



Public Policy Briefing

Troutman Pepper Strategies and Alston & Bird
Tuesday, April 4, 2023

Housekeeping Reminders

- This is a Zoom webinar
- All webinar participants are automatically muted, and your video is not displayed
- If you would like to ask the presenters a question, please use the **Q&A** function on the task bar
- Use the **chat** feature to introduce yourself – name, organization and location, share resources, etc.
- If you have any questions following the webinar, please reach out to contact@civitasforhealth.org

Civitas Updates

Upcoming Events



- Register Now for our Collaboratives in Action event focusing on our Health Data Utility Framework. This event will take place April 13 from 3:00 – 4:30 p.m. ET. [Here is the link to register.](#)
- Please note we will not be holding Network News in April due to the HIMSS conference. Our regular cadence will resume on Wednesday, May 17.

The HDU Framework is now available!



**New
Resource
Just
Released**

Your Civitas GR Team



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Public Policy Briefing: Agenda

1. Congressional Outlook
2. Recent Civitas Activity
3. Recent Congressional Activity
4. Recent Administration Activity
5. Questions and Discussion



Congressional Outlook

Debt Limit and FY2024 Appropriations

- Debt limit may be reached as early as June
- Speaker McCarthy sent a letter to Biden on 3/28 asking for another meeting to discuss raising the limit
- Letter also laid out Republican priorities:
 - Reducing non-defense spending
 - Reclaiming unspent Covid funds
 - Strengthening work requirements
 - Promoting policies to “lower energy costs, make America energy independent, and secure our border from the flow of deadly fentanyl”
- Negotiations could complicate FY2024 spending bills and other non-spending related legislation in the short-term



Thin Majorities

- Slim majorities for Democrats in the Senate (51-49) and Republicans in the House (222-213) pose a challenge for leaders
 - Senate last had all 100 members present on Aug. 7 when Democrats passed the Inflation Reduction Act
 - Illnesses and injuries have resulted in delayed votes, hearings, and nominees
- Both conservative and moderate Republican factions will have influence during debt limit and spending negotiations
 - There is already a six-member group demanding the passage of several bills before they support raising the debt limit

2024 Presidential Election

- Although over a year and a half away, the election is eternally on the minds of members, leaders, and potential candidates
- The House will continue to use its majority to pass messaging bills that have little to no hope of passing in the Senate

Recent Civitas Activity

FY2024 Appropriations – HDU Request

- Civitas has submitted over 30 requests to offices to support report language for Health Data Utilities in the FY2024 Labor-HHS spending bill
- Civitas' membership has also supported the request – Civitas provided guidance to members on how to submit
- The President's Budget Request (PBR) officially kicked-off appropriations season on the Hill – HHS Secretary Becerra has already testified before multiple congressional committees on the FY2024 HHS budget
- House appropriators planning to begin spending bill markups as early as April, with the Senate expected to begin in May

PAHPA Reauthorization

- Reps. Richard Hudson (R-NC) and Anna Eshoo (D-CA) are leading the House reauthorization
- Sens. Bernie Sanders (I-VT), Bill Cassidy (R-LA), Bob Casey (D-PA) and Mitt Romney (R-UT) are leading the effort in the Senate
- Civitas has responded to both E&C and HELP Requests for Information, promoting the incorporation of the HDU cooperative agreement program and funding into a PAHPA reauthorization
- Focused on ASPR and CDC programs and where HDU could fit

Recent and Upcoming Health & HIT Policy

Legislation

- **BETTER Health Data Networks Act:** Civitas continues to support introduction
- **APCD:** Rep. Don Beyer (D-VA) expected to reintroduce National All-Payer Claims Database Act
- **Patient ID:** Patient ID Now Coalition is advocating for proposals to improve matching while Sec. 510 is still in place
- **Mental Health:** Bipartisan Senate Finance package could be taken up this year
- **Drugs:** Activity expected on insulin pricing, quality-adjusted life years (QALYs), and biologics vs. generics (Sen. Maggie Hassan (D-NH) and Sen. Mike Braun (R-IN))
- **SDOH:** Continues to be of strong interest to members of Congress and we'll continue to see bills addressing SDOH
- **Surprise Billing:** Republicans and Democrats alike are unhappy with the implementation of the 2020 law, which currently favors insurers. Members are working on legislation to amend to favor providers/hospitals.

Hearings

- 3/29 – E&C Health Subcommittee hearing on HHS FY2024 budget request
- 3/28 – E&C Health Subcommittee examining competition and transparency in healthcare
- 3/02 – Senate HELP Committee hearing on Community Health Centers
- 2/16 – Senate HELP Committee examining health care workforce shortages
- 2/8 – E&C Oversight Subcommittee hearing on federal Covid response

Recent and Upcoming Health & HIT Policy

National Standard for Data Privacy

- On March 1, the Innovation, Data, and Commerce Subcommittee of the E&C Committee held a hearing titled “Promoting U.S. Innovation & Individual Liberty through a National Standard for Data Privacy”
- The American Data Privacy Protection Act (ADPPA, H.R.8152), which passed out of E&C last year with strong bipartisan support, is expected to form the base of a new comprehensive privacy bill this Congress

PHE Ending May 11, 2023

- Impacts Medicare/Medicaid waivers and flexibilities, coverage for Covid testing, reporting of lab and immunization data, other policies.
- WH to disband its Covid response team after the end of the PHE
- Biden said he’d sign a bill ending the PHE earlier if it comes to his desk

Rural Healthcare

- This is a bipartisan, bicameral priority
- Sen. Marsha Blackburn (R-TN) recently introduced bills;
 - to create new grants for health centers and clinics to hire staff and stay open longer,
 - to create a loan repayment program for healthcare providers in areas with severe shortages,
 - and to increase Medicare payments to rural hospitals

Oversight

- House Republicans will continue to use oversight authorities to investigate:
 - Opioid epidemic
 - Covid origins and federal response

Recent Administration Activity

FY 2024 President's Budget Request

- The Biden administration released the FY 2024 PBR in early March
- Request for HHS includes \$144.3 billion in total discretionary budget authority, including:
 - \$20 billion over 5 years across ASPR, CDC, NIH, and FDA to prepare for future public health threats
 - \$104 million for ONC, a \$37 million increase over FY 2023
 - \$39 million for ONC's Policy Development and Coordination work to focus on efforts to accelerate the adoption and expansion of the exchange through the TEFCA) and advance interoperability
 - \$19.5 billion for the CDC, over \$5 billion more than FY 2023
 - \$15.86 billion for the HRSA, over \$2.5 billion over FY 2023
 - \$18 million for AHRQ's digital healthcare research portfolio, an increase of \$2 million, to support the establishment of two Centers of Excellence in Telehealthcare Implementation
 - \$340 million for CDC's Data Modernization Initiative, an increase of \$165 million above FY 2023
 - \$7 million to advance HHS efforts to coordinate ongoing state efforts to develop infrastructure to disseminate a national all-payer claims database (APCD)
 - \$78 million for HHS' Office of Civil Rights, an increase of \$38 million, to help the agency regulate health data security and investigate health data breaches
 - \$2.5 billion for ARPA-H



Recent Administration Activity Continued...

ONC Approves QHINs

- In mid-February, ONC recognized first the 6 Qualified Health Information Networks to implement TEFCA
- “Interoperability is critical if we’re going to talk healthcare national infrastructure.” – HHS Secretary Becerra

Tripathi/ONC Interoperability Focus (ViVE Conference)

- Continuing to build the digital foundation
 - Promoting data standards, filling in HIT gaps, the coordination of federal agencies, forward evolution of USCDI
- Making interoperability easier
 - Continued adoption of HIT/EHRs across healthcare sectors, FHIR APIs, and TEFCA
- Encouraging use of information and interoperability
 - Full effect of information blocking rule
- Encouraging appropriate use of the tools
 - Supporting consistency of capture of the SDOH elements, use of algorithms in healthcare

HIPAA Review

- Administration is currently reviewing a proposal to protect the privacy of patients seeking reproductive health care through a rule called the Proposed Modifications to the HIPAA Privacy Rule to Support Reproductive Health Care Privacy

EHR Sign-In Report

- In March, HHS (ONC & CMS), in coordination with the CARIN Alliance, recently released a report advocating for a single-sign-on system to allow patients to access medical records
 - **Main objective:** public/private sector effort to develop a digital identity federation Proof of Concept
 - **Preferred Paths:** Leveraging HHS XMS as a national identify broker service or leveraging the UDAP Tiered OAuth Protocol
 - **What’s next:** report calls for “additional testing and collaboration among and across the various workstreams”

National Cybersecurity Strategy

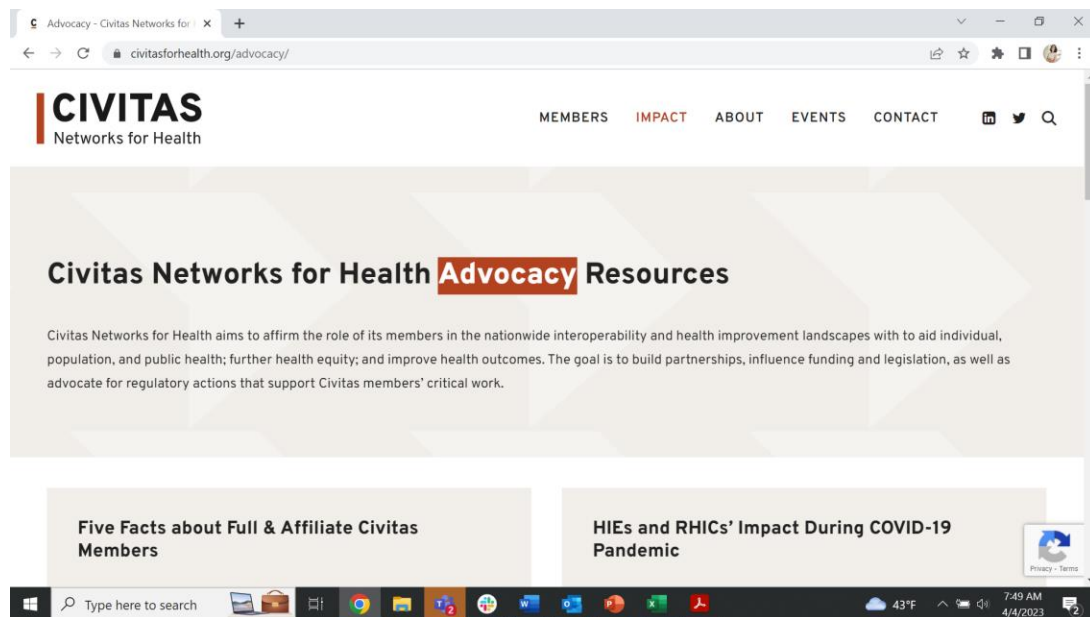
- Released in early March, the strategy is accompanied by ASPR’s *Health Care and Public Health Sector Cybersecurity Framework Implementation Guide* designed to help healthcare organizations strengthen cybersecurity practices
- The Biden Administration is pursuing more aggressive regulation on critical industries, such as the healthcare sector, to strengthen their cybersecurity practices and may look to implement minimum mandates
- Congressional action may be galvanized by the recent attack on DC Health Link, exposing the data of members of Congress and staff

Drug Price Negotiations

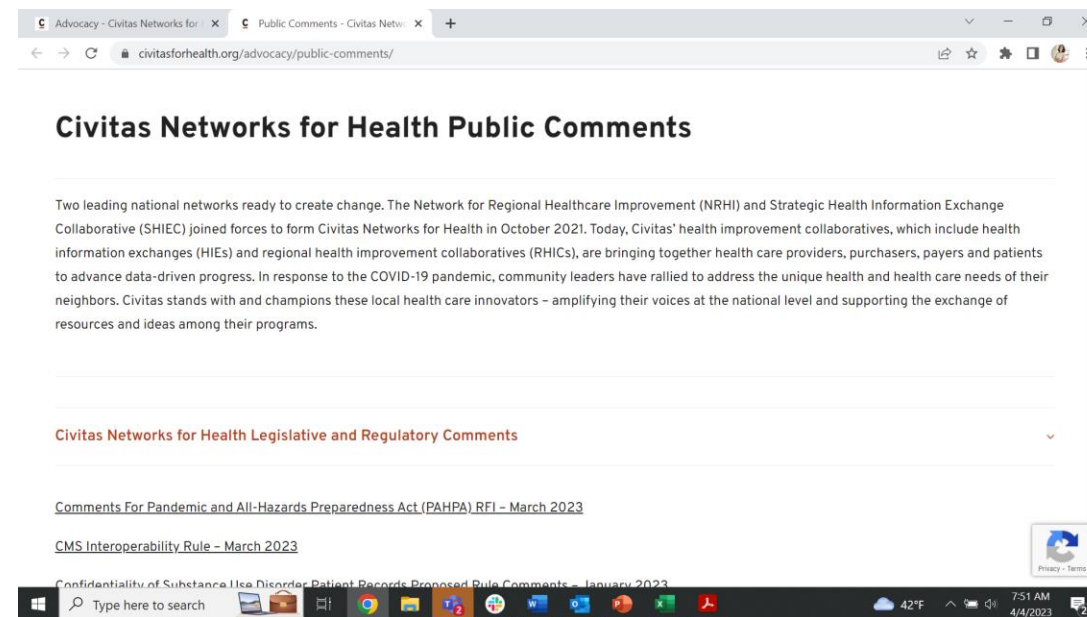
- The Biden Administration recently released guidance for negotiating drug and biologics prices through the Medicare Drug Price Negotiation Program
 - CMS is due to announce in September the first 10 Medicare Part D drugs subject to negotiations

Questions?

Civitas Advocacy Page for Resources



<https://www.civitasforhealth.org/advocacy/>



Poll: Did you learn something valuable or new, make a new connection, and/or was this a valuable use of your time?

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