



News from Congress:

August 2019—Momentum has picked back up in Congress and the administration to address federal regulation 42 C.F.R. Part 2. The administration just announced a [proposed reform to the regulation](#) and Congress has introduced the bipartisan legislation, [H.R. 6082](#), “Overdose Prevention and Patient Safety Act.” [42 C.F.R Part 2](#) is a regulation that was created to ensure privacy and prevent discrimination for individuals with a substance use disorder. The unintended consequence of this regulation is that it can create barriers to treatment.

Aug. 2, 2019—Senator Marsha Blackburn (R-Tenn.) introduced a package of rural health legislation. The three bills include: the bipartisan [Rural America Health Corps Act](#), the [Rural Health Innovation Act](#), and the Telemedicine Across State Lines Act. The bills address a number of rural health issues including resources to expand health workforce in rural areas, expanding flexibilities for medical providers across state lines and bolstering funding for the National Health Services Corp, among other initiatives.

Aug. 18, 2019—Senator Chuck Grassley (R-Iowa) continues to negotiate prescription drug pricing legislation that was marked up in his Senate Finance Committee before Congress’ August recess. Debate on the legislation surrounded proposed changes to Medicare Part D negotiation and pricing practices. [Grassley is also working](#) on legislation to increase the Centers for Medicare and Medicaid (CMS) transparency requirements

for nursing homes and is also looking into alleged conflicts of interest between opioid manufacturers among other topics.

From the Administration:

July 11, 2019—The Health Resources and Services Administration (HRSA) released a report that recognized 10 states for top performance at critical access hospitals. To see if your state was one of those recognized, read the full press release [here](#).

July 31, 2019—The Department of Health and Human Services (HHS) and the Federal Drug Administration (FDA) published the [Safe Importation Action Plan](#). The plan contains a notice of proposed rule making and guidance for two possible options for the safe importation of prescription drugs from foreign markets to the U.S. The options, known as Pathway 1 and Pathway 2, provide states, prescription drug wholesalers and manufacturers, and pharmacists additional ways to submit proposals or implement new practices that would import prescriptions. Under either pathway, products must be FDA approved and not pose any additional risks to U.S. safety while producing significant costs savings for American consumers.

Aug. 2, 2019—CMS has been working to update its [Medicare Plan Finder](#) website. The Government Accountability Office released a [report](#) about the website this summer, and congressional leadership also pressured the agency for updates to the website. The report found that Medicare enrollees were not able to navigate the website and even a percentage of professional navigators that help Medicare

beneficiaries enrolling in plans found aspects of the site confusing. CMS is currently making updates and anticipates revealing the updated website in August.

Aug. 8, 2019—HHS awarded nearly \$400 million to states in an effort to fight the opioid crisis, read the full press release [here](#).

Aug. 19, 2019—CMS has been busy this summer with waiver applications from a number of states. This includes the approval of a [reinsurance waiver](#) in Montana, Delaware and Rhode Island's applications pending a final decision, and Utah where a waiver request for increased federal funding for a [partial Medicaid expansion](#) and a proposed Medicaid enrollment caps policy was not approved.

Aug. 20, 2019—The Substance Abuse and Mental Health Services Administration released the 2018 National Survey on Drug Use and Health [Report](#). The report gives estimates of the use of illegal substances, prescription drugs, alcohol and tobacco. It also reports out data on mental disorders, treatment and co-occurring substance use in the U.S.

From the Courts:

Aug. 13, 2019—A federal appeals court reversed a lower court's ruling to side with CMS that will [prevent hospitals from receiving Medicaid disproportionate share hospital \(DSH\) payments](#) that cover costs they have already been compensated for by private health insurers or Medicare.

Aug. 16, 2019—Seventeen states and the District of Columbia have [filed multiple lawsuits](#) challenging the administration's recently finalized public charge rule. States are arguing the rule undermines public programs including Medicaid and will not improve immigrants' ability to be self-sufficient.

Funding Announcements:

July 2019—HRSA is currently accepting applications for the [Early Hearing Detection and Intervention Program](#). Application deadline is Nov. 8, 2019.

August 2019—HRSA released three [Notices of Funding Opportunity](#) for the new fiscal year 2020, with start dates of March 1, 2020. Part of the funding will be for up to 47 awards that will help reduce new HIV infections in the U.S. to less than 3,000 per year by 2030.

Aug. 16, 2019—The Centers for Disease Control and Prevention (CDC) announced 24 funding awards that will help eliminate maternal mortality in the states. The awards [will support 25 states](#) for the Enhancing Reviews and Surveillance to Eliminate Maternal Mortality Program. Funding will support agencies and organizations coordinating and managing Maternal Mortality Review Committees (MMRCs). MMRCs are multidisciplinary committees in states that work on providing comprehensive review of deaths among women, within a year of pregnancy. Representatives on the board include stakeholders from: public health, obstetrics and gynecology, maternal-fetal medicine, nursing, midwifery, and mental and behavioral health providers among others. MMRCs are working with the CDC to ultimately review recommendations they can implement in preventing future maternal deaths.

Spotlight On:

Aug. 2019—During the 2019 NCSL Legislative Summit on Wednesday, Aug. 7, the Health and Human Services Committee voted on and passed three resolutions and four directives. [Here](#) is a full updated list of the Health and Human Services policies. Below are summaries of each of the policies.

National Health IT Week 2019: Resolution

This resolution was updated to reflect the dates of National Health IT Week in 2019.

Encouraging Comprehensive Approaches to Preventing and Treating Behavioral Health Issues: Directive

This was an existing directive on the Substance Abuse Block Grant that was expanded to create a broader policy on behavioral health, including mental health.

Temporary Assistance for Needy Families (TANF): Directive

This was an existing directive that was condensed, consolidated and made consistent with formatting.

Ryan White CARE Act Reauthorization: Directive

This was an existing directive that was updated to reflect the current administration's goals of ending new infections of HIV/AIDS as well as the current landscape of HIV/AIDS prevention and treatment efforts.

General Guiding Principles: Federalism and Health, Human Services (HHS) Medicaid and CHIP: Directive to Resolution

This resolution was previously a directive. The committee decided to make this change because a resolution is more flexible as things continue to change on health care at the federal level.

The resolution addresses current state trends in Medicaid and state health insurance programs, and the resources that are needed from federal partners to continue this work. There is an emphasis as Congress and the administration continues to make proposed changes to Medicaid and state-run insurance programs to have sufficient input from the states, and a reasonable amount of time to implement any future changes.

Benefits Cliffs: Resolution

This is a new resolution. The "Benefits cliffs" or "the cliff effect," refers to the sudden decreases in or elimination of public benefits for individuals that can occur with a small increase in personal earnings. This new resolution looks to address this issue with states in partnership with the federal government.

Spotlight On:

August 2019—Breastfeeding provides health benefits to both an infant and nursing mother. The federal Office of Compliance Initiatives, Wage and Hour Division, Women's Bureau, and Office of Disability Employment Policy within the Department of Labor (DOL) are seeking public input on how DOL can help mothers and employers understand their rights and responsibilities relating to workplace accommodations for nursing mothers. To collect this input, these federal agencies are hosting the [Supporting Nursing Mothers in the Workplace Online Dialogue](#) for nursing mothers, employers and policymakers to submit their ideas. The Department is interested in learning from state and local governments about their approaches to raising awareness about the federal [Break Time for Nursing Mothers](#) law. Check out the [NCSL Blog: Nursing Mothers in the Workplace – Feds Seeking Input from States](#).

Aug. 2019—NCSL Blog: [Congressional Moves on Drug-Pricing and Competition](#)

July 2019—NCSL Podcast: [States Embrace Flexibility in Medicaid Strategies](#)

For more information on NCSL's Health and Human Services Standing Committee State-Federal Affairs activities, please visit [our website](#), or email Haley Nicholson, haley.nicholson@ncsl.org or Margaret Wile, margaret.wile@ncsl.org