



ADVOCATES FOR COMMUNITY HEALTH



ACH MONTHLY UPDATE: JANUARY 2023

www.advocatesforcommunityhealth.org

Dear ACH Members:

We are less than a week away from our 2023 Annual Member Meeting. We look forward to seeing many of you in our nation's capital. This year's [State of the Union Address will be on Tuesday, February 7](#) – which is also the first night of our Annual Member Meeting! We have added exciting new speakers to [our agenda](#).

Continue reading for additional updates on our activities in Washington and relevant policy news.



POLICY UPDATES

ACH-Specific Legislation Updates

Health Equity

Legislation: ACH continues to work with Representative Yvette Clarke (D-NY) on the “Health Center Community Transformation Hub Act,” legislation to provide supplemental grants to CHCs so they can serve as “hubs” in networks with other community-based organizations that address the social determinants of health of their patients. We hope to introduce this legislation in the next two weeks. During our lobby day on Thursday, February 9, ACH members will be asking their Congressional Representatives to co-sponsor this bill.

While we have approached a couple of Republican members to lead this legislation with the Congresswoman, if they are unable to, we are prepared to advance this legislation with Democratic members, including those in the “Tri-Caucus,” and work to garner a robust list of cosponsors in order to demonstrate wide support. We are also eyeing potential larger vehicles that this legislation could be attached to, including the Health Equity and Accountability Act (an omnibus health equity package that has yet to be introduced in the current Congress).

Administration: ACH is continuing to work with the CMS Office of Minority Health on a potential health equity data pilot.

Workforce

Legislation: ACH continues to work with Rep. Raul Ruiz (D-CA) on the “Developing the Community Health Workforce Act,” legislation to help CHCs retain, train, and attract the workforce they need to serve their patients. We are currently approaching potential Republicans who could partner with Dr. Ruiz to lead this bill and hope to have the legislation introduced by the end of March 2023. Our strategy for this legislation could include attaching it to larger workforce legislation, which key committees discussed but failed to advance in the previous Congressional legislation.

Emergency Preparedness

Legislation: ACH is continues to work with Rep. Nanette Diaz Barragan (D-CA) on the “Emergency Preparedness for Underserved Populations Act,” legislation to authorize awards to support emergency preparedness at community health centers. We have approached Rep. John Joyce (R-PA) as a potential lead Republican cosponsor, although conversations are still ongoing. We hope to introduce this legislation by the end of April 2023. Potential vehicles for this legislation include the reauthorization of the Pandemic and All-Hazards Preparedness Act (PAHPA), which needs to be reauthorized by September 30, 2023.

Updates on ACH Priorities

340B

On January 18, the ACH team met with key 340B leadership at HRSA to discuss the program and ACH efforts to protect it, including the 340C proposal. It was a productive conversation, and we anticipate regular additional conversations with HRSA's 340B leadership as the 118th Congress gets underway and ACH continues to socialize, develop, and roll out 340C.

Legislation: ACH is continuing meetings with stakeholders and potential Hill partners as we work to develop and advance the 340C proposal, with a goal of introducing legislation in the first half of 2023. We anticipate 340B will be discussed in the context of the CHC Fund Reauthorization and have heard that members of both the House and the Senate want to initiate greater oversight of the program, so our development of the 340C proposal is well-timed.

HRSA issued a [proposed rule](#) for the 340B program to revise the current administrative dispute resolution (ADR) process. HRSA is proposing an ADR process that is designed to assist covered entities and manufacturers in resolving disputes regarding overcharging, duplicate discounts, or diversion. ACH provided a [comment letter](#).

CHC Invest

As the 118th Congress gets underway, ACH is urging Congress to provide robust funding for community health centers through both the annual appropriations process for Fiscal Year 2024 and through the mandatory Community Health Center Fund. With a new Republican House considering federal budget cuts, COVID funds expiring this year, states beginning the "unwinding" redetermination process for Medicaid recipients, and ongoing need for community health centers continuing unabated, there could not be a more important time to advocate for federal CHC funding. ACH's CHC Invest initiative is holding steady with renewed calculations on specific funding requests for both the mandatory and discretionary funding streams. Look for updated policy papers and messaging, including funding numbers, coming in the next update and at our upcoming Annual Member Meeting.

Value-Based Care

Earlier this month, ACH met with senior officials from the Centers for Medicare and Medicaid Innovation (CMMI) on policy priorities, including CMMI's upcoming primary care model and ACO Reach. CMMI will also be in attendance at our Annual Member Meeting, with spokespeople joining our value-based care breakout session. Moving forward, ACH and CMMI will have quarterly check-ins to share updates and progress on ACO Reach engagement.

Innovation

ACH recently submitted comments to [a bipartisan group of U.S. Senators seeking feedback](#) from the health care and patient communities as they develop legislation to improve coverage for individuals jointly enrolled in Medicare and Medicaid, who are also known as dual eligible. Comments can be found [here](#).

The Latest News From DC

This week, the House considered HR 382, the Pandemic is Over Act, to end the public health

emergency (PHE), and HR 497, the Freedom for Health Care Workers Act, to end the CMS COVID vaccine mandate. The Republican majority passed both bills, which demonstrate their commitment to lessening restrictions tied to the COVID-19 pandemic. The Democrat-led Senate is unlikely to advance this legislation.

There is a lot of health policy activity anticipated in the House Energy and Commerce Committee in the coming weeks, including a potential Pandemic and All-Hazards Preparedness Act (PAHPA) reauthorization hearing in the Health Subcommittee and an associated request for information (RFI) in advance of that hearing, which could be a good forum for discussion of our priorities related to emergency preparedness. We also expect action on the Community Health Center Fund Reauthorization to begin early in the year, with hearings expected in the Senate HELP Committee this spring.

Congressional Committee Updates

Energy and Commerce: Speaker McCarthy and Leader Jeffries, in consultation with the Chair and Ranking Member of the Energy and Commerce Committee, decided to shrink the overall size of the Energy and Commerce Committee, resulting in a loss of three seats on both sides. The final ratio for E&C was locked in at 29 Republican seats and 23 Democratic seats. [9 new members are joining the Committee on the Republican side](#); on the Democratic side, every returning Democrat who was on E&C in the 117th Congress has retained their seat – but no new Democrats are joining the Committee.

The Committee met and finalized subcommittee assignments and Chairs. Rep. Brett Guthrie (R-KY) will continue as the Health Subcommittee Chair. On the Democratic Side, we anticipate Rep. Anna Eshoo (D-CA) will continue as the top Democrat on the Health Subcommittee.

Ways and Means: The overall size of the Ways and Means Committee was held constant, so their final ratio was locked in at 25 Republican seats and 18 Democratic seats. [10 new members are joining the Committee on the Republican side](#); on the Democratic side, Reps. Plaskett (D-USVI), Horsford (D-NV) and Gomez (D-CA) will be stepping off the Committee to accommodate the new ratios. Rep. Boyle (D-PA) will be waiving off the Committee (but maintaining his seniority), to assume the Ranking Member slot at the Budget Committee.

The Ways and Means Committee also finalized Committee assignments and Chairs. Rep. Vern Buchanan (R-FL) will remain the Health Subcommittee Chair. On the Democratic side, we anticipate Rep. Lloyd Doggett (D-TX) will continue as the top Democrat on the Health Subcommittee.

Senate Democratic Committee Assignments

Senate Democratic Committee assignments were also announced this week, with Senator Patty Murray (D-WA) announced as Chair of the Senate Appropriations Committee; Senator Sheldon Whitehouse (D-RI) announced as Chair of the Senate Budget Committee; Senator Ron Wyden (D-OR) once again leading the Senate Finance Committee, which has jurisdiction over Medicaid and Medicare, among other issues; and Senator Bernie Sanders (I-VT) announced as Chair of the Senate Health, Education, Labor, and Pensions Committee. These

Republicans have yet to complete their committee assignments, but once they have, the Senate will be in a position to adopt an organizing resolution on the Senate floor, likely this week.

Administration

On January 22, the 50th anniversary of the Supreme Court's Roe v. Wade decision on the constitutional right to an abortion, Biden issued a new [presidential memorandum](#) directing three of his cabinet

members — at Health and Human Services, the Justice Department and Homeland Security — to consider new guidance to support pharmacies and patients nationwide get access to Mifepristone, an abortion pill. The FDA has approved a plan for pharmacies to get certified to dispense Mifepristone. CVS Health Corp. and Walgreens Boots Alliance Inc. have said they plan to do so. A conservative legal group, Alliance Defending Freedom, filed suit to stop the distribution of the drug. That case sits before a Trump-appointed Texas judge.

CMS:

Medicaid Unwinding: The Centers for Medicare & Medicaid Services (CMS) [released a State Health Official \(SHO\) letter](#) outlining new requirements in the Consolidated Appropriations Act, 2023 that impact state activities for Medicaid and Children’s Health Insurance Program (CHIP) programs to unwind the Medicaid continuous enrollment condition. The SHO also addresses changes to the other conditions which states must meet to receive the temporary federal medical assistance percentage (FMAP) increase, reporting requirements, and new enforcement authority for CMS to ensure state compliance with eligibility redetermination and reporting requirements.

In addition, CMS [released information on a temporary Exceptional Circumstances Special Enrollment Period \(SEP\)](#) from March 31, 2023 through July 31, 2024 for consumers losing Medicaid or CHIP coverage due to unwinding of the Medicaid continuous enrollment condition.

EPA Funding Opportunities

The EPA is allocating \$30 million for 80 projects nationwide under the Environmental Justice Problem-Solving Cooperative Agreement Program. The funds are part of the Inflation Reduction Act’s Environmental and Climate Justice block grant and grants are open to nonprofit CBOs. FQHCs should be eligible to apply; alternatively, members could work with other partners to apply but would need a signed letter of commitment if the FQHC is part of a larger application. Please find additional information [here](#). The application is due on April 10, 2023.

[CLICK HERE TO APPLY](#)

Communication Updates

We recently connected with *Axios* and *Kaiser Health News* reporters to share more about our policy priorities and discuss—on and off-record—the multiple challenges FQHCs are facing. We will continue to work with health policy reporters and national outlets to elevate the urgent need for Congressional and Administrative action on the issues that impact FQHCs nationwide.

Must-Read Articles

[CMS Updates Its Budget Neutrality Policy](#)

[Data Shows Mental Health, Primary-Care Physician Shortage](#)

[The Potential Effect of Medicaid Unwinding on Community Health Centers](#)



UPCOMING EVENTS

February 7-9, 2023: [ACH Annual Member Meeting](#),
Washington, D.C.

Thursday, March 16: [Behavioral Health Business Value Conference](#),
Washington, D.C.

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