



H&K Health Dose: January 9, 2024

A weekly dose of healthcare policy news

LEGISLATIVE UPDATES

Topline Spending Agreement for Fiscal Year 2024

U.S. Congress returned this week after congressional leadership announced bipartisan agreement on topline spending amounts, which provide a path to avoid a Jan. 20, 2024, partial government shutdown. The deal includes an accelerated cut of \$10 billion to IRS funding from fiscal year (FY) 2025 to FY 2024 and would rescind \$6.1 billion in COVID-19 relief funds. The deal also would maintain the non-defense spending levels to those that were agreed to under the Fiscal Responsibility Act (FRA).

With regard to a healthcare package, no decisions have been reached about which healthcare-related riders could be attached to the January spending vehicle. A Medicaid disproportionate share hospital cut delay and funding for several programs, including the community health center program, face expiration on Jan. 19, 2024. Other potential policy riders include a partial Medicare physician reimbursement fix, health transparency legislation, pharmacy benefit manager (PBM) reforms and the Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act. The first deadline for these policies to be squeezed into a funding package is Jan. 19, 2024, but this could slip to Feb. 2, 2024.

Senators Ask HHS to Drop Copay Assistance Court Challenge

Democratic and Republican senators are requesting that the U.S. Department of Health and Human Services (HHS) reconsider its planned appeal of a federal district court decision permitting the use of copay accumulator adjustment programs to help patients pay for their medicines. The 19 senators, led by Tim Kaine (D-Va.) and Roger Marshall (R-Kan.), are urging the Biden Administration to drop its appeal of a court decision that struck down a regulation allowing insurers to avoid counting manufacturer copay assistance toward patients' maximum out-of-pocket costs and deductibles. Patient advocacy groups, who brought the lawsuit against the HHS, argued that the rule contradicts the statutory definition of cost sharing and would result in increased costs for patients. The lawmakers characterize the court decision as "an important step in the right direction for low-income and other eligible patients who rely on manufacturer and nonprofit copay assistance programs to alleviate affordability and access challenges for their medicines." The letter also expresses support for the Help Ensure Lower Patient Copays Act (S. 1375/H.R. 830) that would prohibit the use of copay accumulators and require health plans and PBMs to count the value of copay assistance toward a patient's deductible or out-of-pocket maximum.

Congressional Retirements and Resignations

Reps. Larry Bucshon (R-Ind.), Doug Lamborn (R-Colo.) and Blaine Luetkemeyer (R-Mo.) recently announced that they will not seek reelection this year. Bucshon has served in Congress since 2006 and serves on the Committee on Energy and Commerce Subcommittee on Health and the GOP Doctors Caucus. Lamborn has served in Congress since 2006 and is a member of the Committee on Armed Services and Committee on Natural Resources. Luetkemeyer was first elected to the House in 2008. He currently serves on the Committee on Financial Services and Committee on Small Business. The full retirement list is posted on the [House of Representatives website](#).



REGULATORY UPDATES

MedPAC Nominations for Commissioners Due Feb. 9, 2024

The U.S. Government Accountability Office (GAO) officially released its call for the Medicare Payment Advisory Commission (MedPAC) nominations to be effective in May 2024. The nominations are for three-year appointments subject to renewal. The deadline is Feb. 9, 2024, and letters/resumes may be sent to MedPACappointments@gao.gov.

U.S. Preventive Services Task Force Solicits for Nominations

The Agency for Healthcare Research and Quality (AHRQ) is seeking nominations of individuals qualified to serve as members of the U.S. Preventive Services Task Force (USPSTF). Nominations are due by March 15, 2024, to be considered for appointment in January 2025. More information is posted on the [Federal Register](#).

Task Force on Maternal Mental Health Issues Questions for Public Comment, Responses Due Jan. 31

The Task Force on Maternal Mental Health, a subcommittee under the Substance Abuse and Mental Health Services Administration (SAMHSA) Advisory Committee for Women's Services (ACWS), is soliciting public input on a series of questions related to the prevention and treatment of maternal mental health conditions and substance use disorders, including alcohol use and their associated complications. More information is posted on the [Federal Register](#).

GAO Releases Report on Medical Device Cybersecurity

The GAO [found](#) that available data on cybersecurity incidents in hospitals does not show that medical device vulnerabilities have been common exploits. The GAO notes that the U.S. Food and Drug Administration (FDA) is responsible for ensuring that medical devices sold in the U.S. provide reasonable assurance of safety and effectiveness.