Agenda

Congressional Update
• Capitol Hill Pulse Check
• Breakdown of 117th Congress
• Congressional Committee Update
• Anticipated COVID-19 Relief Package
• Implications for CHIME Policy Priorities

Federal Update
• Transition to Biden Administration
  • Key Administrative Roles
  • First 100 Days of Biden Administration
  • Implications for CHIME Policy Priorities
• 2021 Key Deadlines
Congressional Update
Capitol Hill Pulse Check

Tensions are high on Capitol Hill after Jan. 6 attack on U.S. Capitol: Dems and Rs not working together, companies pulling political contributions from Rs, impeachment, threats against the U.S. Capitol and state capitols, National Guard presence in DC
Three Senators Sworn in on Jan. 20

Sen. Raphael Warnock (D-GA)

Sen. Alex Padilla (D-CA)

Sen. Jon Ossoff (D-GA)

New Senators Previously Sworn in:
- Sen. Tommy Tuberville (R-AL)
- Sen. John Hickenlooper (D-CO)
- Sen. Roger Marshall (R-KS)
- Sen. Ben Ray Lujan (D-NM)
- Sen. Bill Hagerty (R-TN)
- Sen. Cynthia Lummis (R-WY)
Breakdown of the 117th Congress

• House
  • 221 Democrats
  • 211 Republicans
  • 3 vacancies

• Senate
  • 50-50 tie
  • 48 Democrats + Two Independents who tend to vote with Democrats
  • 50 Republicans

Who is in control in a 50-50 Senate? Who will be influential? What challenges do Democrats face?

What does this all mean? Compromise is key!
Rep. Nancy Pelosi (D-CA) Re-Elected as Speaker

• Rep. Pelosi won re-election as Speaker of the House with 216 votes.
  • This will be her fourth term as speaker.
• All but five democratic members voted for her.
  • Two Democratic members voted for someone other than Pelosi and three Democratic members voted “present.”
• Priorities:
  • Reintroduced the For the People Act (H.R. 1)
  • Impeach President Trump ✔
  • COVID-19 relief legislation

Looking back at the 116th Congress:

- H.R.1- Voter registration
- H.R. 2-Infrastructure
- H.R. 3-Drug Pricing
- H.R. 4-Voting Rights
- H.R. 5-Discrimination
- H.R. 6-Immigration
- H.R. 7-Equal Pay
- H.R. 8-Gun Safety
- H.R. 9-Climate Action
New Majority Leader in Senate- Sen. Chuck Schumer (D-NY)

• Power sharing agreement with Sen. McConnell has yet to be reached
  • McConnell interested in preserving filibuster
• The Senate Democratic majority’s first bill in the new Congress will be the For The People Act (S. 1)
  • Section by Section Summary
• Other priorities:
  • Confirming President Biden’s cabinet as well as executive and judicial nominations
  • Second Trump impeachment
  • COVID-19 relief legislation
    • Direct relief payments and vaccine distribution
Committee Leaders

• **House**
  • Appropriations
    • Rep. Rosa DeLauro (D-CT)* and Rep. Kay Granger (R-TX)
  • Energy and Commerce
    • Rep. Frank Pallone (D-NJ) and Rep. Cathy McMorris Rodgers (R-WA)*
  • Ways & Means
    • Rep. Richard Neal (D-MA) and Rep. Kevin Brady (R-TX)

• **Senate**—these are the expected leaders
  • Appropriations
    • Sen. Patrick Leahy (D-VT) and Sen. Richard Shelby (R-AL)
  • Finance
    • Sen. Ron Wyden (D-OR) and Sen. Mike Crapo (R-ID)*
  • Health, Education, Labor & Pensions (HELP)
    • Sen. Patty Murray (D-WA) and Sen. Richard Burr (R-NC)*
  • Homeland Security & Governmental Affairs
    • Sen. Gary Peters (D-MI) and Sen. Rob Portman (R-OH)*

*new to this role
Biden COVID-19 Relief Proposal

• $1.9 trillion "American Rescue Plan"
  • Fact Sheet; Summary

• Focuses on mounting a national testing and vaccination program, direct relief to families, and aid to communities and businesses

• Excerpt from Schumer, Pelosi joint statement: "We will get right to work to turn President-elect Biden’s vision into legislation that will pass both chambers and be signed into law."

• President Biden would like to pass measures in a bipartisan fashion, but if he can't, Dems can use budget reconciliation
  • Only requires a simple majority in the Senate
  • "We have to be very, very aggressive, and I intend as chairman of the committee to use reconciliation to do just that" Sen. Bernie Sanders
Implications for CHIME Policy Priorities

1. **Cyber**
   • H.R. 7898 - Big win but more focus needed on cyber

2. **Interoperability**
   • Information blocking, APIs and consumerism will remain the name of the game

3. **UPI**
   • Grassroots advocacy on hold until appropriations committee assignments are clear.
   • Will be looking for Senate champions
   • Recruiting for Patient ID Now Coalition

4. **Telehealth**
   • Legislative pathway uncertain and achieving lasting changes will be a slog
   • Plan on looking for hill champion to introduce legislation crafting a telehealth czar position

5. **Privacy**
   • Privacy conversation will occur again on the hill but seeing legislation cross the finish line unlikely

*We expect COVID-19 to influence all of these issues through the duration of the pandemic and recovery.*
Federal Update
Biden Inauguration and Transition

• President Joe Biden and Vice President Kamala Harris inaugurated yesterday
  • Largely virtual inauguration
  • Pres. Trump did not attend
  • Transition continues, but is slowed due to current Administration
• Expected to be most diverse set of nominees in history by a President
• Historic representation for:
  • Women
  • POC (Hispanic, Black, Asian, Native American)
  • Transgender
• Key Health nominees include:
  • HHS Sec. – Xavier Becerra (Current Calif. Attorney General)
  • Assistant Sec. of Health – Dr. Rachel Levin (Pennsylvania Health Sec.)
  • Surgeon General – Dr. Vivek Murthy (Fmr. Obama Surgeon General)
  • CDC Dir. – Dr. Rochelle Walensky (Mass. General Hospital)
• Career officials expect to serve in “acting” capacity
• ONC/CMS appointments not expected until late-Spring
Executive Orders Signed (So Far)

• COVID Relief, Immigration, Climate, Government Functions

• Expected today: Additional COVID orders on testing and vaccines

• Key executive orders concerning policy is a **Regulatory Freeze**
  • Holds all pending, non-final, regulation yet to be effective before 1/21 for a 60 day review.
  • During that review there may be an opportunity for public comment.
• Key Health IT rules clarity is required on:
  • CMS Prior Authorization and Payer API Final Rule – text published, but not in the Federal Register
  • HIPAA Propose Rule – proposed rule published in the Federal Register, but not open for comment until 1/21.
Ongoing Senate Confirmations

Several Senate Confirmations already under way including:

• Avril Haines – Director of National Intelligence **CONFIRMED**
• Alejandro Mayorkas – Secretary, Department of Homeland Secretary
• Antony Blinken – Secretary of State
• Janet Yellen – Secretary of Treasury
• Lloyd J. Austin III – Secretary of Defense

This is a traditional process used to quickly install crucial nominees and preserve continuity of government.
New HHS Leadership of Note

• Acting Secretary – HHS: Norris Cochran
  o Former: Deputy Assistant Secretary of Budget – HHS

• National Coordinator – ONC: Micky Tripathi

• Acting Administrator – CMS: Liz Richter

• Acting Inspector General – HHS OIG: Christi Grimm

• Acting Administrator – HRSA: Diana Espinosa
Key Health IT Leaders

**Centers for Medicare & Medicaid Services**

**Liz Richter**
Current Role: Deputy Center Director
Acting Role: CMS Administrator

**Office of the National Coordinator for Health Information Technology**

**Micki Tripathi**
Current Role: National Coordinator
Formerly: Arcadia Health, Boards of HL7 FHIR, CommonWell, and Sequoia Project
The clear first priority is COVID-19 with initiatives such as:
  • Distributing 100-million vaccines in the first 100 days
  • Working with governors to implement nationwide mask mandates
  • Improve testing
  • Work to improve response next pandemic

• Economic Recovery
  • Could be executed as part of an infrastructure package

• Regulatory Review
  • It is anticipated that the publishing of all regulation will cease to allow time to review
  • It is anticipated Final Rules released in last several months will also be reviewed
  • Some Proposed Rules, such as HIPAA may never publish

• Executive Orders
  • It is expected the President will issue multiple Executive Orders over the next several days
Implications for CHIME Policy Priorities

1. **Cyber**
   - Expected rules to implement Cybersecurity Best Practices Rule (H.R. 7898)
   - Continued coordination with HHS OCIO/DHS/FDA/FBI on active cyberthreats: Solarwinds, Ransomware

2. **Interoperability**
   - Educational push between now and April 5 Information Blocking Applicability date
   - Multiple key time-gate stages in 2021, it will be crucial to monitor readiness against COVID-19 impact
   - Awaiting HHS/CMS/OIG penalty finalization and enforcement for information blocking

3. **UPI**
   - Awaiting ONC report on patient matching mandated by Congress

4. **Telehealth**
   - [PHE extended](#) through April 21.
   - Continue to gather stories and justifications for the success of telehealth

5. **Privacy**
   - HIPAA comments due March 22, 2021
   - Ensure ONC and CMS are aware of privacy implications of API and information blocking implementation

We expect COVID-19 to influence all of these issues through the duration of the pandemic and recovery.
Timeline of Key 2021 Dates*

- Patients Access and Provider Directory API Effective Date: Jan. 1, 2021
- HIPAA Comments Due: March 22
- Info. Blocking Compliance: April 5
- Patients Access and Provider Directory API Enforcement Date: July 1
- Payer-to-Payer Exchange Deadline: Jan. 1, 2022
- April 5
- May 1
- CMS Admission, Discharge, Transfer Deadline
- July 1

* Dates may shift as agencies respond to COVID and the Administration change.
Have Questions?

Reach out to us at policy@chimecentral.org