CIVITAS
Networks for Health

Public Policy Briefing

Troutman Pepper Strategies and Alston & Bird

Tuesday, June 27, 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

Welcome
Alan Katz

Associate Director of Advocacy and Public Policy

Upcoming Events

- **Network News** occurs on the third Wednesday of every month from 1:00 – 2:00 p.m. ET, next instance is July 19.

- Civitas will be hosting a Collaboratives in Action event this August! Be on the lookout for registration information.

2023 Annual Conference Updates

- Reminder to <u>register</u> and take advantage of the heavily <u>discounted hotel room block</u>!

- The conference agenda is now live! Visit our website to <u>view this year's agenda</u>.

- There are still great opportunities to sponsor the conference, view the <u>prospectus</u>. Our sponsors make the conference possible, and we greatly appreciate their support!

https://www.civitasforhealth.org/2023-annual-conference/

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2023 Annual Conference Virtual Preconference Sessions – Two More in July!

- This year's Civitas Annual Conference will feature virtual preconference sessions as part of our registration package and hybrid offering.

- Both in-person and virtual registrants are invited to join us for three preconference events this summer over Zoom. You must be registered for the annual conference to access these sessions. Upcoming:
  - *Partnerships and Comprehensive Data Sharing to Address SDOH*
    - July 13, 2023, from 3:00 – 4:30 p.m. ET
  - *Leveraging Health Information Exchange to Improve Patient Attribution, Quality Measurement, and Reporting*
    - July 27, 2023, from 3:00 – 4:30 p.m. ET

C'23
Public-Private Partnerships that Inspire Health Transformation

In Partnership with Chesapeake Bay Region Members

Nominations for Community Excellence Awards

- The submission form to nominate organizations and individuals for these awards is **now open and will close on Wednesday, July 12**.

- To learn more about this years' awards and to make nominations go to our nomination form: https://civitas.tfaforms.net/36

- Have questions, reach out contact@civitasforhealth.org.

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Your Civitas GR Team

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Public Policy Briefing: Agenda

1. Congressional Outlook and Activity

2. Administration Activity

3. 2024 Presidential Candidates

4. Questions and Discussion

Congressional Activity – Outlook

Limited Time – Big To-Do's

- 76 legislative days left on Congressional schedule in 2023

- Several high-priority items need to be completed;
    - FY 2024 appropriations, FY 2024 NDAA, PAHPA reauthorization, Community Health Centers reauthorization, National Health Service Corps reauthorization, FAA reauthorization, and the Farm Bill

- Far right House GOP disrupting processes, government funding a target

- Thin majority, absences, and partisanship has limited Senate activity to date, but some progress

June 26th though July 7th – July 4th Recess

September 30th – End of FY23, PAHPA and FAA expire

July 31st through September 4th – August Recess

December 31st – 1% cuts if CR is in place, April 30, 2024 drop date

Congressional Activity – Appropriations

FY 2024 Appropriations

- House appropriators marking up FY 2024 spending bills at FY 2022 levels
  - $120b below caps from Fiscal Responsibility Act (debt deal) and $130b below FY23 current levels
  - Meant to build GOP conservative support

- Senate appropriators using debt limit caps
  - Non-defense at $703.7b and defense at $886.3b
  - Senate starting markups - full committee passed Milcon-VA + Ag-FDA

- Neither chamber has released the FY 2024 Labor-HHS bill

- Large difference between House and Senate versions increases chance of CR or shutdown, complicates bicameral funding negotiations

- *TPS+AB continue to communicate with appropriators on HDU funding and language priorities*

House and Senate Set Spending Allocations
Senate figures match debt-limit deal, while House provides less

Subcommittee	2023 enacted	2024 House plan	House percentage change	2024 Senate plan	Senate percentage change
Agriculture-FDA	$25.5B	$17.8B	-30.0%	$26.0B	+2.0%
Commerce-Justice-Science	82.4B	58.7B	-28.8	69.6B	-15.5
Defense	797.7B	826.4B	+3.6	823.3B	+3.2
Energy and Water	54.0B	52.4B	-3.0	56.7B	+5.1
Financial Services	27.6B	11.3B	-59.0	16.8B	-39.0
Homeland Security	60.7B	62.8B	+3.4	56.9B	-6.2
Interior-Environment	38.9B	25.4B	-34.6	37.9B	-2.5
Labor-HHS-Education	207.4B	147.1B	-29.1	195.2B	-5.9
Legislative Branch	6.9B	6.7B	-2.2	6.8B	-2.0
Military Construction-VA	154.2B	155.7B	+1.0	154.4B	+0.1
State and Foreign Operations	59.7B	41.4B	-30.7	58.4B	-2.2
Transportation-HUD	87.3B	65.2B	-25.3	88.1B	+0.9
Total	1.6T	1.5T	-8.2	1.6T	-0.8

Source: House and Senate Appropriations Committees

Bloomberg Government

Congressional Activity – Recent Hearings

PAHPA Reauthorization Legislative Hearing #3

- 6/13 - House E&C Health subcommittee hearing beginning the PAHPA reauthorization process

- *House Democrats pulled their support to renew federal pandemic preparation programs unless it includes provisions to alleviate drug shortages*

- ***CIVITAS offered formal comments and feedback on PAHPA in spring, continue to meet with the Hill, submitted questions for the record.***

Improving Data Accessibility Through Advancements (DATA) in Public Health Act (H.R. 3791)

- 6/13 – legislative hearing on the bill sponsored by Reps. Lauren Underwood (D-IL), Kathy Castor (D-FL), Ami Bera (D-CA) and Rosa DeLauro (D-CT)

- Sen. Tim Kaine (D-VA) introduced last congress, and a similar provision was included in the Senate's PREVENT Pandemics Act signed into law at the end of 2022

- ***TPS+AB team met with Kaine and Bera on the bill to seek support for HDU***

Healthcare Consolidation Hearings

- 6/8 - Senate Finance Committee hearing to examine the impacts of consolidation and corporate ownership in the healthcare industry – mentioned APCDs and data collection
  - Sen. Sheldon Whitehouse (D-RI) praised RI's health information exchange and its APCD

- 6/21 - House Education and the Workforce Committee held a hearing examining price transparency and competition in healthcare

MACRA Hearing

- 6/22 - House E&C O&I subcommittee held a hearing to examine MACRA implementation and effectiveness
  - Anas Daghestani, M.D., Chair of the Board of America's Physician Groups, Chief Executive Officer (CEO) of the Austin Regional Clinic in Texas, highlighted that HIEs could be a potential solution to providing Alternative Payment Models in rural areas

- ***CIVITAS question for the record submitted regarding the funding for QPP/SURS***

CDC Hearing

- 6/7 - House E&C O&I subcommittee hearing titled "Assessing CDC's Failures in Fulfilling its Mission."

- Chair McMorris-Rodgers (R-WA) wants to pass a CDC authorization bill this Congress

Congressional Activity – Potential Legislation

Telehealth remains in the spotlight:

- The House E&W Committee recently passed a bill (H.R. 824) to offer telehealth as a tax-free benefit separate from group health insurance plans

- The House W&M Committee recently passed a bill (H.R. 1843) to permanently extend the exemption for telehealth services from certain high deductible health plan rules

- More than 60 senators now support the CONNECT for Health Act of 2023, a comprehensive telehealth expansion bill

All-Payer Claims Database

- Rep. Don Beyer continues to prepare legislation for reintroduction

- *TPS+AB team continues to provide input to Beyer*

Drug Pricing and Shortages, Opioids

- Continues to be a major focus in the Senate and House

BETTER Health Data Networks Act

- Sen. John Hickenlooper (D-CO) is working on bill introduction

- *CIVITAS continues to support introduction and TPS+AB team is working with partners to advise on the bill*

Health Insurance

- 6/15 - House W&M Committee passed a package (H.R. 3799) of health insurance bills aimed at giving businesses more flexibility to pay for employees' health insurance through plans that don't need to meet all the ACA requirements

Prior Authorization

- More than 230 House members and 61 Senators sent a bipartisan letter urging CMS to change a proposed rule issued in Dec. 2022

- Specifically, they want CMS to add:
  - Real-time prior authorization for routine matters
  - A 24-hour deadline for Medicare Advantage plans to answer prior authorization requests for "urgently needed care"
  - More detailed transparency metrics

- Last year, the House passed legislation (H.R. 3173) by Rep. Suzanne DelBene (D-WA) but it stalled in the Senate due to costs

Administration Activity

CDC Director Appointed

- President Biden recently announced the nomination of Dr. Mandy Cohen, former NC health secretary, to be the next CDC Director

- On June 13, 28 bicameral GOP members sent a letter to Biden saying Cohen is too partisan

CMS Multi-State Initiative to Strengthen Primary Care

- On June 8, CMS announced a new primary care model – the Making Care Primary (MCP) Model – that will be tested in eight states (WA, CO, NM, MN, MA, NY, NJ, NC) with an official launch date of July 1, 2024. An RFA is forthcoming letter this summer

- The model seeks to improve care for patients by:
  - Expanding and enhancing care management and care coordination
  - Equipping primary care clinicians with tools to form partnerships with health care specialists
  - Leveraging community-based connections to address patients' health needs as well as their health-related social needs

FTC

- On 5/18, FTC released a proposed rule updating the Health Breach Notification Rule which requires vendors that manage digital health records to inform consumers and the FTC when unsecured personal data is exposed

- Rule now includes health-related apps and fitness trackers

Administration Activity

ONC Electronic Public Health Report

- [Report](#) released in early June

- Discusses hospitals that participate in CMS' Medicare Promoting Interoperability (PI) Program that are required to electronically submit data to public health agencies for syndromic surveillance, immunization registry, electronic reportable laboratory result, and electronic case reporting

HIGHLIGHTS

- In 2022, most non-federal acute care hospitals reported actively submitting production data for at least one type of public health reporting using fully or primarily automated processes.

- Submitting data directly through electronic health record (EHR) systems was the most common method used for electronic public health reporting. Health information exchange (HIE) organizations were also used by 14% to 19% of hospitals across the different public health reporting types.

- Despite progress in hospitals' engagement in electronic public health reporting, reporting rates among lower-resourced (i.e., small, rural, independent, critical access) hospitals continue to lag compared to those of higher-resourced hospitals.

- About three-quarters of hospitals nationally reported experiencing at least one challenge to public health reporting in 2022, ranging from about a quarter to 100 percent of hospitals at the state-level. Types of challenges experienced did not vary notably by reporting type.

Administration Activity

ONC Health Data, Technology, and Interoperability: Certification Program Updates, Algorithm Transparency, and Information Sharing (HTI-1) Proposed Rule

- The original proposed rule was published in the Federal Register on April 18th

- ONC is proposing an extensive series of actions to implement provisions of the 21st Century Cures Act and update its own Health IT Certification Program, with attention to Program standards, implementation specifications, and certification criteria. ONC's stated goals are to advance interoperability, improve transparency, and support the access, exchange, and use of electronic health information

- With input from members, Civitas submitted formal comments to ONC on the proposed rule emphasizing the following specific points:
  - The need for the proposed "standards agnostic" patient-requested data restrictions to be fully interoperable across platforms, in order to account for members who have already developed their own restriction solutions
  - The need for ONC to work with states to develop common codes and standards around categories of sensitive data, which will enable the proposed patient-requested data restrictions to filter information in accordance with patient preferences and state laws without blocking entire patient records
  - Support for the proposed "third-party seeking modification use" infeasibility exception, which clarifies that providers and their business associates (including Civitas' Members) can request to modify EHI records
  - Support for the proposed "manner exception exhausted" infeasibility exception, which would protect members from frivolous claims of information blocking and other anticompetitive behavior
  - The need for caution in developing additional interoperability "Manner Exceptions" to TEFCA before ONC has tested and operationalized the relevant standard operating procedures (SOPs)
  - The need for ONC to further clarify that compliance with TEFCA flow-down privacy and security terms for Individual Access Service Providers will not be considered information blocking
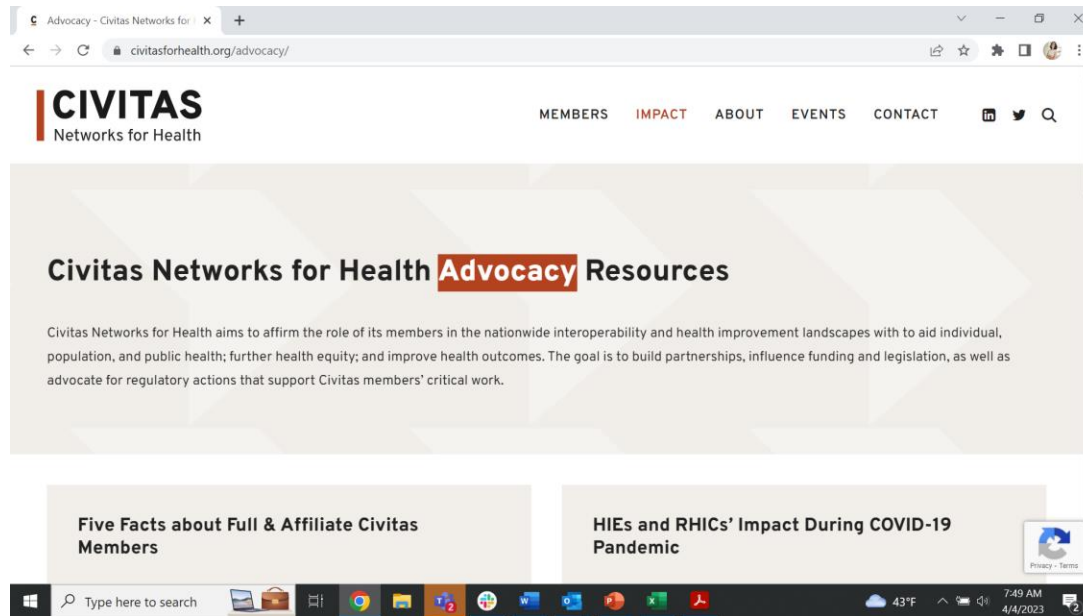
2024 Presidential Candidates

- With a little less than a year and a half until the election, the field is largely set, although a few others could jump in

- A large GOP field is viewed as benefiting former President Trump
  - Voters who oppose Trump may not be able to coalesce around a single alternative

- Biden is widely expected to secure the Dem nomination despite his challengers

- Virginia Republican Governor Glenn Youngkin may also join the race

- Trump is leading all contenders, but DeSantis is polling the closest, then Pence and Haley.

- Biden and Trump polling closely together, Biden slightly more favorable today.

- DeSantis polling more favorable than Biden in some polls.

Gómez, Martín González, and Maggie Astor. "Who's Running for President in 2024?" The New York Times, 22 Feb. 2023, www.nytimes.com/interactive/2023/us/politics/presidential-candidates-2024.html?name=styln-2024-election.

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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