



NHMA Legislative Update – May 2023

The national office continues to work diligently to monitor federal, state, and local policy developments, including legislative and regulatory changes, to advocate initiatives representing the interests of our 50,000 licensed Hispanic physicians in the United States.

We maintain weekly communication with strategic national partners to empower Hispanic physicians to be leaders who will help eliminate health disparities and improve the health of Hispanics in the United States, including Washington D.C. and Puerto Rico.

Announcements

Washingtonian Magazine has named NHMA's Dr. Elena Rios as one of [Washington DC's 500 Most Influential People of 2023](#). Dr. Rios knows the ins and outs of health care policy, regulation, and access — and how it can help or hurt consumers. Dr. Elena Rios represents 50,000 Hispanic physicians across the U.S. and directs education and research on the most cutting-edge health care developments and questions. NHMA advocates for the development and enhancement of key federal and state health care programs and policies that impact health care and mental health care delivery systems, prevention programs, medical education, and research and reduce health disparities for Hispanic communities' health.

Advocacy Letters, Comments & Statements

Braidwood v. Becerra, 23-10326, Amicus Brief. NHMA joined 10 other medical associations and societies in an amicus curiae brief filed in the Fifth Circuit in support of the government/appellants' motion for stay pending appeal in *Braidwood Management Inc. v. Becerra*, regarding the repercussions that a nationwide stay could have on the availability of no-cost preventive care under the *Affordable Care Act*. The district court's decision could significantly jeopardize the coverage of preventive health care services for millions of Americans and reverse positive trends in patient health achieved by the early detection and treatment of diseases and other medical conditions. As professional organizations representing physicians across the country, we know the value of preventive care services in helping their patients to live long, healthy lives. We therefore seek to file this brief to provide a medical perspective on the issues in this case, with a specific focus on the importance of eliminating financial barriers to accessing preventive care.

NHMA joined a coalition of national civil rights and health equity partners in sending a [letter](#) to Secretary Xavier Becerra, Department of Health and Human Services, urging the administration to use its authority granted by Congress to protect health coverage for people who rely on Medicaid and the Children's Health Insurance Program (CHIP). We remain concerned that states

unwinding could cause the largest Medicaid losses in history, with disproportionate harm experienced by communities of color, mothers, and children.

NHMA joined Families USA, alongside almost 230 national and state partner organizations, in sending a [letter](#) to Congressional Leadership in support of the critically important Medicaid program and to express united opposition to any proposals to cut Medicaid funding as part of upcoming negotiations over the federal budget, debt limit, or any other legislative priorities. The letter has a clear message: Cuts to the Medicaid program are unacceptable.

NHMA joined NALEO Educational Fund in sending a [comment letter](#) to the Office of Management and Budget's (OMB) to revise the standards for federal data on race and ethnicity, which will greatly improve the ability of Latinos to report their identity in a manner that reflects their identities.

NHMA joined the National Minority Quality Forum and Blue Cross Blue Shield Association in sending a comment letter to the Office of Management and Budget's (OMB) regarding the initial proposals from the Federal Interagency Technical Working Group on Race and Ethnicity Standards for revising OMB's *1997 Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* (SPD 15) to prioritize data collection standards and ethical use with regards to race, ethnicity and language (REL) data and sexual orientation and gender identity (SOGI) data.

NHMA joined the Leadership Conference on Civil and Human Rights in sending a comment letter to the Office of Management and Budget's (OMB) on revising OMB's race and ethnicity data standards with the aim to achieve race and ethnicity data standards that will better reflect the full diversity of our communities, yielding more accurate data and improving our ability to identify and address inequities and protect civil rights.

NHMA joined a coalition of organizations and communities working to promote the health of all individuals in sending a [letter](#) to Congressional Appropriations Leadership urging federal funding of at least \$102.5 million in the fiscal year (FY) 2024 Labor, Health and Human Services, and Education Appropriations bill for the Centers for Disease Control and Prevention's (CDC) Racial and Ethnic Approaches to Community Health (REACH) program. This funding will help address the disproportionate impact of chronic disease on racial and ethnic populations in urban, rural, and tribal areas.

NHMA joined the Alliance for Aging Research in sending a letter urging the FDA Advisory Committee to Listen to Perspectives of Alzheimer's Patients and Families when Considering Expansion of Brexpiprazole Label. The letter was submitted to the docket (FDA-2023-N-0985) for the April 14, 2023 Joint Meeting of the Psychopharmacologic Drugs Advisory Committee and the Peripheral and Central Nervous System Drugs Advisory Committee. The committee voted 9-to-1 in support of the FDA expanding the label indication for brexpiprazole to include agitation associated with Alzheimer's disease. This vote is supportive and the FDA will make a final decision on whether to expand the label in the coming month.

NHMA joined the Coalition for Contact Lens Consumer Choice in sending a letter to Congressional Leaders in opposition of H.R. 2748, the *Contact Lens Prescription Verification Modernization Act*, which seeks to end automatic prescription verification, a key part of the *Federal Contact Lens Consumer Act*, which will result in higher costs for consumers and taxpayers, less choice, and less competition in the marketplace.

White House/Administration

Medicaid Unwinding, CMS Waivers, Flexibilities, and Transition Forward. During the COVID-19 pandemic, millions of people have been continuously insured by Medicaid as a result of public health emergency rules (PHE) in effect since early 2020. However, this policy expires soon and Medicaid will be allowed to terminate people's coverage. NHMA is working national partners on community education efforts to protect Latino families' health care.

The Administration's plan is to end the COVID-19 public health emergency (PHE) this month on **May 11, 2023**. The [Consolidated Appropriations Act of 2023](#) extended many of [the telehealth flexibilities authorized during the COVID-19 public health emergency](#) through December 31, 2024. More information is available on the Centers for Medicare & Medicaid Services (CMS) website about [coronavirus waivers and flexibilities](#) and you can find other Medicaid unwinding resources online at [Medicaid.gov/unwinding](#). And this [HHS Fact Sheet](#) on Telehealth Flexibilities and Resources and the COVID-19 Public Health Emergency.

HHS Mental Health Summit. Secretary Xavier Becerra and the U.S. Department of Health and Human Services (HHS) hosted its HHS Mental Health Summit on May 4, 2023. The Summit highlighted the Department's work on strengthening mental health across our communities. This was an opportunity to hear from HHS leadership that lead on priority initiatives for the Administration. Topics covered mental health challenges our country is facing and the Biden-Harris Administration response. Select recordings of the HHS Summit are now available online: [Part 1](#) and [Part 2](#) and an [HHS Fact Sheet](#): Celebrating Mental Health Awareness Month 2023.

Additionally, the Substance Abuse and Mental Health Services Administration (SAMHSA) launched [FindSupport.gov](#) – a new resource website to: learn how to get support for mental health, drug, and alcohol issues, be guided through common questions when they are at the start of their behavioral health journey, be able to find a health care professional or program that meets their needs, and have the tools to ask better questions of their health care professionals so that they can feel confident going into treatment.

Federal Vaccination Requirements. On May 9, 2023, President Biden issued a proclamation on [revoking the air travel covid-19 vaccination requirement](#) and an executive order [revoking vaccination requirements for federal workers](#). In 2021, based on the best available data and guidance our public health experts, President Biden issued an executive order requiring coronavirus disease 2019 vaccination for federal employees, directing executive departments

and agencies to require COVID-19 vaccination for their employees, and to ensure that Federal contractors and subcontractors have adequate COVID-19 safety protocols.

Tobacco and Nicotine Products. The U.S. Food and Drug Administration (FDA) is introducing measures that would significantly reduce disease and death from combusted tobacco product use, the leading cause of preventable death in the United States. FDA has [updated regulatory documents](#) to include new definitions of “tobacco products” and announced its plan to complete the rulemaking process of [proposed product standards](#) prohibiting menthol as a characterizing flavor in cigarettes and prohibiting all characterizing flavors in cigars. If finalized and implemented, FDA enforcement will only address manufacturers, distributors, wholesalers, importers and retailers who manufacture, distribute, or sell such products within the U.S. that are not in compliance with applicable requirements. These proposed regulations do not include a prohibition on individual consumer possession or use.

Climate and Health Outlook. The Department of Health and Human Services (HHS) Office of Climate Change and Health Equity (OCCHE) released its [May 2023 Climate and Health Outlook](#), an effort to inform health professionals and the public on how our health may be affected in the coming months by climate events and provide resources to take proactive action.

Medical Credit Cards and Financing Plans. The Consumer Financial Protection Bureau (CFPB) published a [report](#) on high-cost specialty financial products, such as medical credit cards, that are sold to patients as a way to alleviate the growing costs of medical care. The report finds that these specialty products are typically more expensive for patients than other forms of payment, including conventional credit cards, with interest rates often reaching above 25 percent. These products can add, instead of remove, the financial stress that comes with medical bills, including decreased access to credit, costly and lengthy collection litigation, and an increased likelihood of bankruptcy.

Congressional Activity

Dr. Elena Rios and NHMA staff met with Congressional Hispanic Caucus Members of Congress to reintroduce NHMA and have topline discussions on NHMA policy priorities including diversifying our nation's health workforce, addressing physician shortages, and public health prevention efforts i.e. on diabetes, heart disease, obesity, tobacco-related policies, and more. Dr. Rios and NHMA staff met with **Rep. Nanette Barragán** (D-CA-44), Chair of the Congressional Hispanic Caucus and member of the Energy and Commerce Subcommittee on Health; **Rep. Dr. Raul Ruiz** (D-CA-25), Ranking Member of the Select Subcommittee on the Coronavirus Pandemic, and member of the Energy and Commerce Subcommittee on Health; **Rep. Dr. Yadira Caraveo** (D-CO-08), member of the Agriculture Subcommittee on Nutrition, Foreign Agriculture, and Horticulture, and member of the Bipartisan Mental Health & Substance Use Disorder Task Force; **Rep. Tony Cárdenas** (D-CA-29), member of the Energy and Commerce Subcommittee on Health, and with Congressional staff in the **Office of Rep. Pete Aguilar** (D-CA-33), Chair of the House Democratic Caucus and member of the House Appropriations Committee; and, the **Office of Rep. Ritchie Torres** (D-NY-15), member of the House Financial Services Committee.

253 Members of Congress—[led](#) by Senators Schumer, Murray, Sanders, Durbin, and Blumenthal and Representatives Jeffries, Clark, Pallone, Nadler, Lee, and DeGette—submitted an [amicus brief](#) to the U.S. Court of Appeals for the Fifth Circuit in the case of *Alliance for Hippocratic Medicine v. FDA*, urging the Court to reverse the district court’s stay on the FDA’s more than 20-year-old approval of mifepristone. In April 2023, the Supreme Court issued a stay of the lower court ruling that allows mifepristone to remain on the market while the case is under review.

Congressional Hearing on PAHPA Reauthorization. The Senate Committee on Health, Education, Labor and Pensions held a [hearing](#) on May 4, 2023 entitled, “Preparing for the Next Public Health Emergency: Reauthorizing the Pandemic and All-Hazards Preparedness Act” (PAHPA). The committee heard testimony from two panels of witness, including a panel of federal government leaders representing the Administration for Strategic Preparedness and Response (ASPR), the Centers for Disease Control and Prevention (CDC), and the Food and Drug Administration (FDA), and second a panel of academic and expert witnesses. The hearing focused on the importance of reauthorizing PAHPA to better prepare for future public health emergencies. Chair Bernie Sanders (I-VT) and Ranking Member Bill Cassidy (R-LA) also asked questions on high prescription drug prices and the impact of potential cost containment measures. NHMA looks forward to working with the Committee as it works in a bipartisan manner to reauthorize PAHPA. We stand ready to assist in this effort.

Congressional Hearing on Insulin Affordability. The Senate Committee on Health, Education, Labor and Pensions held a [hearing](#) on May 10, 2023 entitled, “The Need to Make Insulin Affordable for All Americans.” This historic hearing discussed the need to lower insulin prices and the cost of other prescription drugs with testimony from CEOs from major insulin manufacturers, Eli Lilly and Company, Novo Nordisk, and Sanofi, and top executives from the major pharmacy benefit managers (PBMs) of CVS Health, Express Scripts, and OptumRX.

Congressional Hearing on Innovation and Patient Access. The House Committee on Ways and Means Health Subcommittee held a [hearing](#) on “Examining Policies that Inhibit Innovation and Patient Access.” The hearing included academic and expert witnesses focused on reviewing the Inflation Reduction Act’s potential effects on prescription drug development and innovation.

Strategic Advocacy Partnerships

The [Congressional District Health Dashboard](#), developed by the Department of Population Health at NYU Grossman School of Medicine in partnership with the Robert Wood Johnson Foundation, is now live. This dashboard will equip users with first-of-its-kind data on health and the conditions that affect health in every congressional district across the country. It builds on the experience creating and managing the [City Health Dashboard](#) and provides important data on health and equity, but now calculated to the congressional district level.