

Federal Issues

Regulatory

HHS Extends Public Health Emergency Until July 15

The Department of Health and Human Services (HHS) Secretary Xavier Becerra renewed the public health emergency (PHE) declaration for COVID-19, effective April 16, 2022. The PHE determination remains in effect for 90 days, until July 15, 2022, unless the HHS Secretary renews or terminates the emergency.

Of note, the Administration has stated it will provide states and other stakeholders at least 60 days' notice prior to the termination of the COVID-19 PHE declaration.

In this Issue:

Federal Issues

Regulatory

- HHS Extends Public Health Emergency Until July 15
- CMS Releases 2023 SNF PPS Proposed Rule

State Issues

Delaware

Legislative

- Bill Introduced to Address Cost-Sharing for Prescription Drugs

New York

Regulatory

- Disaster Emergency Extended
- Medicaid Waiver Hearings
- Maternal Mortality Report Issued

Pennsylvania

Legislative

- Health and Human Services Committee Advances Testing and Coverage for Lyme Disease
- House Advances Claims Data Sharing for Groups 51-100
- General Assembly Passes Physician Licensure Bill and Advances Other Healthcare-related Measures



CMS Releases 2023 SNF PPS Proposed Rule

CMS released its fiscal year (FY) 2023 Skilled Nursing Facilities Prospective Payment System (SNF PPS) proposed rule, which solicits feedback from stakeholders on how staffing in nursing homes and health equity improvements could lead to better health outcomes.

First, the proposed rule includes a request for information (RFI) that provides an update on CMS’s work to advance health equity including expanding the agency’s quality reporting programs to provide more actionable, comprehensive information on healthcare disparities; assessing healthcare disparities through quality measurement and reporting these results to providers; and providing an update on the agency’s methods and research around measure development and disparity reporting. As part of this RFI, CMS requests input on the development and inclusion of health equity quality measures for the SNF QRP.

Additionally, CMS includes a second RFI requesting input on establishing minimum staffing requirements for nursing homes. The feedback will be considered alongside new research CMS is conducting on the optimal level of nursing home staffing necessary to provide safe, high-quality care. CMS is also requesting public feedback on a measure that would examine staff turnover levels in nursing homes to be included in the SNF Value-Based Purchasing (VBP) Program, which rewards facilities based on the quality of care they provide to patients with Medicare. More information can be found on the CMS’s fact sheet on the FY 2023 PSNF PPS proposed rule.

State Issues

Delaware
Legislative

Bill Introduced to Address Cost-Sharing for Prescription Drugs

[SB 267](#) requires that third-party cost-sharing assistance utilized by patients is applied toward the enrollee's health insurance deductibles and any out-of-pocket limits. Additionally, the bill defines what constitutes a “cost-sharing requirement” as well as how to calculate the assistance when applying to patient’s deductibles and out-of-pocket limits. This bill applies to both carriers and pharmacy benefits managers with an effective date of January 1, 2024.

State Issues

New York

Regulatory

Disaster Emergency Extended

Last week, Governor Hochul issued [Executive Order 11.5](#), which continues the state's disaster emergency due to COVID through May 15.

Medicaid Waiver Hearings

The Department of Health (DOH) announced it has scheduled two virtual public hearings regarding the upcoming proposed 1115 waiver submission to CMS. The Department's proposal requests \$13.5 billion over five years to address health disparities. According to DOH, if approved, the amendment would work to "change the way the Medicaid program integrates and pays for social care and health care in New York State;" and will "lay the groundwork for reducing long standing racial, disability-related, and socioeconomic health disparities, increase health equity through measurable improvement of clinical quality and outcomes, and keep the overall Medicaid program expenditures budget neutral to the federal government." The full draft of the proposed amendment request is available [online](#). The public hearings are scheduled for [April 28](#) and May 2.

Maternal Mortality Report Issued

Black New Yorkers were five times more likely to die from pregnancy-related causes than their white counterparts. Additionally, discrimination was believed to have played a role in nearly half (46 percent) of all pregnancy-related deaths. Those were two key findings of a [report](#) released last week from the New York State Maternal Mortality Review Board and the state Maternal Mortality & Morbidity Advisory Council, which have been working to identify factors contributing to pregnancy-related deaths and develop recommendations to improve health outcomes.

Recommendations in the report include expanding postpartum Medicaid coverage for one-year post-birth — which was included in the recently approved state budget — instituting home visiting nurse programs for new parents, and integrating community-based resources.

State Issues

Pennsylvania

Legislative

Health and Human Services Committee Advances Testing and Coverage for Lyme Disease

On Tuesday, April 12, the Senate Health and Human Services Committee advanced [Senate Bill 1188](#) (Brooks, R-Crawford). Senate Bill 1188 would require health insurers to cover treatment plans for Lyme

disease or related tick-borne illnesses as prescribed by a patient's health care practitioner, regardless if the treatment plan includes short-term or long-term antibiotic treatment.

House Advances Claims Data Sharing for Groups 51-100

On Wednesday, April 13, the House of Representatives advanced [House Bill 947](#) (Zimmerman, R-Lancaster) on second consideration. House Bill 947 would require insurance companies to provide businesses, that have between 51 to 100 employees, an aggregate on claims data for the past two years within 30 days of being requested.

General Assembly Passes Physician Licensure Bill and Advances Other Healthcare-related Measures

A bill to streamline the process for licensing graduates of international medical schools and modernize other aspects of physician licensing cleared the General Assembly last week.

[House Bill 245](#), sponsored by Representative Aaron Kaufer (R-Luzerne), is now awaiting Governor Tom Wolf's signature. The measure allows graduates of international medical schools to be licensed after a two-year residency, the same as graduates of U.S. schools. The bill also makes permanent previously temporary regulatory relief by removing a two-facility restriction on institutional licenses and setting provisions for temporary physician licenses to be issued in emergencies.

Several other key bills also advanced in the General Assembly last week:

- [House Bill 2401](#), sponsored by Representative Jeff Wheeland (R-Lycoming), passed the House and now goes to the Senate for consideration. The measure makes permanent regulatory relief allowing non-physician practitioners to make and oversee orders related to home health care and for supervisory visits by registered nurses to be conducted remotely.
- [House Bill 2419](#), sponsored by Representative Tina Pickett (R-Bradford), passed the House and now goes to the Senate for consideration. The measure allows for greater flexibility to provide psychiatric services via telehealth in outpatient psychiatric clinics.
- [Senate Bill 1172](#), sponsored by Senator Elder Vogel (R-Beaver), passed the Senate and now goes to the House for consideration. The measure aims to expand access to Sexual Assault Nurse Examiners (SANE).
- [Senate Bill 848](#), sponsored by Senator Bob Mensch (R-Montgomery), was advanced by the Senate Appropriations Committee. The measure creates a chief nursing officer within the commonwealth.

Why this matters: Modernizing licensure for clinicians is one of the key priorities for addressing the health care workforce crisis.

Interested in reviewing a copy of a bill(s)? Access the following web sites:

Delaware State Legislation: <http://legis.delaware.gov/>.

New York Legislation: <https://nyassembly.gov/leg/>

Pennsylvania Legislation: www.legis.state.pa.us.

West Virginia Legislation: <http://www.legis.state.wv.us/>

For copies of congressional bills, access the Thomas website – <http://thomas.loc.gov/>.

The content of this email is confidential and intended for the recipient specified only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.