

May 20, 2024

House Energy and Commerce Subcommittee Advances 21 Health Care Bills

On Thursday (May 16), the House Energy and Commerce Health Subcommittee advanced 21 bills to extend Medicare beneficiaries' access to telehealth services for two years, paid for by pharmacy benefit manager (PBM) reforms and Medicare clinical laboratory payment cuts; increase access to remote monitoring services; encourage innovation in pediatric rare disease cancer treatments, and more.

Although the initial version of the Telehealth Modernization Act (H.R. 7623) sought to permanently extend COVID-19 telehealth flexibilities under Medicare, which expire this year, a substitute amendment scaled it back to two years, aligning with the two-year telehealth extension bill approved by the Ways and Means Committee last week. Both bills also include a five-year extension of waivers for the Acute Hospital Care at Home program.

The committee did not vote on two rare disease drug bills that had been scheduled for votes: Retaining Access and Restoring Exclusivity (RARE) Act (H.R. 7383) and Creating Hope Reauthorization Act of 2024 (H.R. 7384). Click [here](#) for the full list of bills and amendments.

- For more information: <https://energycommerce.house.gov/events/health-subcommittee-markup-of-23-bills>

Mark-up details

H.R. 3227, the Ensuring Seniors' Access to Quality Care Act

- *High-level summary:* The bipartisan bill, sponsored by Reps. Ron Estes (R-KS) and Gerald Connolly (D-VA) would allow nursing homes to continue operating Certified Nurse Assistant/Aide (CNA) training programs if they incur certain fines unrelated to direct resident care and would enable Medicaid and Medicare providers, including skilled nursing facilities to access disciplinary information for affiliated physicians through the National Practitioner Data Bank.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 13-12 vote.

H.R. 468, the Building America's Health Care Workforce Act.

- *High-level summary:* The bipartisan bill, sponsored bill by Reps. Guthrie and Madeleine Dean (D-PA) would reinstate for two years a COVID-era flexibility that gave Medicare skilled nursing facilities (SNFs) and Medicaid nursing facilities (NFs) more time to train new nurse aides. During discussion of the bill there was some concern from Ranking Member Frank Pallone (D-NJ) and other Democrats that the bill could harm care quality at those facilities.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 14-8 vote.

H.R. 3433, the Give Kids a Chance Act

- *High-level summary:* The bipartisan bill, sponsored by Reps. Michael McCaul (R-TX) and Anna Eshoo (D-CA), would authorize clinical trials of new drugs used in combination with already approved drugs to treat pediatric cancer.

- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 16-11 vote.

H.R. 7188, the Shandra Eisenga Human Cell and Tissue Product Safety Act

- *High-level summary:* The bipartisan bill, sponsored by Reps. John Moolenaar (R-MI) and Debbie Dingell (D-MI), would direct the Department of Health and Human Services (HHS) to conduct research and education campaigns to prevent tuberculosis outbreaks from infected human cell and tissue product donations.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 27-0 vote.

H.R. 6020, the Honor Our Living Donors Act

- *High-level summary:* The bipartisan bill, sponsored by Reps. Jay Obernolte (R-CA) and Suzan DelBene (D-WA), would expand donors who are eligible for wage, travel, and caregiver reimbursement when donating organs.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 24-0 vote.

H.R. 455, to amend the Controlled Substances Act to fix a technical error in the definitions

- *High-level summary:* The bipartisan bill, sponsored by Reps. Tim Burchett (R-TN) and Steve Cohen (D-TN), would make technical corrections to the Controlled Substances Act redesignating certain paragraphs.
- *Outcome:* Ordered to be favorably reported to the Full Committee in a 24-0 vote.

H.R. 7213, the Autism Collaboration, Accountability, Research, Education, and Support (CARES) Act of 2024

- *High-level summary:* The bipartisan bill, sponsored by Reps. Christopher Smith (R-NJ) and Henry Cuellar (D-TX), would reauthorize through FY 2029 several programs related to autism, including the Developmental Disabilities Surveillance and Research Program that is administered by the Centers for Disease Control and Prevention (CDC); activities administered by HHS to support autism education, early detection, and intervention; and the Interagency Autism Coordinating Committee in HHS.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 22-0 vote.

H.R. 4534, the Women and Lung Cancer Research and Preventive Services Act of 2023

- *High-level summary:* The bipartisan bill, sponsored by Reps. Brendan Boyle (D-PA) and Brian Fitzpatrick (R-PA), would require HHS to conduct an interagency review of the status of women and lung cancer.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 21-0 vote.

H.R. 670, the Think Differently Database Act

- *High-level summary:* The bipartisan bill, sponsored by Reps. Marcus Molinaro (R-NY) and Mike Sherrill (D-NJ), requires HHS to establish an online clearinghouse of resources and other information for individuals with an intellectual disability and their caregivers that is searchable by zip code.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 20-0 vote.

H.R. 8084, the LIVE Beneficiaries Act

- *High-level summary:* The bipartisan bill, sponsored by Reps. Gus Bilirakis (R-FL) and Angie Craig (D-MN), would require states to conduct quarterly eligibility verification requirements and remove those who are deceased.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 18-0 vote.

H.R. 7858, the Telehealth Enhancement for Mental Health Act of 2024

- *High-level summary:* The bipartisan bill, sponsored by Reps. John James (R-MI), David Schweikert (R-AZ) and Donald Davis (D-NC), would require HHS to establish a Medicare billing code or modifier for mental health services furnished through telehealth.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 22-0 vote.

H.R. 8111, the Medicaid Program Improvement Act

- *High-level summary:* The bipartisan bill, sponsored by Reps. Mariannette Miller-Meeks (R-IA) and Matt Cartwright (D-PA), would provide a new process, effective January 1, 2026, for regularly verifying address information for Medicaid enrollees.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 22-0 vote.

H.R. 8089, the Medicare and Medicaid Fraud Prevention Act of 2024

- *High-level summary:* The bipartisan bill, sponsored by Reps. Mike Garcia (R-CA) and Scott Peters (D-CA) would require state Medicaid programs to regularly verify that providers or suppliers are still alive.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 22-0 vote.

H.R. 8112, To amend title XIX of the Social Security Act to further require certain additional provider screening under the Medicaid program

- *High-level summary:* The bill, sponsored by Rep. Anthony D'Esposito (R-NY), would require state Medicaid programs to conduct additional provider screenings to ensure the provider or supplier is in good standing with HHS.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 23-0 vote

H.R. 6033, the Supporting Patient Education and Knowledge (SPEAK) Act of 2023

- *High-level summary:* The bipartisan bill, sponsored by Reps. Michelle Steel (R-CA) and Jimmy Gomez (D-CA) would require HHS to establish a task force to improve access to health care information technology for non-English speakers.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 23-0 vote

H.R. 7623, the Telehealth Modernization Act of 2024

- *High-level summary:* The bipartisan bill, sponsored by Reps. Earl Carter (R-GA) and Lisa Blunt-Rochester (D-DE) would extend Medicare telehealth flexibilities set to expire at the end of 2024 through 2026, including those waiving geographic requirements and expanding originating sites to include the patient's home, expanding the types of practitioners who can be reimbursed by Medicare for telehealth services, allowing federally qualified health centers (FQHCs) and rural health clinics (RHCs) to provide telehealth services, allowing Medicare to reimburse for audio-only visits, and allowing hospice recertification and home dialysis assessments via telehealth. It would also extend the Acute Hospital Care at Home program through 2029. Pay fors in the bill include PBM transparency provisions and a delay to upcoming changes to Medicare payment rates for clinical lab tests by one year.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee in a 21-0 vote

H.R. 1406, the Sustainable Cardiopulmonary Rehabilitation Services in the Home Act

- *High-level summary:* The bipartisan bill, sponsored by Reps. John Joyce (R-PA) and Scott Peters (D-CA), would make permanent a COVID-era flexibility allowing cardiac rehabilitation programs, intensive cardiac

rehabilitation programs, and pulmonary rehabilitation programs to be furnished via telehealth at a beneficiary's home under Medicare.

- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee by a voice vote.

H.R. 7856, the PREVENT DIABETES Act

- *High-level summary:* The bipartisan bill, sponsored by Reps. Diana DeGette (D-CO) and Gus Bilirakis (R-FL), would allow CDC-recognized virtual suppliers to participate in the Medicare Diabetes Prevention Program (MDPP) Expanded Model.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee by a voice vote

H.R. 5394, the Expanding Remote Monitoring Access Act

- *High-level summary:* The bipartisan bill, sponsored by Reps. Troy Balderson (R-OH) and Katie Porter (D-CA) would extend a COVID-era flexibility that lowered the duration required for a provider to bill Medicare for remote monitoring services to two days of data collection, instead of the current 16-day threshold.
- *Outcome:* Ordered to be favorably reported, as amended, to the Full Committee by a voice vote

H.R. 1199, the Facilitating Innovative Nuclear Diagnostics Act of 2023

- *High-level summary:* The bipartisan bill, sponsored by Reps. Neal Dunn (R-FL) and Scott Peters (D-CA), would establish separate payment requirements for certain diagnostic radiopharmaceuticals under the Medicare Hospital Outpatient Prospective Payment System.
- *Outcome:* Ordered to be favorably reported to the Full Committee by a voice vote

H.R. 4758, the Accelerating Kids' Access to Care Act, was forwarded, without amendment, to the Full Committee by a voice vote.

- *High-level summary:* The bipartisan bill, sponsored by Reps. Lori Trahan (D-MA) and Mariannette Miller-Meeks (R-IA) would require state Medicaid programs to establish a process through which qualifying out-of-state providers could enroll as participating providers for five years without undergoing additional screening requirements.
- *Outcome:* Ordered to be favorably reported to the Full Committee by a voice vote

If you have questions, please contact [Heather Meade](#) or [Heather Bell](#).

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