



ADVOCATES FOR COMMUNITY HEALTH



ACH MONTHLY UPDATE: APRIL 2023

www.advocatesforcommunityhealth.org

Dear ACH Members:

We look forward to seeing many of you in two weeks away at our [Fly-in!](#) The event will kick off on Tuesday, May 16 following ACH's Congressional briefing on CHC funding which will take place on Capitol Hill that morning and will end on May 17 with a Lobby Day. This is a particularly urgent moment in time as Congress debates reauthorization of the Health Center Trust Fund as well as other key priorities including investing in the healthcare workforce and protecting 340B, so we are excited to have ACH member organizations in Washington to advocate in-person. The agenda can be found [here](#) and more details regarding the Fly-In will be sent directly to all registered attendees in the coming days. **If you missed our registration deadline, but are still interested in joining us, please reach out to [Liezl Schewe](#) immediately.**

Additionally, we have been updating the communications collateral for our CHC Invest Campaign in order to elevate our funding asks for FY24. Our new [social media toolkit](#) includes graphics and social copy that your health centers can share widely on your own social media channels. You and your teams can start using the materials immediately. If you have any questions about the toolkit or our CHC Invest campaign, please contact [Dani Veira](#) or [Rita Rey](#).



POLICY UPDATES

ACH-Specific Legislation Updates

Health Equity

Legislation: ACH continues promoting the [Health Center Community Transformation Hub Act](#), HR 1072, on the Hill, and is coordinating a conversation between Rep. Clarke's office and Rep. Curtis' office in early May to discuss having Curtis join on as a cosponsor to make the bill bipartisan. The bill now has nine cosponsors.

Other health equity news:

ACH submitted [a comment letter](#) for the Initial Proposals For Updating OMB's Race and Ethnicity Statistical Standards.

Last week, CMS's Office of Minority Health met with staff from ACH and ACH members Yakima Valley Farm Workers Clinic and Sun River Health regarding the HESS pilot project. We are beginning to finalize data sources, project milestones, and timelines.

Health Affairs recently published [What Can We Learn From Medicaid About Making ACOs Equitable](#), which is based off the Commonwealth Fund [brief](#). Most published results come from Oregon, Minnesota, Colorado, and Ohio. Many Medicaid ACOs underscored the importance of community engagement for the design and oversight of ACO programs.

FQHC Workforce

Legislation: ACH continues to work with Rep. Raul Ruiz (D-CA) on the **Developing the Community Health Workforce Act** and to pursue conversations with potential Republican leads. This legislation improves recruitment and retention of FQHC staff, including the institution of a loan repayment program; increases workforce diversity at CHCs through data and evaluation; creates a community health center workforce pipeline program; expands FQHC and hospital training partnerships; and expands the behavioral health workforce available to treat FQHC patients. ACH is also working to have this legislation included in the Senate HELP Committee's potential bipartisan legislation on health care workforce.

Emergency Preparedness

Legislation: ACH continues to work with Rep. Nanette Diaz Barragan (D-CA) on the **Emergency Preparation for Underserved Populations Act** and pursue conversations with potential Republican

Updates on ACH Priorities

340B

ACH continues to discuss and solicit feedback on the 340C proposal with interested stakeholders and members of Congress and key staff. The proposal has been garnering increased interest from members of Congress on key committees and we are hopeful about making additional progress in coming weeks.

Other 340B News:

Senate Finance Committee Activity: On April 20, Senate Finance Committee Chair Ron Wyden, D-Ore., and Ranking Member Mike Crapo, R-Idaho, released a bipartisan framework that the committee will use to pursue legislative solutions to modernize and enhance federal prescription drug programs, including 340B, with the goal of reducing drug costs for patients and taxpayers. The full document may be found [here](#). ACH is considering submitting comments on the proposal, which are due on May 12.

House Energy and Commerce Committee Activity: On April 26, the House Energy and Commerce Subcommittee on Health held a legislative hearing titled "[Lowering Unaffordable Costs: Legislative Solutions to Increase Transparency and Competition in Health Care](#)" which included consideration of legislation on PBMs and the 340B program.

Congressman Larry Bucshon (R-IN) is advancing legislation that will be considered at the hearing on transparency and accountability in the 340B program. We have asked the ACH 340B workgroup for feedback on this [bill](#) to inform our positioning and conversations with Congress, and we will meet with staff for Rep. Bucshon the week of April 24 to discuss 340C and his proposal and potential ways for us to work together.

Senate HELP Committee Activity: The Senate HELP Committee has postponed its planned consideration of bipartisan legislation on PBMs and other drug pricing issues as the panel takes more time to study the issue and collect feedback. We expect this markup to happen in May, and the committee also plans to hold a hearing on insulin pricing that will likely take place at the end of May, featuring CEOs of leading manufacturers.

Duplicate Discounts: As reported in 340B Report on April 18, Eli Lilly is sending emails to community health centers stating that they have identified duplicate/Medicaid discounts on certain drugs. The drug manufacturer requests CHCs to refund the total amount and evaluate all Lilly prescriptions that it or its contract pharmacies dispensed for the last three years. Lilly did not say in the letter how it identified the alleged duplicate discounts. Consultants and attorneys with expertise on 340B duplicate discounts said such a request would be unorthodox if the rebates involved Medicaid managed care.

AntiTrust Suit: [CVS is facing a new antitrust suit from a hospital](#), alleging that the company used its subsidiary to stifle competition among administrative service providers that ensure compliance with a federal drug discount program. Brandywine Hospital in Coatesville, Pa., claimed in a lawsuit filed in 4/17 that CVS forced "safety net" hospitals and other providers to purchase administrative services from a CVS subsidiary, Wellpartner, if they want to realize "340B program" savings for patients who fill prescriptions at CVS pharmacies. The case is 2:23-cv-01458, Brandywine Hospital, LLC v. CVS Health Corporation et al.

CHC Invest

On April 19, the Energy and Commerce Committee's Health Subcommittee held a Legislative Hearing entitled, "[Examining Existing Federal Programs to Build a Stronger Health Workforce and Improve](#)

[Primary Care.](#)” Health Resources and Services Administrator Carole Johnson testified at the hearing examining public health legislation, including legislation to reauthorize the Community Health Center Trust Fund, the National Health Service Corps, and the Teaching Health Centers program, among other measures. A list of the bills considered, a video of the hearing, a link to **Administrator Johnson’s testimony**, and other materials can be [found here](#).

Some key takeaways:

The bipartisan Community Health Center Trust Fund/National Health Service Corps reauthorization legislation that was considered at the hearing, HR 2559, “[Strengthening Community Care Act of 2023](#),” extends both programs for five years at flat funding. ACH is disappointed that this legislation does not include an increase and continues to advocate for and think creatively about how best to achieve an increase in mandatory funding for community health centers, continuing conversations with Democrats and Republicans in the House and Senate. ACH provided talking points and questions to members of Congress prior to the hearing and is conducting meetings with key staff to discuss next steps.

The 340B program was raised by several of the Committee members in their questions for Administrator Johnson, generally about the need for more accountability and transparency in the program and ways to ensure its continued viability. **Congressman Buddy Carter (R-GA) mentioned the 340C proposal by name** in his question for the Administrator.

Other relevant issues discussed by committee members included workforce shortages, how HRSA is helping community health centers weather Medicaid redeterminations, behavioral health services, rural health care, and other issues.

In addition, we continue to meet with key staff on Capitol Hill about both the Community Health Center Fund reauthorization and about FY24 appropriations. More information about our CHC Invest campaign, including our funding asks, can be [found here](#).

Value-Based Care

The ACH VBC working group will convene in early May. As requested by CMMI leadership, we hope to help advance the following:

- Create VBC Toolkits or other appropriate deliverables for FQHCs
- Confirm VBC definitions to use for policy makers, especially for CHCs
- Provide Specific recommendations on quality Measures for the CMS Universal Foundation and VBC
- Provide Recommendations for working with MCOs for VBC; specifically, we will brainstorm standardizing language for APMs or 1115 waivers

Innovation

Telehealth: On April 14, MedPAC outlined a Mandated Report: Telehealth in Medicare. The [presentation](#) outlined recommendations for certain telehealth expansions for 1-2 years after the public health emergency regardless of the beneficiary’s location. The discussion outlined limitations of claims data, confounding issues, and how Medicare lacks comprehensive data sources like lab results and patient-reported outcomes. A mandated telehealth report will be included in the June 2023 Report to Congress.

Big Picture: We are more than 100 days into the 118th Congress, and Congress still has two big tasks to complete: raise the debt ceiling and fund the government, with the first being a precondition to doing the second. The deadline for raising the debt ceiling, according to the Congressional Budget Office, is sometime between July and September. Until now, besides one apparently cordial meeting between President Biden and Speaker McCarthy, there has been little to no progress.

Now, there's been a bit of movement. The House Republicans released their Debt Ceiling Framework, [The Limit, Save, Grow Act of 2023](#). It will limit future government spending, reclaim unspent COVID money, reduce the federal regulatory state, and promote energy and economic policies. This legislation saves an estimated \$4.5 trillion over ten years and lifts the debt limit through March 31, 2024 or by \$1.5 trillion, whichever comes sooner. [Here's a nice explainer on the debt limit from NPR](#), if you'd like more information about what all this means and how we got here.

While this is definitely a step forward in negotiations around the debt limit, it remains to be seen how likely the House is to pass this plan given how disparate the positions are of many Republicans and that the Republicans' small House majority leaves little room for error. We will continue watching this closely and keep you posted.

Lastly, fasten your seatbelts; it's going to be a bumpy (political presidential campaign trail) ride. Voters in Iowa will caucus for presidential candidates in nine months. Between now and then, we will likely see a few more candidates enter the race, and a few drop out. With Donald Trump still leading the Republican race, not to mention him being under indictment, Democrats believe that even an unpopular Biden can win again by contrasting himself with Trump. According to [538](#), 43 percent of Americans approve of President Biden's performance and 52 percent disapprove. Whoever emerges from the Republican race will probably face Joe Biden in the general election, who - despite an impressive legislative record and strong job numbers - is struggling to convince the public that he is ready for another term. Add to that the fact that each party controls one chamber of Congress by a razor-thin majority, and we are on the cusp of one of the most interesting campaign seasons in recent memory.

Congressional Committee Updates

Drug Price Negotiations: On April 12, Senate Finance Committee Ranking Member Mike Crapo (R-ID), House Ways and Means Chair Jason Smith (R-MO) and House Energy and Commerce Chair Cathy McMorris Rodgers (R-WA) [sent a letter to the Biden Administration](#) raising concerns about the administration's initial drug price-setting program implementation guidance document. In a letter to HHS Secretary Becerra and CMS Administrator Brooks-LaSure, the members argue that the guidance will deter product improvements for existing drugs, discourage public-private partnerships, weaken intellectual property protections and fail to provide stakeholders with adequate transparency.

Nursing Caucus: On April 10, Dave Joyce (R-OH), Suzanne Bonamici (D-OR), Lauren Underwood (D-IL), and Jen Kiggans (R-VA) [announced the relaunch of the Congressional Nursing Caucus](#). Congressman Joyce and Congresswoman Bonamici will serve as caucus co-chairs, with Congresswomen Underwood and Kiggans serving as the two vice-chairs. The Congressional Nursing Caucus is a bipartisan group of legislators dedicated to advancing policies to support the nation's 4.2 million registered nurses.

Other Recent Hearings:

On Tuesday, April 18 the House Committee on Veterans' Affairs' Subcommittee on Health held a hearing titled, "[Combatting a Crisis: Providing Veterans Access to Life-saving Substance Abuse Disorder Treatment](#)." More information can be [found here](#).

Administration

HHS

EHR Rule and SDOH: A new Biden administration effort stemming from the 21st Century Cures Act to make health data sharing more transparent is facing pushback from health insurers. The rule from the Office of the National Coordinator for Health Information Technology aims to get providers and payers to share patient health information in a more seamless way. But health plans say it's a "bridge to nowhere" without a requirement that EHR vendors implement electronic prior authorization. Adopting certain standards would advance SDOH assessment. Check out more information [here](#). Comments are due June 20.

Reproductive Rights: On April 12, through its Office for Civil Rights, HHS issued a proposed rule to strengthen Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule protections by prohibiting the use or disclosure of protected health information (PHI) to investigate or prosecute patients, providers, and others involved in the provision of legal reproductive health care, including abortion care. The White House [fact sheet](#) also listed other measures across the administration, such as FCC and CDC's collaborative data mapping project to see where broadband and health resources are lacking for maternal health. HHS also [announced](#) a new Notice of Funding Opportunity to establish a safe and secure national hotline to provide referral services to women in need of accurate information about their legal reproductive health care options.

CMS

Marketplace: On April 17, CMS finalized standards for issuers and ACA Marketplaces in its [Notice of Benefit and Payment Parameters for 2024](#). The final rule added two essential community providers (ECP), 1) Mental Health Facilities and 2) Substance Use Disorder Treatment Centers and added rural emergency hospitals as a provider type in the Other ECP Category. Additionally, for PY 2024 and beyond, CMS will retain the overall 35% provider participation threshold, and also extend the 35% threshold to two major ECP categories: Federally Qualified Health Centers and Family Planning Providers.

Must-Read Articles

[Celebrating Black Maternal Health Week](#)

[Federal Grants are Essential to Community Health Centers](#)

[Nearly 230 Organizations Tell Congress: No Cuts to Medicaid](#)

Monthly Member Highlights

[Congresswoman Trahan Announces \\$2.77M in Federal Funding for Lowell Community Health Center](#)

[LifeLong's Dr. LeNoir: The System Views Black Patients Differently](#)



UPCOMING EVENTS

May 16-17: [ACH Fly-In](#), Washington, D.C.

May 24: [ACH Office Hours](#)

June 7-8: "[CMS Health Equity Conference](#)", Inaugural event. Registration and Call for Proposals to open soon. Washington, D.C. and Virtual.

July 23-26: [ACU's 2023 Conference, Transformation: Elevating Care, Clinicians, & Communities](#), Washington, D.C.

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1575 I ST NW, SUITE 300,
WASHINGTON, D.C. 20005

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