

OUR ADVOCACY ACHIEVEMENTS

PROTECTING THE 340B PROGRAM

America's Essential Hospitals achieved a historic victory in June 2022 with a unanimous decision by the U.S. Supreme Court to halt damaging cuts to hospitals in the 340B Drug Pricing Program. The association argued the Department of Health and Human Services (HHS) illegally cut outpatient drug payments to 340B hospitals by 27 percent, starting in 2018. The court agreed, starting a process to restore lost payments. The association also won a related federal district court ruling that directed HHS to pay 340B hospitals the full Medicare Part B drug payment rate for the remainder of 2022. In other 340B advocacy, we vigorously oppose illegal drug company restrictions on 340B drugs dispensed by contract pharmacies; and we support the bipartisan **PROTECT 340B Act**, which would protect 340B hospitals from discriminatory practices by insurers and pharmacy benefit managers.

STOPPING MEDICAID DSH CUTS

Years of advocacy by America's Essential Hospitals have delayed or eliminated billions of dollars in cuts to Medicaid disproportionate share hospital (DSH) payments in the Affordable Care Act. With broad bipartisan support in Congress, we erased \$12 billion in cuts, and the association now is working with lawmakers to eliminate \$16 billion in cuts in fiscal years 2024 and 2025. Without Medicaid DSH support, the average essential hospital would operate in the red, so stopping these cuts is among our highest priorities in 2023.

ESSENTIAL HOSPITAL DESIGNATION

For more than a decade, America's Essential Hospitals has worked to formally define essential hospitals through a statutorily recognized designation that can apply to public policy protections and incentives, including targeted funding for safety net providers. In 2022 and 2023, the association amplified this work through commentary and media reports, including in *Health Affairs* Forefront; and in communications to congressional and administration leaders. It remains a top-tier advocacy priority.

PROMOTING MEDICAID AND MEDICARE ACCESS

With the coming end of the COVID-19 public health emergency (PHE), America's Essential Hospitals is working with Congress and the administration to preserve key Medicaid enhancements tied to the PHE. The association advocates for robust access to Medicaid and greater equity for Medicaid beneficiaries, including through program waivers and measures to combat structural racism and address social determinants of health (SDOH). For Medicare, we drove the withdrawal of proposed modifications to the DSH payment calculation that threatened hospitals in states with Section 1115 uncompensated care pools.

SUPPORTING MEMBERS DURING AND AFTER THE PHE

Following COVID-19 advocacy wins for essential hospitals—including \$15 billion in targeted funding, a provisional boost in Medicaid DSH, and relief from penalties for unavoidable drops in quality measures—the association turned to pursuing billions of dollars more in support for persistent workforce shortages and high labor costs. Our advocacy helped advance the **Resident Physician Shortage Reduction Act**, the **Safety from Violence for Healthcare Employees (SAVE) Act**, and the **Travel Nursing Agency Transparency Study Act**. The association also helped extend, beyond the PHE, flexibility for telehealth services and the growing Acute Hospital Care at Home waiver program, which allows patients to receive acute-level health care services in their home and will help ease hospital capacity challenges.

LEADING ON EQUITY AND SOCIAL DETERMINANTS

America's Essential Hospitals leads advocacy for improving health equity; reducing health disparities; combating structural racism; and countering the effects of homelessness, food insecurity, health illiteracy, and other social drivers of poor health. We support the **Social Determinants Accelerator Act**, the **Improving Social Determinants of Health Act**, and the "M omnibus" suite of bills to improve Black maternal health, and we helped

secure federal spending on maternal health grants and training. In the House, the association has shared its expertise with the Rural and Underserved Communities Health Task Force, the SDOH Caucus, and the Congressional Tri-Caucuses (Black, Hispanic, and Asian Pacific American caucuses). We also share expertise with the Centers for Medicare & Medicaid Services as the agency works to advance the Biden administration's equity agenda, including through equity measures.

ADVANCING CLIMATE RESILIENCE AND MITIGATION

We work closely with Congress and the administration to meet the unique needs of essential hospitals in climate policy, including through funding for climate resiliency and mitigation work. The association helped shape the House Committee on Ways and Means' ongoing work on ways the federal government can partner with providers to address the climate crisis. Also, the administration made climate resources for essential hospitals a priority in the Inflation Reduction Act, and we coordinate with federal agencies to provide technical assistance to essential hospitals for climate-related work.

ENSURING IMMIGRANTS' ACCESS TO HEALTH CARE

Association advocacy helped defeat a Trump-era policy to include certain Medicaid benefits in the definition of public charge, a policy that caused immigrants to forgo or delay care, jeopardizing their health and raising uncompensated costs for essential hospitals. We have worked with the Biden administration to codify a more favorable public charge definition that will protect access to Medicaid.

TRACKING STATE POLICY DEVELOPMENTS

The association has expanded its advocacy footprint by tracking state-level policies important to essential hospitals. We monitor and report on many key issues, including state developments in workforce initiatives, health care workplace violence prevention, COVID-19 telehealth flexibility, LGBTQ+ health policy trends, maternal health, and state policy on discriminatory payer practices in the 340B program.

RAISING THE VISIBILITY OF ESSENTIAL HOSPITALS

Policymakers and the media turn to America's Essential Hospitals as the nation's foremost voice on Medicaid, the 340B program, and other issues important to hospitals that care for underrepresented people and underserved communities. Through regular interviews of association staff and member leaders by major national media and health care trade publications, we tell the story of the vital services essential hospitals provide and the support they need. We also raise our members' visibility in Washington, D.C., through the Essential Hospitals Political Action Committee, Federal Action Network, Policy Assembly, and Government Relations Academy.

LEARN MORE

Learn more about our work in Washington on behalf of essential hospitals and their patients. Visit essentialhospitals.org or contact us at 202-585-0100 or gov.admin@essentialhospitals.org.