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Welcome to *Washington Update*, the weekly e-newsletter on the latest health care happenings in the nation's capital that affect APG's members.

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Amid Emerging Congressional Deal To Fund The Government, Fate Of Some Health Measures Is Uncertain

One week from the March 14 deadline, top Republican and Democratic appropriators in the House and Senate have agreed to a spending framework that would fund the federal government at 2024 levels through this 2025 fiscal year, ending September 30. But it's unclear whether multiple health care measures will make it into the final package despite broad bipartisan support.

Congress is expected to vote next week on this new [continuing resolution](#) (CR), averting a partial government shutdown. Although President Trump has specified that the measure be "clean" – that is, with no add-ons beyond the extension of 2024 funding – an eleventh-hour push is underway to include key health care measures, including extension of pandemic-era telehealth payment flexibilities in Medicare; the Medicare Acute Hospital Care at Home waiver; funding for community health centers; and a rollback of the 2.83 percent Medicare physician fee cut for 2025. If not extended, the telehealth flexibilities will

expire on March 31, meaning that providers could not bill Medicare for these services beginning in April.

Eleventh-hour moves: Senate Democrats [unveiled](#) a package of these and other health care measures this week that they hope to persuade Republican leaders to add to the CR or put up for vote as a standalone bill. Notably, that package includes a rollback of the 2025 Medicare physician fee cut, which hasn't always been a Democratic priority. In the House, Rep. Greg Murphy (R-NC) and other bipartisan members of the so-called "Doctors' Caucus" are also [pushing hard](#) for the rollback. APG is continuing its aggressive advocacy on these health care measures and the fee cut rollback in particular, such as in a [video briefing](#) conducted by The Hill and sponsored by the American Medical Association in which APG President and CEO Susan Dentzer participated this week.



Health Care Stakeholders Seek Clarification Of New Health and Human Services Department Policy On Rulemaking And Public Comment

The [announcement](#) late last week that the Department of Health and Human Services (HHS) would jettison a [54-year-old policy](#) of encouraging public participation in much of its federal rulemaking has left stakeholders such as APG scrambling to understand the impact – including the potential effects on rulemaking involving Medicare and Medicaid. HHS has promised that another announcement would bring clarifications, but as of today, nothing else has been published.

The HHS move pertains to federal agency rulemaking procedures required by law that include offering the public notification of proposed rules and an opportunity to submit comments to the agency. In 1971, HHS in effect adopted a broad interpretation of the statute, extending so-called "notice and comment" procedures to a wide swath of measures including any HHS-determined grants, contracts, and "benefits." It is this interpretation – technically termed a "waiver" – that HHS has now renounced.

Range of outcomes: Legal experts say that the rescission of the waiver could have different effects across HHS agencies. For example, it could allow the National Institutes of Health (NIH) to cancel a preexisting grant without public participation – a key issue in current lawsuits involving recent NIH moves (see more in "In Case You Missed It" below). Although separate legal provisions do require notice and comment rulemaking for "substantive legal standards" in Medicare – for example, those "governing the scope of benefits, the payment for services, or the eligibility of individuals, entities, or organizations to furnish or receive services or benefits" – there is no similar requirement in Medicaid. Nonetheless, the Centers for Medicare & Medicaid Services

(CMS) has frequently sought public comment on various proposed Medicaid-related measures.

As widely [noted](#) by legal experts, the newly announced HHS approach appears to conflict with the promise of Secretary Robert F. Kennedy Jr. that “radical transparency” would characterize his tenure at the agency. More than 20 patient advocacy organizations released a [statement](#) this week protesting the HHS move. APG and other organizations have asked HHS officials to provide specifics on the applicability of the new policy to Medicare, Medicare Advantage, and Medicaid, given that the organization typically provides comments to dozens of CMS proposed rules and requests for information each year. APG will continue to press the question and keep members informed.



In Case You Missed It

- Amid numerous lawsuits in which judges have blocked or questioned the legal authority behind the firings of federal workers, President Trump [told](#) his cabinet this week that these agencies are in charge of staffing decisions – not “special government employee” Elon Musk or employees of the Department of Government Efficiency, or DOGE.
- Separately, Senate Republicans [advised](#) Musk to send plans for spending rescissions to them for congressional enactment in the wake of the Supreme Court’s [rejection](#) of DOGE-led foreign aid spending cuts.
- Marty Makary, MD, President Trump’s nominee to lead the Food and Drug Administration, told senators in a [nomination hearing](#) this week that he wasn’t involved in a decision to cancel an FDA advisory committee meeting on flu vaccines and that he would follow FDA’s “independent scientific review process” in evaluating the safety of current prescribing standards for abortion medication.
- A bipartisan group of senators pushed hard on NIH director-nominee Jayanta “Jay” Bhattacharya, MD, PhD, at his [nomination hearing](#) this week to renounce massive proposed cuts in the agency’s indirect research funding for biomedical research. Separately, a Massachusetts federal district judge [blocked](#) those cuts this week, in part because NIH had failed to follow required notice-and-comment rulemaking procedures.
- The Department of Justice [failed](#) to prove its case that more than \$2 billion in payments to United Healthcare’s Medicare Advantage plans were fraudulent “overpayments,” a court-

appointed special master determined this week. A UHG spokesperson decried “more than a decade of DOJ’s wasteful and expensive challenge to our Medicare Advantage business.”

- The administration is [pressing forward](#) on enforcement of health care price transparency regulations adopted during the first Trump administration, arguing that to date, hospitals and health plans have not been “adequately held to account.”



APG Announcements And Offerings

- APG will host an **Emerging Trends in Health Care Webinar** on **Friday, March 21, 4:00 pm – 4:45 pm ET** with guest [Seema Verma](#), Executive Vice President and General Manager of Oracle Health and Life Sciences, and former CMS Administrator. Register for the webinar [here](#).
- The next APG Hosted Webinar, "**Guardant Shield – The Revolutionary Liquid Biopsy for Colorectal Cancer Screening**," will take place on **Monday, March 24, 3:00 pm - 4:00 pm ET**. The webinar will be presented by Guardant. Register [here](#).
- Another APG Hosted Webinar, "**Ready or Not, Here They Come! Delivering Value-Based and Patient-Centered Care for an Aging Population**," will take place on **Wednesday, April 23, 3:00 pm - 4:00 pm ET**. The webinar will be presented by Altura. Register [here](#).
- Registration is now open for the [APG Spring Conference 2025](#) — **Kickstarting Accountable Care: Innovations for an Urgent Future, May 14-16, in San Diego, CA**. APG Partners and non-members save up to \$200 with regular Early Bird registration that ends March 14. Groups of 5 or more that register together receive an additional \$50 savings per registrant. **New this year: bundle your savings!** All APG Spring Conference 2025 registrants will have an opportunity to register for the APG Fall Conference 2025 at the lowest price of the year, with discounts up to \$400. Simply follow the link on your Spring Conference confirmation e-mail to register for Fall now!
- Sponsorship is open for the **APG Spring Conference 2025**, May 14-16, in San Diego. Visit our [Spring Conference 2025 sponsor website](#) and reserve your space today!
- Want to get more involved in APG’s Federal advocacy efforts? [Join APG Advocates today](#).

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