

## HEALTH POLICY UPDATE: December 8, 2022

### Congressional Schedule:

- The Senate convenes at 11 a.m. Following leader remarks the Senate will begin consideration of the nomination of Jeffery Paul Hopkins to be a U.S. district judge for the Southern District of Ohio. At 11:30, the Senate will vote on confirmation of the Hopkins nomination and on agreeing to Schumer, D-N.Y., motion to invoke cloture on the Tamika R. Montgomery-Reeves to be U.S. Circuit Judge for the 3rd Circuit. At 1:45 p.m., the Senate will vote on agreeing to the Schumer motion to invoke cloture on the nomination of Dana M. Douglas to be U.S. Circuit Judge for the 5th Circuit.
  - Nominations:
    - Jeffery Paul Hopkins to be a U.S. district judge for the Southern District of Ohio.
    - Tamika R. Montgomery-Reeves to be U.S. Circuit Judge for the 3<sup>rd</sup> Circuit.
    - Dana M. Douglas to be U.S. Circuit Judge for the 5<sup>th</sup> Circuit.
- The House reconvened at 9 a.m. for legislative business. The chamber is expected to consider a bill (HR 8404) that would repeal the Defense of Marriage Act and prohibit individuals from denying full faith and credit to a marriage recognized under the law of another state. The House is also expected to consider, through suspension of the rules, a bipartisan agreement (HR 7776) that would authorize national defense activities for FY 2023. Finally, the chamber is expected to take final votes under suspension of the rules on one measure.
  - Bills:
    - HR 8404 — Respect for Marriage Act
    - HR 7776 — Legislative Vehicle for the Fiscal 2023 Defense Authorization
    - S 1617 — Disaster Assistance for Rural Communities Act

### Health policy update:

- Drug pricing and Inflation Reduction Act-related items
  - Bloomberg: Medicare Drug Price Changes Become a Top Focus of Biden's HHS - <https://www.bgov.com/next/news/RMJEOCDWRGG0>
  - Axios: To 340B or not to 340B - <https://www.axios.com/pro/health-care-policy/2022/12/07/drug-price-discount-program-340b-congress>

- American Journal of Managed Care: What's New in the States in 340B and Medicaid - <https://www.ajmc.com/view/what-s-new-in-the-states-in-340b-and-medicaid>
- Modern Healthcare: Mark Cuban Cost Plus Drug partners with employer group - <https://www.modernhealthcare.com/supply-chain/mark-cuban-cost-plus-drug-purchaser-business-group-partnership>
- Fierce Healthcare: On its annual list of price hike offenders, ICER calls out Bausch's Xifaxan, J&J's Invega - <https://www.fiercepharma.com/pharma/its-annual-list-price-hike-offenders-icer-calls-out-bauschs-xifaxan-jjs-invega>
- Nurse staffing
  - Bloomberg: OSHA Health-Care Worker Covid Rule Sent for White House Review - <https://www.bgov.com/next/news/RMKMTADWLU6H>
  - Becker's Hospital Review: Nursing homes rarely face sanctions for staffing violations, report shows - <https://www.beckershospitalreview.com/patient-experience/nursing-homes-rarely-face-sanctions-for-staffing-violations-report-shows.html>
- Organ donation and transplantation items
  - Still looking for House Oversight report
  - No new items
- Vision/dental care in Medicare-related items
  - No new items
- Physical rehabilitation
  - Skilled Nursing News: Congress' 'Provider Relief Fatigue' Could Spell Disappointment for Therapy Providers Facing Payment Cut - [https://skillednursingnews.com/2022/12/congress-provider-relief-fatigue-could-spell-disappointment-for-therapy-providers-facing-payment-cut/?euid=e0557ca2d3&utm\\_source=snn-newsletter&utm\\_medium=email&utm\\_campaign=aebd14d396&mc\\_cid=aebd14d396&mc\\_eid=e0557ca2d3](https://skillednursingnews.com/2022/12/congress-provider-relief-fatigue-could-spell-disappointment-for-therapy-providers-facing-payment-cut/?euid=e0557ca2d3&utm_source=snn-newsletter&utm_medium=email&utm_campaign=aebd14d396&mc_cid=aebd14d396&mc_eid=e0557ca2d3)
- Hospital and physician payment-related items

- Politico: How viable is the new plan to stop Medicare cuts? - <https://subscriber.politicopro.com/newsletter/2022/12/how-viable-is-the-new-plan-to-stop-medicare-cuts-00072853>
- Axios: Some red state hospitals pitch Medicaid expansion to solve rural health woes - <https://www.axios.com/2022/12/08/red-state-hospitals-medicaid-expansion-rural-health-woes>
- Stat News (Opinion): If you think health care is dysfunctional now, just wait until after January 1 - <https://www.statnews.com/2022/12/08/health-care-even-more-dysfunctional-after-medicare-cuts/>
- Becker's Hospital Review: Congress urged to address patient discharge bottlenecks through per diem payments - <https://www.beckershospitalreview.com/finance/congress-urged-to-address-patient-discharge-bottlenecks-through-per-diem-payments.html>
- Becker's Hospital Review: High labor costs, inflation make healthcare outlook negative, Moody's says - <https://www.beckershospitalreview.com/finance/high-labor-costs-inflation-make-healthcare-outlook-negative-moodys-says.html>
- Fierce Healthcare: Upcoding isn't solely to blame for spike in 'high-intensity' ED billing, researchers say - <https://www.fiercehealthcare.com/providers/physician-upcoding-isnt-solely-blame-2006-2019s-spike-high-intensity-ed-billing>
- RevCycleIntelligence: Payment Rate Policies Contributed to Lower Medicare Spending Growth - <https://revcycleintelligence.com/news/payment-rate-policies-contributed-to-lower-medicare-spending-growth>
- Nursing home quality initiative
  - No new items
- Health equity-related items
  - RevCycleIntelligence: RWJF: How Public Health Sector, CDC Can Focus on Health Equity - <https://patientengagementhit.com/news/rwjf-how-public-health-sector-cdc-can-focus-on-health-equity>
- Hospital merger news
  - Health Leaders: Advocate Health Mega Merger Garners Cost, Access Concerns - <https://www.healthleadersmedia.com/strategy/advocate-health-mega-merger-garners-cost-access-concerns>

- Modern Healthcare: LHC Group delays \$5.4B merger with UnitedHealth - [https://www.modernhealthcare.com/mergers-acquisitions/unitedhealth-lhc-group-merger-delayed?utm\\_source=modern-healthcare-am-thursday&utm\\_medium=email&utm\\_campaign=20221207&utm\\_content=article-1-headline](https://www.modernhealthcare.com/mergers-acquisitions/unitedhealth-lhc-group-merger-delayed?utm_source=modern-healthcare-am-thursday&utm_medium=email&utm_campaign=20221207&utm_content=article-1-headline)
- Telehealth news
  - Politico: Telehealth access for some insurance plan subscribers could get more expensive in January - <https://subscriber.politicopro.com/article/2022/12/telehealth-access-for-some-insurance-plan-subscribers-could-get-more-expensive-in-january-00072854>
  - Inside Health Policy: State AGs: Study Shows DEA Can Permanently Allow Telehealth Prescribing Of Controlled Substances - <https://insidehealthpolicy.com/inside-telehealth-daily-news/state-ags-study-shows-dea-can-permanently-allow-telehealth-prescribing>
  - RevCycleIntelligence: Majority of Americans Value the Convenience Associated with Telehealth - <https://mhealthintelligence.com/news/majority-of-americans-value-the-convenience-associated-with-telehealth>
- 118<sup>th</sup> Congress and lame-duck news
  - Health Affairs: Winter Is Coming: Republicans And Democrats Must Work Together Now To Strengthen Our Public Health System - <https://www.healthaffairs.org/content/forefront/winter-coming-republicans-and-democrats-must-work-together-now-strengthen-our-public>
  - Inside Health Policy: Jeffries' Negotiation Skills Raise Hopes For Health Policy Collaboration - <https://insidehealthpolicy.com/daily-news/jeffries%E2%80%99-negotiation-skills-raise-hopes-health-policy-collaboration>
  - Inside Health Policy: VALID Revision Might Include Exemptions For Academic Centers - <https://insidehealthpolicy.com/daily-news/valid-revision-might-include-exemptions-academic-centers>
- ALS news
 

ALS News Today: Effector T-cell Levels May Predict Disease Progression, Survival - <https://alsnewstoday.com/news/t-cell-levels-als-diagnosis-predict-progression-survival-study/>