

From "News from Washington" <newsfromdc@naccho.org>
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Subject News From Washington: FDA Approves First Over-the-Counter Naloxone Product

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31, 2023

Approves First Over-the-Counter Naloxone Product

Wednesday, FDA [approved](#) selling Narcan, the naloxone overdose-reversal drug in nasal spray form, without a prescription. This is the first product approved for over-the-counter sales, which the FDA said will help make the life-saving drug more widely accessible by increasing its availability at locations where it's available. Emergent BioSolutions, the manufacturer of Narcan, said the product should be available over-the-counter by the end of the summer. Other non-nasal spray forms of naloxone will remain available by prescription only. In its announcement, the FDA explained that it had provided data demonstrating that Narcan is safe and effective for use without the supervision of a healthcare professional. It also responded to the FDA's request for comment on the safety and effectiveness of naloxone products for nonprescription use. In the announcement, the FDA expressed support for improving access to naloxone as an important tool in reducing fatal opioid overdoses.

Message

Congress is on a two-week recess, NACCHO Government Affairs will send the next edition of News From Washington on April 14.

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What to Know

Judge Vacates ACA Mandate for Preventive Health Services Coverage

U.S. District Judge Reed O'Connor of the U.S. District Court for the Northern District of Texas issued a ruling in *Braidwood v. U.S. Department of Health and Human Services (HHS)* that vacated actions to implement or enforce requirements under the Affordable Care Act (ACA) that insurers provide coverage for certain preventive health services with no cost sharing to certain preventive health services. Preventive services that insurers must cover are based on those recommended by the U.S. Preventive Services Task Force (USPSTF). The ruling states that requiring coverage of USPSTF recommended services violates the Constitution's Appointments Clause which says that certain decisions must be made by federal officers who are appointed by the president or by a department head. USPSTF members are not federal officers and are not appointed by the president or a department head. USPSTF members are experts. The plaintiff specifically objected to the requirement to provide coverage for HIV pre-exposure prophylaxis drugs. However, the ruling covers all USPSTF recommended services, which include cancer screenings, STI screenings, and tobacco smoking cessation. Preventive services recommended by the Health Resources and Services Administration and vaccines recommended by the Advisory Committee on Immunization Practices are not affected by this ruling.

The Department and HHS are reviewing the decision. Experts expect the government to appeal and to ask Judge O'Connor to stay the decision pending appeal. If allowed to stand, the decision would apply nationwide and would prevent about 150 million individuals on private health insurance from receiving certain preventive health services.

80 million with Medicare and Medicaid from receiving no-cost coverage to USPSTF-recommended preventive health services. Because plans require providing advanced notice, people should continue to receive preventive services with no additional cost-sharing.

Professional Activities

Passes Bill to Rescind Climate Programs

Today, the House voted mostly along party lines 225-204 to pass H.R. 1, the Lowering Energy Costs Act, a large energy bill. Four Democrats and 10 Republicans in voting for the bill. The bill would repeal major energy and climate provisions from the Inflation Reduction Act that Congress and President Biden signed last year. Provisions that would be repealed include household energy rebates, investments in clean energy, tax on methane pollution, and the Greenhouse Gas Reduction Fund. H.R. 1 would also weaken environmental regulations under the environmental review of energy infrastructure projects. H.R. 1 is not expected to move beyond the House. Senate Majority Leader Mitch McConnell (R-KY) called the bill “dead on arrival” in the Democratic-controlled Senate, and President Biden [said](#) he would veto the bill if it made it to the floor. In advance of the vote, NACCHO [joined](#) a coalition letter of national health organizations opposing the bill because it would weaken the Environmental Protection Agency’s authority to protect health from air pollution.

Sends Bill to End COVID-19 National Emergency to President Biden

Yesterday, the Senate passed 68-23 [H.J. Res 7](#), which would end the COVID-19 national emergency declaration, which is a separate from the COVID-19 public health emergency (PHE). The House of Representatives passed the resolution in February 229-197, so it now heads to President Joe Biden. Although the Biden administration [said](#) in advance of the House vote that the President “strongly opposes” H.J. Res 7, President Biden will sign the measure. The administration had previously said both the national emergency and PHE would expire on May 11; now, only the national emergency will end when the president signs the bill. The PHE expiration date will not be impacted. The end of the national emergency has fewer implications for public health than the PHE, but some for the health sector such as rolling back extensions of deadlines for the CARES Act and using flexible spending accounts. The national emergency also allowed the Federal Emergency Management Agency (FEMA) to support state and local agencies in their COVID-19 response.

Secretary Becerra Testifies on Biden Budget at Three Congressional Hearings

Over the past several weeks, Department of Health and Human Services (HHS) Secretary Xavier Becerra testified in three different congressional hearings on the President’s Fiscal Year (FY) 2024 HHS Budget Request. In his remarks, Secretary Becerra highlighted the importance of investing in health care that contribute to the health and wellbeing of Americans. He highlighted recent successes of the Biden Administration, including reducing the number of deaths of Americans due to the Affordable Care Act marketplaces and the newly implemented \$35 per month insulin cap through the Inflation Reduction Act. Secretary Becerra noted that the FY24 [budget](#) allows for progress towards HHS’s goal of moving America from an “illness care system” to a “wellness system” with significant investments in prevention, preparedness, Medicare and Medicaid, childcare, community health centers, and more. Across the three hearings included pandemic funding and emergency preparedness, the opioid crisis and fentanyl, the Title X family planning program, Alzheimer’s medication, and rural health funding. Read about all three hearings on NACCHO’s [blog](#).

Health Official Testifies at House Subcommittee Hearing on East Palestine Train Derailment

Today, the House Energy and Commerce Subcommittee on Environment, Manufacturing, and Critical Materials convened a [hearing](#) titled “East Palestine: Ensuring Safety and Transparency for the Community.” Three witnesses were called to testify at the hearing: David R. Johnson, Regional Administrator for the U.S. Environmental Protection Agency (EPA); Anne M. Vogel, Director of the Ohio Environmental Protection Agency; and Wesley Vins, Health Commissioner of the Columbiana County Health District and NACCHO member. The hearing was intended to address the recent train derailment in East Palestine, Ohio which resulted in several environmental health hazards in the surrounding area. For details about the hearing, please see NACCHO’s [blog](#).

Energy and Commerce Committee Approves Five Health Bills

Today, March 23, the House Energy and Commerce Committee [convened](#) to mark up 19 pieces of legislation including five health bills. The committee [approved](#) by the House Energy and Commerce Health Subcommittee on March 8:

Block, Report, And Suspend Suspicious Shipments Act (H.R. 501),
9-8-8 Lifeline Cybersecurity Responsibility Act (H.R. 498),
Protecting Health Care for All Patients Act of 2023 (H.R. 485),
Halt all Lethal Trafficking (HALT) of Fentanyl Act (H.R. 467), and
Securing the Border for Public Health Act of 2023 (H.R. 801).

Four of the bills were previously considered during a legislative hearing by the House Energy and Commerce Health Subcommittee on February 15. For more information on the NACCHO [blog](#). H.R. 801 would extend “Title 42” authority – which allows the government to expel migrants for public health reasons – to the HHS Secretary to stop people and goods from entering the U.S. if the Secretary believes they risk the introduction of illegal drugs.

In today’s discussion, the Subcommittee unanimously approved the Block, Report, And Suspend Suspicious Shipments Act and 9-8-8 Lifeline Cybersecurity Responsibility Act. The other three bills were narrowly approved, largely along party lines with Republicans supporting them. Representative Frank Pallone (D-NJ) expressed strong concerns with H.R. 801, stating that the bill is a misguided expansion of Title 42 authorities that is not in the purpose and intent of the statute, which is to stop the spread of communicable disease. He urged his colleagues to oppose what he called “an anti-public health and anti-immigrant proposal.” Ranking Member Pallone also outlined his concerns with H.R. 485, saying that it would delay or disrupt the implementation of the drug price negotiations under the Inflation Reduction Act.

Administration Activities

Advances Initiatives Aimed at Improving Nutrition

Last week, FDA issued two nutrition-related dietary guidance as part of the agency's work to improve access to and knowledge of food to help reduce the burden of chronic disease and advance health equity through improved nutrition. One draft guidance provides food handlers with recommendations on how and when to use Dietary Guidance Statements on the label of food products. The FDA also proposed new standards of identity (SOIs) for foods that include salt to permit the use of safe and suitable salt substitutes. The proposed rule, "Guidance to Reduce the Sodium Content in Standardized Foods," is part of the Biden administration's effort to improve nutrition. FDA is accepting comments from stakeholders on both the guidance and proposed rule.

Tuberculosis Rates Increase in 2022 After Decline During the Pandemic

On March 24, the Centers for Disease Control and Prevention (CDC) released a report showing that tuberculosis (TB) incidence increased significantly during the COVID-19 pandemic due to missed diagnoses, changes in migration and travel, and mortality among people with TB reactivation. Incidence rebounded partially in 2021 and is now returning to pre-pandemic levels. Disparities continue to exist, with higher incidence among American Indian or Alaska Native and Native Hawaiian or other Pacific Islander populations. There is also a higher incidence among persons experiencing homelessness or residing in correctional or long-term care facilities, which the CDC explained may be due to transmission events in congregate settings. CDC cited timely detection and treatment of both TB and latent TB infection among people as needed to achieve TB elimination in the US.

COVID-19 News

School Vaccine Planning Starts Now!

On Friday, April 6 at 3:00 PM ET, NACCHO is hosting Johns Hopkins Bloomberg School of Public Health International Vaccine Access Center (IVAC) and NACCHO COVID-19 for a webinar to share digital tools health departments can include in their strategies for COVID-19 vaccine confidence and return to school in the fall. Learn about a customizable chatbot and FAQ videos featuring trusted healthcare experts available right now on IVAC's website, newsletters, and social media. The presentation will include case studies from health officials using customized chatbots in Lenoir County, NC, and other member success stories. [Register here.](#)

Check Your Inbox for the 2023 Forces of Change - Out Now!

Are you a local health official? If yes, check your inbox for an invitation to NACCHO's 2023 [Forces of Change](#) survey, which collects information on how health departments like yours are impacted by major trends in public health. Kevin Sumner, Health Officer of Middle-Brook Regional Health Department, shares why these data are so important: "These data helped us secure a promise of \$2.5 million from our state to focus on infectious disease at the local level." A random sample of LHDs was emailed their survey today (from noreply@qemailserver.com), and we thank you for your participation.

Drinking Water Advisory Council Nominations

NACCHO is coordinating efforts to submit nominations for the U.S. Environmental Protection Agency's (EPA's) National Drinking Water Advisory Council (NDWAC). According to this [Federal Register](#), the NDWAC—which includes members associated with small, rural public water systems—provides expert advice, consultation, and recommendations to the EPA Administrator on matters relating to activities, functions, policies, and programs under the "Safe Drinking Water Act." The Council is seeking nominations of qualified state and local agencies concerned with water hygiene and safety, alongside other nominees, to be considered for three-year appointments. The Council meets annually in person or virtually with public meetings during the year and may be asked to participate in ad hoc working groups to develop policy recommendations, advice, and information relevant to the Council. Interested NACCHO members can submit a resume, one-page statement describing interest in serving the community, and a biography describing the qualifications of the nominee no later than Monday, April 10, 2023, to wash@naccho.org. Please include name, address or other mailing address, email address, and daytime telephone number in your nomination. Questions can be directed to info@naccho.org.

Media Coverage of Local Health Departments

NACCHO spoke to or was referenced in media outlets this week including:

March 30, 2023 –

March 23, 2023 –

March 20, 2023 –

NACCHO sent the following letters to policymakers:

(3/24/23)

(3/24/23)

(3/24/23)

(3/29/23)

Resources

National Center for State, Tribal, Local, and Territorial Public Health Infrastructure and Workforce: [Medicaid and CHIP Continuous Enrollment Tip Sheet](#)

Trust for America's Health: [Ready or Not: Protecting the Public's Health from Diseases, Disasters, and Bioterrorism](#)

Partners

Description

ET	ASTHO, Pathways to Population Health Equity: Practical Framework and Tools
ET	Public Health Prepared, Infection Control: Candida Auris
ET	ASTHO, Workforce Exodus in State and Local Public Health: The Numbers, the Reality, and the Solutions

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