

CHAMBER HILL

INSIGHTS

House Energy and Commerce Marks Up 10 Health Care Bills

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On September 18, 2024, the House Energy and Commerce Committee [held](#) a markup of 16 bills, including 10 health care bills. The health care bills focused on a variety of topics, including telehealth permanency, Medicaid eligibility for military members and seniors, and nursing home issues such as hiring and a resolution condemning the Centers for Medicare and Medicaid Services' (CMS) rule on nursing home staffing.

There was bipartisan agreement on many of the healthcare bills – but there was also heated debate around the nursing home staffing rule. It is unclear if any of these bills will reach the floor before the end of this year, but we will continue to monitor them.

OPENING STATEMENTS

While members mainly focused their opening statements on non-health care related bills, there were some comments on health care:

- Committee Chair [Cathy McMorris Rodgers](#) (R-WA) spoke in favor of the committee's efforts to create a permanent Medicare telehealth benefit and to expand Medicaid eligibility for service members and seniors with disabilities.
- Committee Ranking Member [Frank Pallone](#) (D-NJ) spoke in favor of extending key telehealth flexibilities until the end of 2026 and improving access to Medicaid home and community-based services (HCBS). He was happy to highlight the bipartisan agreement on [H.R. 5526](#), the Seniors' Access to Critical Medication Act.
- Other members focused their opening statements on complaints about legislation not being considered. Both Rep. Larry Bucshon (R-IN) and Rep. Diane DeGette (D-CO) voiced frustrations that their bill, [H.R. 2369](#), the VALID Act of 2023, was not being considered. The VALID Act would implement a risk-based review system for all diagnostic tests, including laboratory-developed tests, under the U.S. Food and Drug Administration (FDA). Rep. Raul Ruiz was concerned his bill on early cancer detection, [HR 2407](#), the Nancy Gardiner Sule Early Detection Screening Act, was not being considered.

LEGISLATION INCLUDED IN THE MARKUP

- [H.R. 670](#), Think Differently Database Act (Reps. Molinaro and Sherrill): This legislation would create a clearinghouse on intellectual disabilities, through a publicly available website to provide information with respect to resources and information for people with a disability and their caregivers and families. (Passed 41-0)
- [H.R. 8107](#), Ensuring Access to Medicaid Buy-in Programs Act of 2024 (Reps. Ciscomani and Gluesenkamp Perez): This legislation would remove certain age restrictions on Medicaid eligibility for working adults with disabilities, allowing those over 65 to be eligible. (Passed 43-0)
- [H.R. 8108](#), To amend title XIX of the Social Security Act to add a Medicaid State plan requirement concerning the determination of residency of certain individuals serving in the Armed Forces (Reps. Kiggans and Kaptur): This legislation would add a Medicaid State plan requirement concerning the determination of residency of certain individuals serving in the Armed Forces, allowing those forces deployed but still residents to keep receiving benefits from their home state. (Passed 42-0)
- [H.R. 3433](#), Give Kids a Chance Act of 2024 (Reps. McCaul and Eshoo): This legislation authorizes the FDA to direct companies to study combinations of cancer drugs and therapies in pediatric trials as well. (Passed 43-0)
- [H.R. 7188](#), Shandra Eisenga Human Cell and Tissue Product Safety Act (Reps. Moolenaar and Dingell): This legislation would require the Secretary of Health and Human Services (HHS) to conduct a national, evidence-based education campaign to increase public and provider awareness regarding the potential risks and benefits of human cell and tissue products transplants. (Passed 40-0)
- [H.R. 7623](#), Telehealth Modernization Act of 2024 (Reps. Carter, Blunt Rochester, Steube, Sewell, Miller-Meeks, Dingell, Van Drew, and Morelle): This legislation permanently extends certain flexibilities that were initially authorized during the COVID public health emergency. The bill allows (1) rural health clinics and federally qualified health centers to serve as the distant site (i.e., the location of the health care practitioner); (2) the home of a beneficiary to serve as the originating site (i.e., the location of the beneficiary) for all services (rather than for only certain services); and (3) all types of practitioners to furnish telehealth services, as determined by the Centers for Medicare & Medicaid Services. (Passed 41-0)
- [H.R. 3227](#), Ensuring Seniors' Access to Quality Care Act (Reps. Estes and Connolly): This legislation would repeal certain restrictions under Medicare and Medicaid that prohibit the approval of nurse-aide training and competency evaluation programs in skilled nursing facilities that have been subject to specified regulatory actions (e.g., civil penalties) for substandard quality of care. CMS must still disapprove such programs for up to two years; however, the CMS must rescind the disapproval upon

completion of corrective action and may require additional oversight of the program for purposes of rescission. The bill also allows Medicaid and Medicare providers (e.g., skilled nursing facilities) to access, through the National Practitioner Data Bank, disciplinary information for affiliated physicians and other health care practitioners, as reported by state licensing authorities. (Passed 20-18)

- [H.R. 9067](#), Building America’s Health Care Workforce Act (Rep. Guthrie): This legislation would establish a waiver of certain training and certification requirements for specified skilled nursing facilities and nursing facilities. (Passed 23-17)
- [H.R. 7155](#), United States-Abraham Accords Cooperation and Security Act of 2024 (Reps. Harshbarger, Vargas, Weber, Peters, Harris, Levin, and Allen): This legislation would establish, within the FDA an Abraham Accords Bureau to promote and facilitate cooperation between the FDA and entities in Abraham Accords countries wishing to work with the agency to develop and sell products in the United States, and for other purposes. (Included in the Amendment in the Nature of a Substitute to H.R. 3433, Give Kids a Chance Act of 2024)
- [H.J. Res. 139](#), Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services relating to “Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting” (Reps. Fischbach and Pence): This legislation would provide congressional disapproval of the rule submitted by the Centers for Medicare & Medicaid Services relating to “Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting.” (Passed 21-18)

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