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HEALTH CARE PROVISIONS IN THE CONSOLIDATED APPROPRIATIONS ACT, 2023

COMMITTEE ON ENERGY & COMMERCE

The Consolidated Appropriations Act, 2023 will strengthen Medicaid and Medicare coverage for millions of Americans, address the mental health and substance use disorder crises, and enhance public health.

It significantly strengthens coverage in Medicaid and includes key provisions to improve health equity. The legislation:

- Requires all states to cover children on Medicaid and the Children's Health Insurance Program (CHIP) for 12 months regardless of changes in income, reducing unnecessary coverage loss for the 40 million children on Medicaid and CHIP;
- Makes permanent the option for states to provide women with uninterrupted Medicaid coverage for 12 months postpartum, which will help address the maternal mortality crisis that has been especially devastating for communities of color;
- Provides two additional years of funding for CHIP through 2029, ensuring the ongoing stability of a critical safety net program for low-income children;
- Provides Puerto Rico with five years of increased Medicaid funding and an enhanced federal matching rate, and provides a permanently increased federal matching rate to American Samoa, Guam, the U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands, providing long-term stability and access to health insurance to low-income individuals in the territories;
- Provides state Medicaid programs with a glidepath down from the Federal Medical Assistance Percentage (FMAP) bump and continuous enrollment provisions from the Families First Coronavirus Response Act, strengthening beneficiary protections to mitigate improper disenrollments, holding states accountable, and ensuring individuals are connected to health insurance; and
- Allows states to continue to provide Medicaid to children in pre-trial detention, and provides Medicaid to eligible incarcerated children prior to reentry, providing them access to critical screenings and case management services during their transition back into the community.

The package extends and strengthens important Medicare programs and flexibilities. The legislation:

- Extends COVID-19 telehealth flexibilities for two years, through December 31, 2024;
- Extends expiring Medicare policies for two years, including ground ambulances;
- Strengthens the health workforce by funding 200 new graduate medical education residency positions, with 100 specifically going towards psychiatry or psychiatry subspecialty residencies;
- Improves care for Medicare beneficiaries with lymphedema by providing coverage of compression garments; and
- Provides payment stability for physicians through a 2.5 percent increase in the physician fee schedule conversion factor for 2023, and a 1.25 percent increase for 2024.

The package also provides resources and support to address the mental health and substance use disorder crises facing millions of Americans, and takes steps to combat the opioid crisis. The legislation:

- Strengthens, expands, and establishes more than 30 critical Substance Abuse and Mental Health Services Administration (SAMHSA) and Health Resources and Services Administration (HRSA) programs that collectively aim to provide crisis care coordination and response, and support mental health care and substance use disorder prevention, care, treatment, peer support, and recovery support services in communities across the nation;
- Includes crucial provisions to meet the challenges of the nation’s opioid epidemic, including the Mainstreaming Addiction Treatment (MAT) Act of 2021, which eliminates the X-waiver and lifts the patient cap on practitioners registered to dispense buprenorphine for opioid use disorder maintenance or detoxification treatment, and the Medication Access and Training Expansion (MATE) Act of 2021, which encourages additional provider education to identify and treat substance use disorders;
- Extends mental health parity to our state and local government workers;
- Supports a range of programs to help address the nation’s youth mental health crisis, such as for infant and early childhood mental health promotion, youth suicide early intervention and prevention, mental health and substance use disorder outreach, education, and services at institutions of higher education, and research on the effects of media and technology on the health of youth;
- Bolsters the mental health and substance use disorder workforce through key provisions to increase capacity and training; and
- Expands access to mental health care for Medicare beneficiaries by providing coverage of mental health counselor, marriage and family therapist services, and intensive outpatient services and supporting mobile crisis care services.

Finally, the package includes key provisions to enhance public health. The legislation:

- Reforms the accelerated approval program to protect patient access to leading-edge treatments while providing the Food and Drug Administration (FDA) with the authority it needs to ensure approved drugs provide a clinical benefit;
- Requires drug and medical device sponsors to submit a clinical trial diversity action plan to FDA early in a product’s development, ensuring clinical trial participants will look like the diverse patients affected by the disease or condition the product is intending to treat;
- Provides long-sought FDA authorities to ensure safety in cosmetics and personal care products, including requiring cosmetics manufacturers to establish their products are safe and report serious adverse events, while empowering FDA to issue good manufacturing practice regulations and order recalls of dangerous cosmetic products;
- Provides important new authorities for improving the Strategic National Stockpile (SNS) to ensure critical pandemic supplies are operational, resilient, and ready to deploy in times of need;
- Ensures public health workforce needs can be met by encouraging investments in the next generation of community health workers and public health workers through grants and public health loan forgiveness; and
- Establishes the Advanced Research Projects Agency–Health (ARPA-H), a high-risk, high reward biomedical research entity that will lead to new technologies in health and medicine.