



Government Affairs Update

January 9, 2023

This Week in Washington, D.C.

On Jan. 3, the 118th Congress convened. As a result of the November elections, Republicans now control the House of Representatives by a margin of 222-212, with one vacancy. On Saturday, Jan. 7, Rep. Kevin McCarthy (R-CA) was elected as Speaker of the House.

In the Senate, Democrats retain control of the chamber with a caucus of 48 Democratic Senators and three Independents, for a total of 51-49. Newly elected and returning Members of Congress now turn to electing committee leadership and beginning work on legislative agendas that will guide their efforts over the next two years.



Attend the 2023 AANP Health Policy Conference — Only 20 Days Away!

A new session of Congress has convened, and with it comes a new opportunity to discuss policy issues with your legislators and peers. Policy changes made at the state and national levels will impact your

daily practice, and each nurse practitioner (NP) has an important voice that needs to be heard.

The American Association of Nurse Practitioners® (AANP) encourages you to attend the 2023 AANP Health Policy Conference on Jan. 29-31 at the Grand Hyatt in Washington, D.C. [Review the agenda and register today.](#)

Now is the time to ensure *The Voice of the Nurse Practitioner*® is heard!

Government Funding Bill Signed Into Law

On Dec. 29, President Biden signed into law H.R. 2617, The Consolidated Appropriations Act of 2023. The bill funds the federal government through the remainder of fiscal year (FY) 2023, which ends on Sept. 30, 2023. Included in the \$1.7 trillion of discretionary funding is \$47.5 billion for the National Institutes of Health (\$2.5 billion over FY 2022), with \$197.693 million for the National Institute of Nursing Research (\$16.831 million over FY 2022) and \$300.472 million for Title VIII Nursing Workforce Development Programs (\$20 million over FY 2022).

The bill also includes several non-appropriations related provisions, including:

- Repealing the requirement for providers to receive a Drug Addiction and Treatment Act (DATA) 2000 Waiver for medication-assisted treatment
- Creating a new, one-time education mandate that requires any provider who applies for, or renews, their registration with the Drug Enforcement Administration to complete eight hours of education related to opioid or other substance use disorders.
- Extending numerous Medicare telehealth waivers through Dec. 31, 2024, including removing the geographic and originating site requirements, delaying the in-person visit requirement for mental health services, authorizing coverage of audio-only services and conducting face-to-face encounters for recertification of hospice care via telehealth
- Authorizing Medicare to cover lymphedema compression garments as prescribed by an NP, PA, certified nurse specialist or physician.
- Creating a temporary reimbursement under Medicare to incentivize the use of non-opioids in post-operative care.
- Promoting greater access to mental health care services for health care providers
- Partially postponing reimbursement cuts under the Medicare Physician Fee Schedule.

AANP will continue to provide updates as they become available.

Centers for Medicare and Medicaid Services (CMS) Issues Bulletin on Medicaid Continuous Enrollment

On Jan. 3, CMS issued a bulletin regarding changes to Medicaid continuous enrollment. This bulletin contains detailed information on the provisions included in the Consolidated Appropriations Act, 2023 (CAA, 2023) related to the Medicaid continuous enrollment condition. The CAA, 2023 updates various Medicaid and Children's Health Insurance Program (CHIP) provisions, including significant changes to the continuous enrollment condition of the Families First Coronavirus Response Act. Under the CAA, 2023, expiration of the continuous enrollment condition will no longer be linked to the public health emergency (PHE), and instead, the condition will end on March 31. Further information on these changes, and key dates, is available in the [agency's informational bulletin](#).

CMS Issues Guidance on Medicaid and CHIP Policy for Coverage and Payment of Interprofessional Consultations

On Jan. 5, CMS released a State Health Official (SHO) letter that provides guidance to states on policy for Medicaid and CHIP coverage as well as payment of interprofessional consultations. This change authorizes the coverage of a consultation between a Medicaid or CHIP beneficiary's treating practitioner and a consulting practitioner with specific specialty expertise — with or without the beneficiary present — and for a state Medicaid program to pay the consulting practitioner for their services directly. Further information on this policy change is available in the [agency's SHO letter](#).

CMS Announces New Telehealth Indicator on Care Compare

CMS added a new telehealth indicator within clinician profile pages on [Medicare Care Compare](#) and in the [Provider Data Catalog \(PDC\)](#). With the growth in patients seeking telehealth due to the ongoing PHE, and CMS finalizing and expanding coverage of certain telehealth services, adding an indicator to clinician profile pages clarifies for website users which clinicians offer telehealth services. The new indicator helps beneficiaries and caregivers more easily find clinicians who provide telehealth services. Further information on this addition is available in the [CMS memorandum](#).

2023 Nurse Corps Loan Repayment Program Open Application Cycle Is Coming Soon

The Health Resources and Services Administration (HRSA) announced that the 2023 Nurse Corps Loan Repayment Program open application cycle is coming soon. HRSA is encouraging individuals to visit the [Nurse Corps Loan Repayment Program webpage](#) to review their eligibility, learn more about the program and subscribe to updates for the application cycle.

Health Insurance Marketplace Open Enrollment Ends on Jan. 15

Jan. 15 is the last day to enroll in or change a 2023 health plan. After this date, beneficiaries can enroll in or change plans only if they qualify for a [Special Enrollment Period](#). More information can be found on [healthcare.gov](https://www.healthcare.gov).

Introduce Yourself to Your Elected Officials

After convening the 118th Congress, legislators have begun their work on Capitol Hill, and it is extremely important for them to hear from the NPs they represent. AANP asks that you introduce — *or reintroduce* — yourself to your Members of Congress and their staff as both an NP and their constituent.

AANP has provided an introduction letter in the [AANP Advocacy Center](#), which you can personalize, emphasizing the important role NPs play in the American health care system.

2023 Legislative Sessions Open This Month

As we kick off 2023, more than half of states are scheduled to begin (or resume) their legislative sessions this week and next. AANP is already tracking and engaging in a variety of legislative efforts across the country. Stay connected with AANP for key updates on bills that impact your practice by watching for emails from AANP, reading the Government Affairs Update newsletter and following the [state policy tracker](#) on the AANP website. Make sure you are checking these resources frequently, as more bills will be added once sessions open. Keep an eye out for calls to action so you can make sure your voice as an NP is heard on key issues in your state!

As always, your Federal and State Government Affairs teams are available to answer any questions. Please feel free to contact us at governmentaffairs@aanp.org or statepolicy@aanp.org.

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The Voice of the Nurse Practitioner[®]

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