



## H&K Health Dose: September 27, 2022

A weekly dose of healthcare policy news

### LEGISLATIVE UPDATES

#### Congress Takes Steps Toward Enacting Continuing Resolution

The deadline to pass a continuing resolution (CR) is Sept. 30, 2022, although weekend votes are possible. The Senate is expected to proceed with a cloture vote on the CR tonight. Notably, the CR includes the energy permitting proposal from Sen. Joe Manchin (D-W.Va.), which many Democrats oppose. The CR needs bipartisan support in the Senate, where 60 votes are required. If the cloture vote fails to receive 60 votes to overcome a potential filibuster, Senate Majority Leader Chuck Schumer (D-N.Y.) will introduce a "clean" CR without the permitting language. The [final text](#) for the CR and a [section-by-section](#) are available.

The CR would extend current government funding levels through Dec. 16, 2022, setting the stage for Congress to use the lame duck to pass an omnibus spending package to fund the government for the remainder of fiscal year (FY) 2023. The CR also includes \$12.4 billion in military and economic assistance for Ukraine, additional funding for resettling afghan refugees, \$1 billion in assistance for low-income families' heating bills and provides \$ 2 billion in disaster relief. It also includes a five-year reauthorization of U.S. Food and Drug Administration (FDA) user fees and no policy riders. However, a handful of existing programs closely related to user fee programs will be partially reauthorized. The outlook on several FDA policy riders now shifts to the year-end omnibus spending bill, where additional initiatives such as mental health, Medicare physician payment and preparedness efforts will also be on the table.

#### Senate and House Committee Action on Mental Health

The Senate Finance Committee on Sept. 22, 2022, released the [Mental Health Workforce Enhancement Act discussion draft](#), led by Sens. Debbie Stabenow (D-Mich.) and Steven Daines (R-Mont.), which is designed to expand the mental health workforce. This policy proposal on the mental health workforce is the third legislative draft that the Finance Committee has released since establishing its bipartisan mental health initiative. The telehealth [discussion draft](#) was released in May, and the children/youth [discussion draft](#) was released in June.

The policy proposal would:

- add 400 new physician residency positions funded by Medicare to teaching hospitals for training new physicians in psychiatry and psychiatry subspecialties
- modify Medicare's direct supervision requirements to make it easier for patients to see psychologist trainees
- update the Medicare guarantee by providing coverage of marriage and family therapist services and mental health counseling services for the first time under Part B of the Medicare program
- expand access to certain clinical social worker services under the Medicare program
- expand Medicare's Health Professional Shortage Area bonus program to attract more mental healthcare providers to shortage areas, including many rural communities
- create a demonstration project to increase behavioral health provider capacity under Medicaid
- require Medicaid to produce new guidance to states on increasing the mental health workforce

The final two discussion drafts, focused on ensuring parity and increasing integration, could be released in the coming weeks. Further action on a comprehensive Finance Committee mental health package appears increasingly likely during the lame duck session.



Meanwhile, on Sept. 21, 2022, the House Ways and Means Committee [voted to advance](#) five mental health proposals, along with a bill to reauthorize the Maternal, Infant and Early Childhood Home Visiting (MIECHV) program, and double annual funding for the program to \$800 million over five years.

## **McCarthy Unveils "Commitment to America" Agenda**

Last week, House Majority Leader Kevin McCarthy (R-Calif.) unveiled the "[Commitment to America](#)." It aims to give Republicans a unified message to run on in the final stretch before the November midterm elections and is a product of [seven issue-specific task forces](#) that McCarthy announced in June. Their health platform includes making health savings accounts easier to use, allowing the creation of association health plans and promoting domestic manufacturing of medicines.

## **Cures 2.0 Pulled from E&C Markup Consideration**

During what was likely the House Energy and Commerce's last markup of the year, Rep. Diana DeGette (D-Colo.) gave a surprising update: DeGette and Rep. Fred Upton's (R-Mich.) CURES 2.0 Act ([H.R. 6000](#)) was supposed to be on the docket this month, but majority staff pulled the bill from markup after Republicans threatened to offer "poison pill amendments." Cures 2.0 currently has 100 cosponsors, including 13 Republicans. Energy and Commerce Committee Chair Frank Pallone (D-N.J.) has said that he will continue to push for a full House vote on the bill either this or next Congressional session.