

## Allies for Independence Washington Insights

**Week of July 24, 2023**

### CAPITOL HILL UPDATE

Congress is on the verge of the August recess with issues still piling up that must be addressed this year, and some as early as September 30<sup>th</sup>. The three main issues that must be addressed by the end of September are: (1) health workforce authorizations; (2) pandemic preparedness programs; and (3) reauthorization substance use and mental health aid package. These three reauthorizations could be vehicles for other policy priorities, such as proposals to address drug shortages or novel workforce solutions highlighted in Sanders' workforce package, as they represent some of the only must-pass legislation this year outside of annual appropriations.

On the health workforce authorization package, HELP Committee Chair Bernie Sanders unveiled his package only to be quickly rebuffed by Senate Republicans. This is because the Committee traditionally works in a bipartisan manner, and the Committee produced a Request for Information (RFI) in March to seek feedback on addressing health workforce shortages. Of note, Sanders included a proposal that would authorize \$1B in funding to support the recruitment, training, retention, and professional development of direct care workers. This is a critical investment in reducing turnover and increasing access to care, but there is no guarantee Republicans will support the investment. We are closely following this proposal and will keep you informed of developments.

Outside of these authorizations, Congress must still pass the National Defense Authorization Act (NDAA), the farm bill, and FY24 appropriations. Stakeholders are also pushing for Congress to cancel about \$8 billion in Disproportionate Share Hospital cuts scheduled to take effect on October 1, 2023. This all sets up for an incredibly busy September and fall, especially if Congress passes a continuing resolution (CR) to allow for more time to resolve these issues this year.

The Senate is expected to return from its August recess on September 5<sup>th</sup> while the House is not scheduled to return until September 12. That leaves 11 days when both chambers are in session before the end of the fiscal year.

Have a great August and please reach out if you have any questions on the landscape for these issues.

## **ON THE RADAR**

### **Democrats Introduce Bill to Expand Inflation Reduction Act**

House Democrats have introduced the Lowering Drug Costs for American Families Act, which would expand on CMS' authority to negotiate drug prices and introduce rebate requirements for drug companies that raise prices faster than the pace of inflation.

Specifically, the bill would increase the number of drugs selected annually for negotiation from 20 to 50 and expand the inflation rebates to apply to individuals covered by private health plans. It would also extend the drug price negotiation program to all patients with private health insurance, including ACA marketplace, and employer-sponsored coverage.

The legislation allows Democrats to plant a flag around future health care affordability discussions, as Republicans pursue different strategies or undermine the Inflation Reduction Act. This proposal will be on the front burner over the next year even if it has little to no chance of passing in this deeply divided Congress.

### **CMS Proposal Would Remove PET Scan National Coverage Determination (NCD) to Ease Access to Leqembi**

The Centers for Medicare and Medicaid Services proposed broader coverage for a type of brain scan, which can identify a key Alzheimer's disease protein. Currently, the NCD only allows for the coverage of one PET scan for a patient over their lifetime and only covered patients in clinical trials for Alzheimer's treatment.

CMS now states that it may require more than one PET scan to fully determine testing and treatment of Alzheimer's. CMS's coverage alert also stated that Medicare Administrative Contractor's (MAC) should account for "the specific anti-amyloid treatment, individual patient response (amount of brain amyloid reduction), adverse events and corresponding need for subsequent testing to potentially stop treatments," when making coverage decisions.

The Alzheimer's Association, among other stakeholders, are excited about this opportunity that should improve access to Alzheimer's therapies.

### **Experimental Drug Shows Effectiveness in Plowing Alzheimer's Progression**

Pharmaceutical company Eli Lilly has released clinical trial results showing that its drug donanemab was 35% effective at slowing the rate of Alzheimer's and was 60% effective in early-stage patients. Unlike Leqembi, which requires ongoing treatment, donanemab can stop being taken after plaques in the brain are mostly gone. Some of the concerns that were shown in the trial include cases of brain-swelling and bleeding.

Eli Lilly stated that they have already applied for traditional FDA approval and hope to get a decision by the end of the year.

### **A U.S. District Court Judge Ruled that Florida Violated the ADA**

U.S. District Court Judge Donald Middlebrooks ruled that Florida "has been unlawfully segregating

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children with complex medical needs and putting other disabled children at risk of unnecessary institutionalization.” This is due to families in Florida being pressured or in some cases forced to send their children to nursing homes because they could not get state provided home care. Court documents show that children in these nursing homes were neglected, and the children’s conditions would worsen. This ruling could have broad implications for the Medicaid community who seek services to remain in the community.

Experts state that, in addition to Florida, Alaska, Maine, and Nevada have all had complaints about ADA violations.

## **ISSUE OF THE WEEK: Mental Health Parity Rules Unveiled**

On July 25, 2023, the Department of Treasury, Department of Labor, and Department of Health and Human Services issued a proposed rule that would, among other things, make clear that the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) requires that individuals can access their mental health and substance use disorder benefits in parity with medical/surgical benefits. The rule also provides specific examples that make clear that plans and issuers cannot use more restrictive prior authorization and other medical management techniques for mental health and substance use disorder benefits; standards related to network composition for mental health and substance use disorder benefits; and factors to determine out-of-network reimbursement rates for mental health and substance use disorder providers.

The rules received mixed reviews expectedly with groups like the American Medical Association (AMA) and American Hospital Association (AHA) praising the rule, but groups like the American Health Insurance Plans (AHIP) cautioned that workforce shortages are driving many of the challenges around mental health access.

This is a major step by the Administration to improve access to mental health services and will need to be watched closely.

## **ON THE HORIZON**

### **Funding Opportunity on Employment for People with Disabilities**

The Social Security Administration (SSA) announced a new funding opportunity for conducting interventional research to support its programs. They are seeking applications to be conducted across five priority areas:

- Eliminating the structural barriers for people with disabilities in the labor market, particularly for people of color and other underserved communities, that increase the likelihood of people receiving or applying for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI).
- Increasing employment and self-sufficiency of individuals with disabilities, including people of color and underserved communities (whether beneficiaries, applicants, or potential applicants of the SSDI or SSI programs).

- Coordinating planning between private and public human services agencies to improve the administration and effectiveness of the SSDI, SSI, and related programs.
- Assisting claimants in underserved communities to apply for or appeal decisions on claims for SSDI and SSI benefits.
- Conducting outreach to people with disabilities who are potentially eligible to receive SSI.

Applications for this funding opportunity are due by July 31. For more information, please [click here](#).

## **ACL Releases New Funding Opportunity for the Alzheimer’s and Dementia Programs Initiatives**

ACL has opened applications for grants to States and Communities Programs to support and promote the development and expansion of dementia-capable home and community-based services systems in states and communities. The results of the programs activities should be to provide quality, person-centered services and supports that help people living with dementia and their caregivers remain independent and safe in their communities. The deadline for applications to be submitted is August 7, 2023.

To learn more about this grant opportunity, please [click here](#).

## **The National Alzheimer’s and Dementia Resource Center Webinar on Helping Families Navigate Dementia with a Menu of Options**

Next month, participants will learn about [Memory Connections](#), an ACL-funded initiative through Senior Services Inc. in North Carolina. Memory Connections is a multi-faceted project that offers support, creativity, education, and engaging activities for people living with dementia and their caregivers.

The webinar will take place on Tuesday August 29, 2023, from 3:00pm -4:00pm. To register for this webinar [click here](#).

## **The Interagency Committee on Disability Research (ICDR) Webinar on Participatory Action Research with People with Disabilities**

The ICDR is hosting a lunch & learn webinar on strategies for participatory action research with people with disabilities. This webinar will occur on Wednesday August 16, 2023, from 12:00-1:00pm.

[Click here](#) to register. Registration will close on August 9<sup>th</sup>.

## **SAVE THE DATE: ALLIES FOR INDEPENDENCE POLICY FORUM**

On October 5, 2023, we are excited to host the Allies for Independence Policy Forum in Washington DC. This event will focus on key policy issues in the Education, Health Care, Workforce, and Diversity, Equity, and Inclusion (DEI) space. We plan to hear from speakers, convene panel discussions, and provide opportunities to network.

Please be on the lookout for a formal invitation and reach out if you have any questions or interest in participating in this exciting event.

## RECOMMENDED READS

- *North Carolina Health News* – [DHHS Delays the rollout of Medicaid Managed care plans for people with mental illness and disabilities.](#)
- *STAT* – [Living in disadvantaged neighborhoods linked to higher dementia risk, study finds](#)
- *New York Times* – [What a ‘Human-Centered’ Approach Can Do for Workers with Disabilities](#)

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