.) announced her bid for governor of New Jersey last week. Sherrill, who just won reelection to the House of Representatives, will run to succeed term-limited Governor Phil Murphy (D) in November 2025. She joins a field of at least five other Democrats, including Rep. Josh Gottheimer, and four Republicans vying for the position.

Recently Introduced Health Legislation

H.Res.1575 — Expressing support for designating the week of November 4 through November 10, 2024, as “Forensic Nursing Week”; Sponsor: Ross, Deborah K. [Rep.-D-NC-2]; Committees: House - Energy and Commerce

H.R.10131 — To amend the Patient Protection and Affordable Care Act to include fertility treatment and care as an essential health benefit; Sponsor: Underwood, Lauren [Rep.-D-IL-14]; Committees: House - Energy and Commerce

H.R.10135 — To improve the quality, appropriateness, and effectiveness of diagnosis in health care, and for other purposes; Sponsor: Beyer, Donald S. [Rep.-D-VA-8]; Committees: House - Energy and Commerce

H.R.10136 — To amend title XVIII of the Social Security Act to align payment under Medicare for specified surgical procedures with high-cost supplies furnished in office-based facilities, and for other purposes; Sponsor: Bilirakis, Gus M. [Rep.-R-FL-12]; Committees: House - Energy and Commerce; Ways and Means

H.R.10137 — To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide health care for family members and other individuals who resided at or worked at locations where there is a presumption of service-connection for certain illnesses and conditions, and for other purposes; Sponsor: Brownley, Julia [Rep.-D-CA-26]; Committees: House - Veterans’ Affairs

S.5339 — A bill to authorize the collection of supplemental payments to increase congressional investments in medical research, and for other purposes; Sponsor: Warren, Elizabeth [Sen.-D-MA]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.1580 — Supporting the designation of July as Uterine Fibroids Awareness Month; Sponsor: Scott, David [Rep.-D-GA-13]; Committees: House - Energy and Commerce

H.R.10153 — To designate Regional Breast and Gynecologic Cancer Care Coordinators to expand the work of the Breast and Gynecologic Oncology System of Excellence at the Department of Veterans Affairs, and for other purposes; Sponsor: Garcia, Sylvia R. [Rep.-D-TX-29]; Committees: House - Veterans’ Affairs

S.Res.896 — A resolution expressing support for the designation of the week beginning on November 11, 2024, as “National School Psychology Week”; Sponsor: Padilla, Alex [Sen.-D-CA]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.Res.899 — A resolution designating November 2024 as “American Diabetes Month”; Sponsor: Shaheen, Jeanne [Sen.-D-NH]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.5346 — A bill to amend title XIX of the Social Security Act to establish a minimum Medicaid disproportionate share hospital allotment for States; Sponsor: Barrasso, John [Sen.-R-WY]; Committees: Senate – Finance

S.5348 — A bill to amend title II of the Public Health Service Act to include as an additional right or privilege of commissioned officers of the Public Health Service (and their beneficiaries) certain leave provided under title 10, United States Code to commissioned officers of the Army (or their beneficiaries); Sponsor: Duckworth, Tammy [Sen.-D-IL]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.1581 — Expressing support for the designation of “Prematurity Awareness Month”; Sponsor: McClellan, Jennifer L. [Rep.-D-VA-4]; Committees: House - Energy and Commerce

H.R.10172 — To amend title XIX of the Social Security Act to prohibit payments under the Medicaid program for conversion therapy, and for other purposes; Sponsor: Thanedar, Shri [Rep.-D-MI-13]; Committees: House - Energy and Commerce

H.R.10173 — To amend the Toxic Substances Control Act to authorize grants for toxic substances remediation in schools, to reauthorize healthy high-performance schools, and for other purposes; Sponsor: McClellan, Jennifer L. [Rep.-D-VA-4]; Committees: House - Energy and Commerce

H.R.10175 — To authorize United States participation in the Davos Alzheimer’s Collaborative; Sponsor: Bera, Ami [Rep.-D-CA-6]; Committees: House - Foreign Affairs

H.R.10182 — To amend the Internal Revenue Code of 1986 to waive the 10-percent additional tax on early distributions from qualified retirement plans in the case of withdrawals for family caregiving expenses; Sponsor: Gottheimer, Josh [Rep.-D-NJ-5]; Committees: House - Ways and Means

H.R.10187 — To amend title XVIII of the Social Security Act to modify Medicare rural hospital flexibility program grants; Sponsor: Miller, Carol D. [Rep.-R-WV-1]; Committees: House - Ways and Means

H.R.10188 — To expand cost-sharing reductions with respect to qualified health plans offered through an Exchange, and for other purposes; Sponsor: Schrier, Kim [Rep.-D-WA-8]; Committees: House - Energy and Commerce; Ways and Means

S.5349 – A bill to amend title XVIII of the Social Security Act to ensure prompt coverage of breakthrough devices under the Medicare program, and for other purposes; Sponsor: Young, Todd [Sen.-R-IN]; Committees: Senate – Finance

S.5353 — A bill to establish a national plan to coordinate research on epilepsy, and for other purposes; Sponsor: Schmitt, Eric [Sen.-R-MO]; Committees: Senate - Health, Education, Labor, and Pensions

S.5356 — A bill to establish clear and consistent biological definitions of male and female; Sponsor: Marshall, Roger [Sen.-R-KS]; Committees: Senate - Judiciary

S.Res.907 — A resolution to authorize representation by the Senate Legal Counsel in the case of Dr. Ralph de la Torre v. Bernard Sanders, et al; Sponsor: Schumer, Charles E. [Sen.-D-NY]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

H.Res.1591 — Recognizing November 2024 as “National Family Caregivers Month”; Sponsor: Evans, Dwight [Rep.-D-PA-3]; Committees: House - Education and the Workforce; Energy and Commerce; Ways and Means

H.Res.1594 — Supporting the goals and ideals of “National Rural Health Day”; Sponsor: Tokuda, Jill N. [Rep.-D-HI-2]; Committees: House - Energy and Commerce

H.R.10193 — To amend the Public Health Service Act to authorize grants to provide treatment for diabetes in minority communities; Sponsor: Waters, Maxine [Rep.-D-CA-43]; Committees: House - Energy and Commerce

H.R.10197 — To direct the Secretary of Health and Human Services to enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a comprehensive study on the health care impacts of the use of kinetic impact projectiles in the United States, and for other purposes; Sponsor: Beatty, Joyce [Rep.-D-OH-3]; Committees: House - Energy and Commerce

H.R.10202 — To amend title XXVII of the Public Health Service Act to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide benefits for lung cancer screenings for certain individuals without the imposition of cost sharing; Sponsor: Boyle, Brendan F. [Rep.-D-PA-2]; Committees: House - Energy and Commerce

H.R.10210 — To establish a national plan to coordinate research on epilepsy, and for other purposes; Sponsor: Costa, Jim [Rep.-D-CA-21]; Committees: House - Energy and Commerce

H.R.10214 — To require the Secretary of Health and Human Services to carry out a public awareness campaign to increase awareness of the importance of father inclusion and engagement in improving overall health outcomes during pregnancy, childbirth, and postpartum, and for other purposes; Sponsor: Gallego, Ruben [Rep.-D-AZ-3]; Committees: House - Energy and Commerce

H.R.10225 — To amend title XVIII of the Social Security Act to adjust allowable direct and indirect costs for nursing and allied health education programs; Sponsor: LaHood, Darin [Rep.-R-IL-16]; Committees: House - Ways and Means

H.R.10238 — To authorize the collection of supplemental payments to increase congressional investments in medical research, and for other purposes; Sponsor: Schakowsky, Janice D. [Rep.-D-IL-9]; Committees: House - Energy and Commerce

H.R.10239 — To amend the Federal Food, Drug, and Cosmetic Act to expand drug shortage notification practices to include surges in demand for a drug, and for other purposes; Sponsor: Spanberger, Abigail Davis [Rep.-D-VA-7]; Committees: House - Energy and Commerce

H.R.10240 — To amend title XVIII of the Social Security Act to provide coverage of portable ultrasound transportation and set up services under the Medicare program; Sponsor: Van Duyne, Beth [Rep.-R-TX-24]; Committees: House - Energy and Commerce; Ways and Means