

Allies for Independence Washington Insights

Week of September 4, 2023

CAPITOL HILL UPDATE

The August recess is about over. Congress was out of session for over a month before the Senate returned this week, with the House following suit next week. Congress has a laundry list of items to address, while avoiding a government shutdown in three short weeks, and advancing other issues that they have spent valuable time on this year to lower health costs or strengthen the workforce. Below is a brief overview of the issues that are still pending this year. This includes must-pass legislation and priority legislation that has bipartisan interest.

FY24 Appropriations (Deadline: September 30): Congressional Leadership has signaled a continuing resolution (CR) will be needed to keep the government funded beyond September 30, 2023, but it will be difficult to pass as a growing number of members push for including emergency supplemental funding.

FAA Reauthorization (Deadline: September 30): A bill to extend FAA's funding and authorities beyond FY2023.

Farm Bill (Deadline: September 30): A broad bill passed roughly once every five years that covers farming, access to healthy foods, and other agricultural issues.

Health Workforce Programs (Deadline: September 30): HELP Committee Chair Bernie Sanders is working with Sen. Roger Marshall (R-KS) on a bipartisan package, after Sanders pursued a partisan package in July 2023. Unclear if this will have buy-in from Ranking Member Bill Cassidy (R-LA). Notable programs/authorizations: (1) Community Health Centers; (2) National Health Service Corps; (3) Children's Hospital Graduate Medical Education (GME) Program; (4) Teaching Health Center GME Program; (5) Mental and Behavioral Health Education and Training Grants program; (6) Mental Health Loan Repayment proposal; (7) Diabetes programs reauthorizations.

Interestingly, a recent bill unveiled by House GOP leaders of the E&C, W&M, and Education & Workforce committee unveiled a health care package that includes several of the program extensions outlined above. It is not clear if there is consensus to move a package like this or to handle the extensions separately, or via a health workforce package.

Medicaid Disproportionate Share Hospital (DSH) payment cut (Deadline: September 30): The Medicaid DSH payment reductions are scheduled to be implemented on Oct. 1, 2023, when \$8 billion in reductions take effect. H.R. 2665 would delay DSH cuts for two years.

National Defense Authorization Act (NDAA) (Deadline: September 30): Annual bill which authorizes funding and other expenditures for the Department of Defense.

Pandemic and All Hazards Preparedness Act (PAHPA) (Deadline: September 30): Funding which authorizes authorities for key federal agencies to prepare and respond to public health emergencies.

PEPFAR (Deadline: September 30): Funding which authorizes US global HIV/AIDS relief work.

Not Must Pass but on Radar of Congressional Leadership

Drug Shortages/Supply Chain package: Unclear if bipartisan package will emerge or if bipartisan proposals would be included in a moving vehicle, such as PAHPA.

Insulin Payment Reforms: Two competing proposals to cap insulin costs at \$35. The Warnock-Kennedy proposal would offer people with private insurance \$35 copay for a 30-day supply of one of each insulin dosage form. Directs HHS to set up program for uninsured so they can access \$35 rate through FQHCs. The Shaheen-Collins proposal would limit monthly cost-sharing for at least one type of insulin type and dosage to \$35 or 25% of list price, whichever is lower. Would require PBMs to pass through 100% of insulin rebates and discounts from manufacturers to insurance plans.

Pharmacy Benefit Manager (PBM) Reforms: Dozens of PBM bills this Congress. This list highlights key bills before relevant committees. The challenge will be consolidating proposals into a bipartisan package that can pass both chambers.

What should you takeaway from this list? Congress has a years' worth of items on its plate that it must address in under four months. It is not clear Congress will address anything but passing a continuing resolution (CR) this month, which would push all these items to November or December. Passing a CR will not be easy, and the tension around passing these must-pass items could crowd out not the items that are not must-pass, or novel workforce solutions that are being considered before the Senate HELP Committee.

The way this year ends will become clearer in the coming weeks. Please reach out if you have any questions.

ON THE RADAR

HHS Proposes Rule on Prohibition of Discrimination on the Basis of Disability in Health Care Programs

This week, HHS issued a proposed rule that prohibits discrimination on the basis of disability. The rule updates critical provisions that help persons with disabilities access health and human services under Section 504 of the Rehabilitation Act of 1973. The proposed rule includes new requirements prohibiting

discrimination in the areas of medical treatment; the use of value assessments; web, mobile, and kiosk accessibility; and requirements for accessible medical equipment, so that persons with disabilities have an opportunity to participate in or benefit from health care programs that is equal to the opportunity afforded others. The proposed rule would also update the definition of disability and other provisions to ensure consistency with statutory amendments of other recently passed legislation.

Comments will be due November 14, 2023. For more information, please [click here](#).

CMS Seeks Comment on the Physician Fee Schedule Rule that Includes Payment for Home Caregiver Training

CMS recently released the Physician Fee Schedule (PFS) rule, which includes a provision to train home caregivers. In recent years, many people have been tasked with taking care of their loved ones but were never given the training to either physically care for or use necessary devices to care for loved ones. Having to provide this care with little to no training has been stressful and costly for many individuals. In the PFS, CMS is proposing to pay practitioners to train and involve caregivers in supporting patients with carrying out a treatment plan. The Administration is approaching workforce issues in a variety of ways in the face of Congressional opposition. Comments are due to the PFS by Monday September 11th.

If you are interested in commenting, please [click here](#).

CMS Unveils the AHEAD Model to Promote Health Equity

The States Advancing All-Payer Health Equity Approaches and Development (AHEAD) Model aims to promote health equity, increase access to primary care services, and address chronic disease, behavioral health, and other medical conditions. This model is a partnership with states that will include specific payment models for participating hospitals and primary care practices. Within the model, states will be able to strengthen primary care, improve care coordination for people with Medicare and Medicaid, and increase screening and referrals to community resources like housing and transportation to address social drivers of health. CMS plans to issue awards to eight states and each state selected can receive up to \$12 million for implementation of the model. The Notice of Funding Opportunity (NOFO) will be released later in the fall.

ICYMI! The Independent Life Presents “Self-Directed Home Care with Mark Altieri”

Self-Direction. Participant-Direction. Consumer-Direction. Regardless of what it is called in your state, these phrases represent a long term-care option for Medicaid eligible individuals and their families that puts them in control. If you or a loved one is an individual with disabilities, chronically ill, or simply aging, self-directed home care is your alternative for supporting you in performing everyday activities.

Mark Altieri works passionately to empower people who have chosen to remain independent in their homes and active within their communities. He talks about the services that his organization Public Partnerships offers, ranging from helping people navigate through complex systems of eligibility, enrolling people into the services they need, providing homecare services, and helping people to live an independent life.

This podcast, hosted by Tony Delisle, can be found where you listen to podcasts. If you use Apple, please

[click here](#). For Spotify, [click here](#)!

ISSUE OF THE WEEK: CMS Unveils Minimum Staffing Standards

Last week, CMS unveiled the long awaited minimum staffing standards proposed rule, which seeks to establish nurse staffing requirements to hold long-term care facilities accountable for providing safe and high-quality care for over one million residents. The proposed rule consists of three core proposals: (1) minimum staffing standards of 0.55 hours per resident day (HPRD) for registered nurses and 2.45 HPRD for Nurses Aides (NAs); a requirement to have an RN onsite 24 hours a day, seven days a week; and (3) enhanced facility assessment requirements. CMS believes that these proposals are necessary to address persistent staffing shortages.

A large number of stakeholders spoke out against the rule, noting that there are very few prospective nurses in the job market. Providers have limited resources to pay more or compete with wages in other sectors, which may also be less physically or emotionally-taxing work.

The Administration hopes to implement the rule in two years, which other stakeholders noted does not match up with the time it takes to train the volume of workers needed to address these shortages.

We will be following this issue closely over the coming months as stakeholders engage Congress and the Administration on health workforce shortages. CMS will be accepting comments on this proposed rule until November 6, 2023. To read the rule and submit comments [click here](#).

ON THE HORIZON

CMS is Accepting Letters of Interest for the Guiding an Improved Dementia Experience (GUIDE) Model

CMS recently introduced the GUIDE Model that aims to support people living with dementia and their unpaid caregivers. CMS is accepting letters of interest between now and September 15th and a Request for Applications (RFA) will be released in the Fall. The GUIDE Model is expected to start on July 1, 2024, and will run for 8 years.

To learn more about the GUIDE Model [click here](#). To submit a letter of interest [click here](#).

HHS is Hosting a Joint Meeting of Advisory Committees on Seniors and Individuals with Disabilities and Disasters

The Department of Health and Human Services (HHS) Administration Strategic Preparedness & Response is hosting a joint meeting of the National Advisory Committee on Seniors and Disasters (NACSD) and the National Advisory Committee on Individuals with disabilities and Disasters (NACIDD). This joint meeting will provide disaster preparedness and response advice, guidance, and recommendations regarding the needs of older adults and people with disabilities. This meeting will take place on September 19, 2023 from 1:00pm to 3:00pm. Questions and comments can be submitted to committee members by emailing NACSD@hhs.gov or NACIDD@hhs.gov.

[Click here](#) to register. [Click here](#) to review the agenda and supplemental documents.

ACL is Celebrating the 50th Anniversary of the Rehabilitation Act of 1973

The Rehabilitation Act of 1973 (Rehab Act) was the first civil rights legislation to address discrimination based on disability, which paved the way for the Americans with Disabilities Act. Throughout September, ACL and partners across the federal government and the disability community are hosting events to mark the anniversary of this landmark legislation. For more information about upcoming events [click here](#).

SAVE THE DATE: ALLIES FOR INDEPENDENCE POLICY SYMPOSIUM

On October 5, 2023, we are excited to host the Allies for Independence Policy Symposium in Washington DC. This event will focus on key policy issues in the Education, Health Care, Workforce, and Diversity, Equity, and Inclusion (DEI) space. We plan to hear from speakers, convene panel discussions, and provide opportunities to network.

Please be on the lookout for a formal invitation and reach out if you have any questions or interest in participating in this exciting event.

RECOMMENDED READS

- *Portland Press Herald* – [Mainers with long-term care insurance facing hefty premium increases](#)
- *The Oklahoman* – [How Oklahoma’s nursing home industry is reacting to new rules from Biden Administration](#)
- *Investopedia* – [Americans See AI Becoming Part of In-Home Elder Care Services](#)

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