



Policy & Politics Monthly Webinar

January 11, 2024



Today's Speakers



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ICYMI: Resources from December/January

- CHIME Congressional Cybersecurity Briefing [Key Takeaways](#)
- [CHIME Cheat Sheet](#) Regulatory Outlook 2023 & 2024 (Updated December 2023)
- [CHIME Cheat Sheet](#) on the Federal Communications Commission's (FCC) Broadband Map
- [CHIME Comments](#) on HHS Proposed Rule “21st Century Cures Act: Establishment of Disincentives for Health Care Providers That Have Committed Information Blocking”
- **NEW:** [CHIME Public Policy's 2023 Accomplishments](#)
- **Coming Soon:** CHIME Cheat Sheet on HTI-1 final rule; stay tuned!

Government Funding Situation

- Government funding deadline #1: Jan. 19th
 - Agriculture, Energy-Water, MilCon-VA, and Transportation-HUD
- Government funding deadline #2: Feb. 2nd
 - Commerce- Justice-Science (CJS), Defense, FSGG, Homeland Security, Interior Environment, Labor-HHS-Education, Legislative Branch, and State-Foreign Operations
- Absent government action, there will be a partial government shutdown on January 19th and a full shutdown on February 2nd

Status of FY 2024 Appropriations Bills		
Bill	House	Senate
Agriculture-FDA	Initial Passage Failed	Passed Senate
Commerce-Justice-Science	Floor Proceedings Postponed	Passed Full Committee
Defense	Passed House	Passed Full Committee
Energy-Water	Passed House	Passed Full Committee
Financial Services & General Government	Considered on the Floor, Proceedings Postponed	Passed Full Committee
Homeland Security	Passed House	Passed Full Committee
Interior-Environment	Considered on the Floor, Proceedings Postponed	Passed Full Committee
Labor-HHS-Education	Considered on the Floor, Proceedings Postponed	Passed Full Committee
Legislative Branch	Considered on the Floor, Proceedings Postponed	Passed Full Committee
MilCon-VA	Passed House	Passed Senate
State-Foreign Ops	Passed House	Passed Full Committee
Transportation-HUD	Considered on the Floor, Proceedings Postponed	Passed Senate

All 12 bills must pass, although they can be packaged together

Source: Thorn Run Partners

Government Funding Situation

What's the latest?

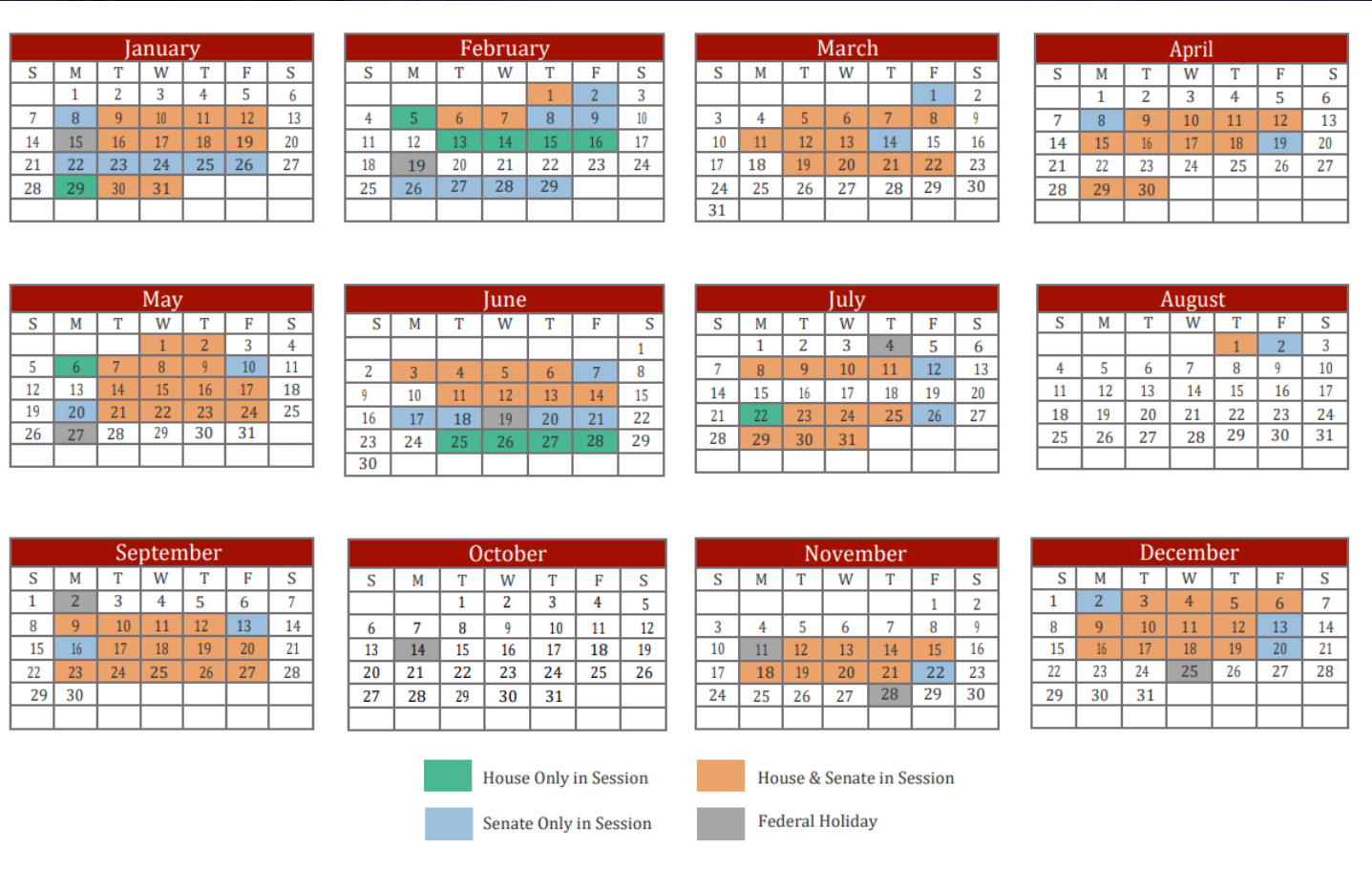
- Senate Majority Leader Chuck Schumer (D-NY) filed votes on a legislative vehicle for a continuing resolution (CR) ahead of consideration on the floor next week.
 - The CR, which has yet to be formally released, is expected to punt funding for all 12 spending bills into March
 - Speaker Mike Johnson (R-LA) did not explicitly rule out putting another CR on the floor despite strong opposition from conservatives in the House Freedom Caucus.
- Notably, 12 House Republicans blocked passage of a rule to govern debate on three bills unrelated to government funding yesterday
- They were unhappy with a top line spending agreement that was reached over the weekend between Johnson and Schumer
 - Non-defense funding- \$773 billion and defense funding - \$886 billion
- GOP leadership will look to try again on this rule later today, but it remains to be seen whether conservatives are satisfied with the current spending plan to vote in favor of resuming House business.

Congressional—What we are watching in 2024

- **Bipartisan Healthcare Cybersecurity Working Group** ([press release](#))
 - Sens. Cassidy, Warner, Cornyn, and Hassan
 - Focused on solutions within jurisdiction of the Senate HELP Committee
- **Telehealth legislation**
 - The 2023 Consolidated Appropriations Act extended many of the Medicare telehealth flexibilities that were in place during the COVID-19 public health emergency through **December 31, 2024**.
 - List of flexibilities that need to be extended or made permanent can be found [here](#).
 - CHIME supports a comprehensive telehealth bill called the CONNECT for Health Act (one-pager found [here](#))
- **Artificial intelligence legislation**
 - What will come out of the Senate's AI Insight Forums?
 - Both chambers have held hearings on AI
- **Data privacy legislation**
 - Despite privacy being a priority of Energy and Commerce Chair Cathy McMorris Rodgers (R-WA, the American Data Privacy and Protection Act (ADPPA) from the 117th Congress has yet to be reintroduced

Impact of 2024 Election

- There will be limited floor bandwidth due to the 2024 election
 - [Congressional Calendar](#)
- Will increasing retirements spur action on “legacy” legislation?
- Absent bipartisan cooperation, Congress could punt some, if not all, of its pending legislative priorities to the “lame duck” session following the election.



Federal – Regulatory Action

Check out CHIME's Regulatory Cheat Sheet (updated December!) [here](#)

Regulations Recently Commented On:

- ONC proposed rule – Establishment of Disincentives for Health Care Providers who Have Committed Information Blocking (comment letter [here](#))

Regulations Recently Released:

- ONC final rule – Health Data, Technology, and Interoperability: Certification Program Updates, Algorithm Transparency, and Information Sharing (HTI-1)
- Look for a cheat sheet soon!



Federal – Upcoming Regulatory Action

What are we watching in 2024?

Regulations Under Review (final stage before release)

- Centers for Medicare & Medicaid Services (CMS) – Interoperability and Prior Authorization for MA Organizations, Medicaid and CHIP Managed Care and State Agencies, FFE QHP Issuers, MIPS Eligible Clinicians, Eligible Hospitals and CAHs ([CMS-0057](#)) FINAL RULE
 - CHIME submitted comments on proposed rule
- Office for Civil Rights (OCR) – Confidentiality of Substance Use Disorder Patient Records ([0945-AA16](#)) FINAL RULE
 - CHIME submitted comments with other stakeholders on proposed rule

Federal – Upcoming Regulatory Action

What ELSE are we watching in 2024?

Regulations in the Fall Unified Agenda (forthcoming this year)

- OCR – Proposed Modifications to the HIPAA Security Rule to Strengthen the Cybersecurity of Electronic Protected Health Information; [proposed rule](#); expected Sept. 2024
- Office of the National Coordinator for Health IT (ONC) – Health Data, Technology, and Interoperability: Patient Engagement, Information Sharing, and Public Health Interoperability (aka “HTI-2”); [proposed rule](#); expected Nov. 2023
- ONC – Request for Information Regarding Electronic Prior Authorization in the ONC Health IT Certification Program; [RFI](#); expected Nov. 2023
- Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) – Cybersecurity Incident Reporting for Critical Infrastructure Act Regulations; [proposed rule](#); expected March 2024
- FTC Action on the Health Breach Notification Rule (HBN Rule), Children’s Online Privacy Protection Rule, and Standards for Safeguarding Customer Information

Federal – Upcoming Cyber Actions

Department of Health & Human Services (HHS) announcement – new, forthcoming Healthcare and Public Health (HPH) Sector-specific Cybersecurity Performance Goals (HPH CPGs)

- Press Release [here](#)
- HHS ‘Concept Paper’ [here](#)

What does this mean for the HPH Sector?

- Prepare yourselves, join the Healthcare & Public Health Sector Coordinating Council Cybersecurity Working Group ([HSCC CWG](#)), familiarize yourself with [HHS’ 405d Program](#)

HHS will take the following concurrent steps to build on the aforementioned actions and advance cyber resiliency in the healthcare sector:

- 1) Establish voluntary cybersecurity performance goals for the healthcare sector
- 2) Provide resources to incentivize and implement these cybersecurity practices
- 3) Implement an HHS-wide strategy to support greater enforcement and accountability
- 4) Expand and mature the one-stop shop within HHS for healthcare sector cybersecurity

HHS will also continue **to work with Congress** to increase civil monetary penalties for HIPAA violations and increase resources for HHS to investigate potential HIPAA violations, conduct pro-active audits, and scale outreach and technical assistance for low-resourced organizations to improve HIPAA compliance. In the interim, HHS will continue to investigate potential HIPAA violations.

Federal – Upcoming Cyber Actions

The cybersecurity program you want to run



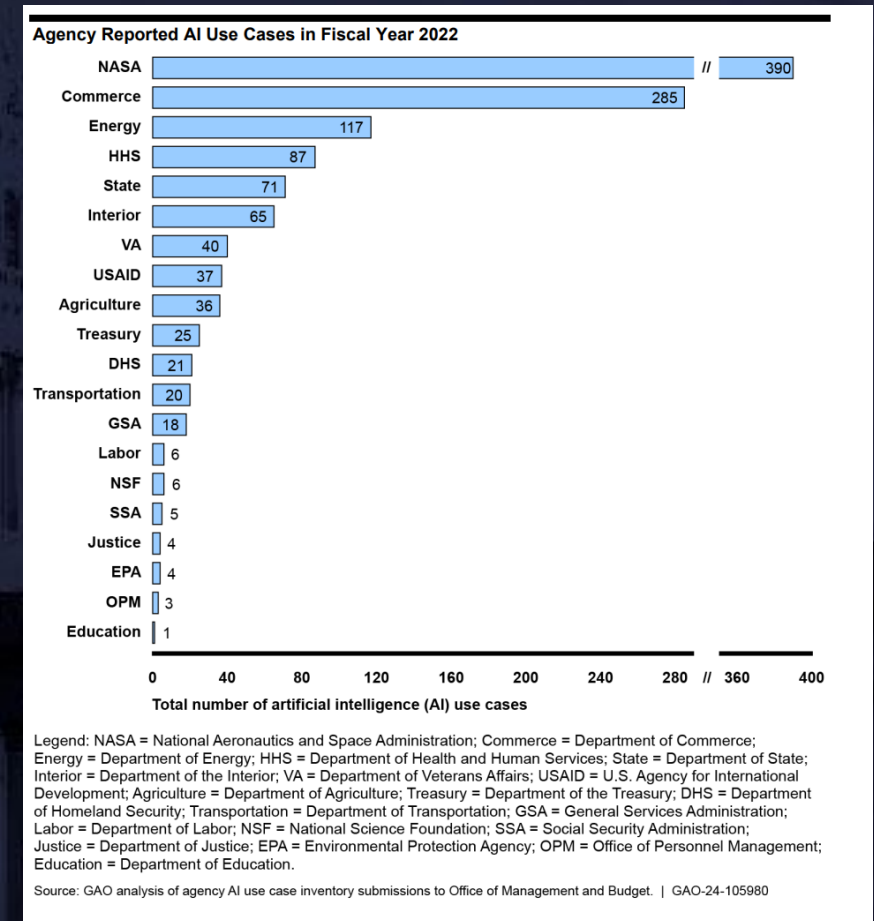
The cybersecurity program you're forced to run on your current budget



Federal – AI Update

Administration Artificial Intelligence (AI) Efforts Ongoing

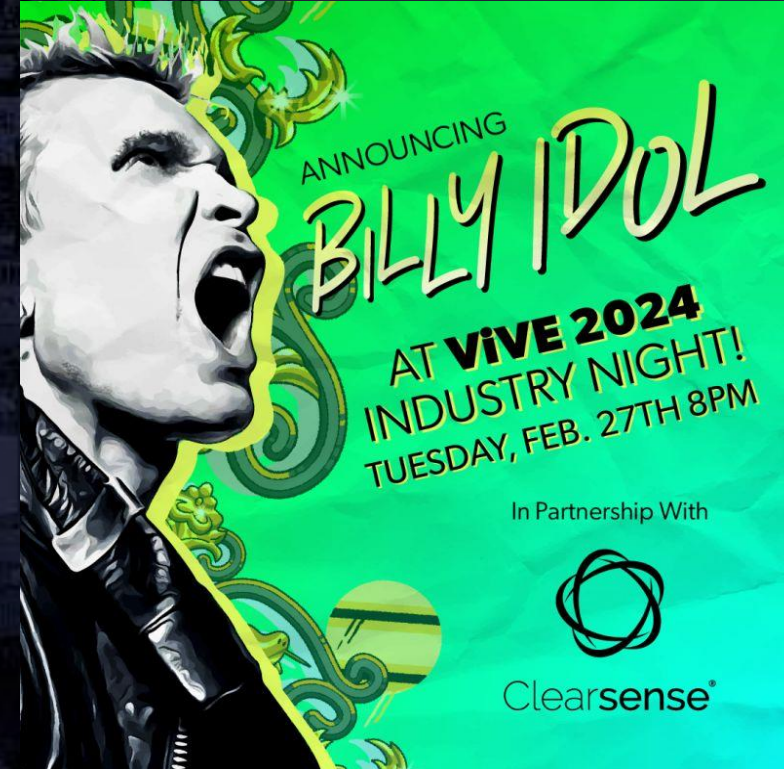
- Broad Executive Order (E.O.) from Biden administration on AI released
 - Announcement & E.O. [here](#); fact sheet [here](#);
- Spans across multiple federal agencies; is not healthcare specific but contains elements that will likely impact our sector
- Varying deadlines for multiple actions required by each agency
- GAO [report](#) found that HHS is one of the top agencies using AI, and AI is expected to play a larger role in the near future



State of Cybersecurity in Healthcare Virtual Summit

- When: January 23rd from 12 – 4 p.m. ET
- Description: Join AEHiS, DHI, and Answers Media Network for our second annual virtual summit addressing various critical aspects of cybersecurity from a government policy (current and future) and compliance angle.
- The opening keynote address will be delivered by Dr. Christian Dameff, Medical Director of Cybersecurity, University of California San Diego.
- Mari Savickis, CHIME's VP of Public Policy, will be giving closing remarks.
- Register [here](#)

ViVE 2024



Learn more at: <https://chimecentral.org/events/vive-event> and email policy@chimecentral.org if you would like to meet with the team in LA!

Questions?

Reach out to our team at
policy@chimecentral.org

We are scheduling meet & greets with members, so please email us if you are interested in chatting with our team!