



MEMORANDUM

To: Subcommittee on Health Members and Staff
From: Committee on Energy and Commerce Majority Staff
Re: Health Subcommittee Markup on May 16, 2024

I. INTRODUCTION

On Thursday, May 16, 2024, at 10:00 a.m. (ET), the Subcommittee on Health will meet in open markup session in 2123 Rayburn House Office Building to consider the following legislation:

- **H.R. 3433, Give Kids a Chance Act (Reps. McCaul and Eshoo)**
- **H.R. 7383, Retaining Access and Restoring Exclusivity (RARE) Act (Reps. Matsui and Bilirakis)**
- **H.R. 7384, Creating Hope Reauthorization Act of 2024 (Reps. McCaul and Eshoo)**
- **H.R. 7188, Shandra Eisenga Human Cell and Tissue Product Safety Act (Reps. Moolenaar and Dingell)**
- **H.R. 6033, Supporting Patient Education And Knowledge (SPEAK) Act of 2023 (Reps. Steel and Gomez)**
- **H.R. 7858, Telehealth Enhancement for Mental Health Act of 2024 (Reps. James and D.G. Davis)**
- **H.R. 7623, Telehealth Modernization Act of 2024 (Reps. Carter and Blunt Rochester)**
- **H.R. 1406, Sustainable Cardiopulmonary Rehabilitation Services in the Home Act (Reps. Joyce and Peters)**
- **H.R. 7856, PREVENT DIABETES Act (Reps. DeGette and Bilirakis)**
- **H.R. 5394, Expanding Remote Monitoring Access Act (Reps. Balderson and Porter)**
- **H.R. 1199, Facilitating Innovative Nuclear Diagnostics Act of 2023 (Reps. Dunn and Peters)**
- **H.R. 6020, Honor Our Living Donors Act (Reps. Obernolte and DelBene)**
- **H.R. 455, To amend the Controlled Substances Act to fix a technical error in the definitions (Reps. Burchett and Cohen)**
- **H.R. 7213, Autism Collaboration, Accountability, Research, Education, and Support (CARES) Act of 2024 (Reps. C. Smith and Cuellar)**
- **H.R. 4534, Women and Lung Cancer Research and Preventive Services Act of 2023 (Reps. Boyle and Fitzpatrick)**
- **H.R. 670, Think Differently Database Act (Reps. Molinaro and Sherrill)**
- **H.R. 8084, LIVE Beneficiaries Act (Reps. Bilirakis and Craig)**

- **H.R. 8089, Medicare and Medicaid Fraud Prevention Act of 2024 (Reps. Garcia and Peters)**
- **H.R. 8111, To amend title XIX of the Social Security Act to ensure the reliability of address information provided under the Medicaid program (Reps. Miller-Meeks and Cartwright)**
- **H.R. 8112, To amend title XIX of the Social Security Act to further require certain additional provider screening under the Medicaid program (Rep. D’Esposito)**
- **H.R. 4758, Accelerating Kids’ Access to Care Act (Reps. Trahan and Miller-Meeks)**
- **H.R. 3227, Ensuring Seniors’ Access to Quality Care Act (Reps. Estes and Connolly)**
- **H.R. 468, Building America’s Health Care Workforce Act (Reps. Guthrie and Dean)**

II. EXPLANATION OF LEGISLATION

H.R. 3433, Give Kids a Chance Act (Reps. McCaul and Eshoo)

This legislation would provide the Food and Drug Administration (FDA) the authority to require pediatric cancer trials for new drugs that are used in combination with active ingredients that meet the standard of care for targeting pediatric cancer or have been approved to treat adult cancer and are directed at molecular targets for pediatric cancer.

H.R. 7383, Retaining Access and Restoring Exclusivity (RARE) Act (Reps. Matsui and Bilirakis)

This legislation would clarify the FDA’s interpretation of limiting orphan drug exclusivity to the approved indication, rather than the potentially broader designation.

H.R. 7384, Creating Hope Reauthorization Act of 2024 (Reps. McCaul and Eshoo)

This legislation would extend the FDA priority review voucher program from fiscal year 2024 through fiscal year 2028, to incentivize the development of drugs for rare pediatric diseases.

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 health care provider awareness regarding the potential risks and benefits of human cell and tissue products transplants. The Secretary would also be required to report any actions that could be taken to improve the safety of human cell and tissue products and update existing donor eligibility guidance accordingly. This bill would also establish civil monetary penalties for any person who

violates human cell and tissue product requirements established in Section 361 of the Public Health Service Act.

H.R. 6033, Supporting Patient Education And Knowledge (SPEAK) Act of 2023 (Reps. Steel and Gomez)

This legislation would direct the Secretary of HHS to convene a task force to assess barriers and develop recommendations to improve access to health information systems for non-English speakers.

H.R. 7858, Telehealth Enhancement for Mental Health Act of 2024 (Reps. James and D.G. Davis)

This legislation would direct the Secretary of HHS to implement a coding modifier to identify telehealth claims for services that are key components of the care process and are furnished by non-physician clinicians or support staff.

H.R. 7623, The Telehealth Modernization Act of 2024 (Reps. Carter and Blunt Rochester)

This legislation would make certain telehealth flexibilities permanent under Medicare. The telehealth flexibilities that are extended by this legislation include: removing geographic restrictions, expanding eligibility for practitioners to furnish telehealth services, retaining the waiver process for modifying telehealth services covered under Medicare, implementing a permanent payment system for telehealth services furnished by rural health clinics (RHCs) and federally qualified health centers (FQHCs), allowing clinically appropriate use of telehealth for hospice care and home dialysis, and allowing the use of audio-only telecommunications technology.

H.R. 1406, Sustainable Cardiopulmonary Rehabilitation Services in the Home Act (Reps. Joyce and Peters)

This legislation would permanently allow cardiopulmonary rehabilitation services to be furnished via telehealth at a beneficiary's home under Medicare.

H.R. 7856, The PREVENT DIABETES Act (Reps. DeGette and Bilirakis)

This legislation would establish a diabetes prevention program under Medicare that furnishes structured behavioral health change services, for the purpose of preventing or delaying the onset of type II diabetes. In addition, this legislation would sunset the Medicare Diabetes Prevention Program Expanded Model.

H.R. 5394, Expanding Remote Monitoring Access Act (Reps. Balderson and Porter)

This legislation would provide for Medicare coverage of remote monitoring services if such services collect data for a minimum of 2 days over a 30-day period, a

decrease from 16 days in current law. The legislation also requires a study of remote monitoring services that will help inform reimbursement and coverage policies of remote monitoring services.

H.R. 1199, Facilitating Innovative Nuclear Diagnostics Act of 2023 (Reps. Dunn and Peters)

This legislation would change the Medicare reimbursement structure from being bundled with other imaging services by establishing separate payment requirements for diagnostic radiopharmaceuticals under the Medicare prospective payment system for hospital outpatient department services. These requirements would apply to diagnostic radiopharmaceuticals that have an average daily cost of \$500 or more in 2024 and as adjusted based on a specified fee schedule factor in each year thereafter.

H.R. 6020, Honor Our Living Donors Act (Reps. Obernolte and DelBene)

This legislation would prevent an organ recipient's income from being considered when providing reimbursement for qualifying expenses incurred by a living organ donor during the donation process.

H.R. 455, To amend the Controlled Substances Act to fix a technical error in the definitions. (Reps. Burchett and Cohen)

This legislation would make technical corrections to the definitions section of the Controlled Substances Act.

H.R. 7213, Autism Collaboration, Accountability, Research, Education, and Support (CARES) Act of 2024 (Reps. C. Smith and Cueller)

This legislation would reauthorize certain programs and activities related to Autism Spectrum Disorder, including the Developmental Disabilities Surveillance and Research Program; Autism education, early detection, and intervention activities; and the Interagency Autism Coordination Committee at currently appropriated levels for fiscal years 2025 through 2029.

H.R. 4534, Women and Lung Cancer Research and Preventive Services Act of 2023 (Reps. Boyle and Fitzpatrick)

This legislation would require HHS to conduct an interagency review to evaluate the status of, and identify research and education opportunities related to, lung cancer in women. The review would include assessments of current research and access to prevention services, the availability of research opportunities regarding prevention, detection, and treatment, and recommendations for national public education and screening strategies.

H.R. 670, Think Differently Database Act (Reps. Molinaro and Sherrill)

This legislation would establish a publicly available website within HHS that is focused on improving accessibility of health service information and resources for individuals with disabilities.

H.R. 8084, LIVE Beneficiaries Act (Reps. Bilirakis and Craig)

This legislation would require States to perform quarterly verifications of the Social Security Administration's Death Master File and to disenroll any individuals enrolled for medical assistance under the State plan that are found to be deceased.

H.R. 8089, Medicare and Medicaid Fraud Prevention Act of 2024 (Reps. Garcia and Peters)

This legislation would require States to perform quarterly verifications of the Social Security Administration's Death Master File and to remove providers enrolled in the State's Medicaid program that are found to be deceased.

H.R. 8111, To amend title XIX of the Social Security Act to ensure the reliability of address information provided under the Medicaid program (Reps. Miller-Meeks and Cartwright)

This legislation would streamline processes for States and managed care organizations to update address information for currently enrolled beneficiaries, to ensure that beneficiaries currently reside in the State.

H.R. 8112, To amend title XIX of the Social Security Act to require certain additional provider screening under the Medicaid program (Rep. D'Esposito)

This legislation would require States to check the Data EXchange (DEX), a database run by the Centers for Medicare and Medicaid Services (CMS), that identifies providers who have been removed from participating in the Medicare program.

H.R. 4758, Accelerating Kids Access to Care Act (Reps. Trahan and Miller-Meeks)

This legislation would promote enrollment under the Medicaid program for eligible out-of-State providers. Specifically, the bill would enable providers to enroll in State Medicaid programs, besides their home state's program, without additional screening requirements.

H.R. 3227, Ensuring Seniors' Access to Quality Care Act (Reps. Estes and Connolly)

This legislation would modify requirements that otherwise prohibit a nursing home from running nurse aide trainings and competency evaluations when the nursing home has been subject to civil monetary penalties, so long as the facility has addressed deficiencies

associated with the penalties and has not been found to have deficiencies related to patient harm or quality of care.

H.R. 468, Building America's Health Care Workforce Act (Reps. Guthrie and Dean)

This legislation would extend waivers for nursing homes to retain temporary nurse aides for more than 120 days and would allow for competency requirement evaluations to be conducted at nursing homes where the temporary nurse aide is employed.

III. STAFF CONTACTS

If you have questions regarding this hearing, please contact Emma Schultheis of the Committee staff at (202) 225-3641.