



## Senators Announce Creation of Bipartisan ALS Caucus

Sens. Mike Braun (R-Ind.) and Chris Coons (D-Del.) have announced the launch of a new caucus dedicated to fighting amyotrophic lateral sclerosis (ALS), also known as Lou Gehrig’s disease. The caucus aims to pass [S. 578, the ALS Disability Insurance Access Act of 2019](#), which would speed access to disability benefits for ALS patients. The bipartisan bill is currently awaiting consideration by the Senate Finance Committee.

### *Senate Finance Advances USMCA*

The Senate Finance Committee advanced the U.S.-Mexico-Canada agreement (USMCA) by a vote of 25-3 last week. Several other Senate committees are scheduled to consider the agreement on Tuesday and Wednesday. It is unclear when a full Senate vote on the updated North American Free Trade Agreement (NAFTA) trade agreement will occur. The deal passed the House last month following several changes negotiated between the White House and House Democrats, including the removal of a provision that would have guaranteed 10 years of data protection for biologic drugs.

### *Phil Roe, MD Will Not Run for Reelection*

Rep. Phil Roe, MD (R-Tenn.) has announced plans to retire at the end of the year. Roe was first elected to Congress in 2008 following a 31-year career as an OB/GYN in Johnson City, TN. He serves as co-chair of the GOP Doctors Caucus and has been a leader in patient-centered health policy. He is the lead republican on the Veterans Affairs Committee and served as committee chairman during the 115th Congress. He’s also a senior member of the House Education and Labor Committee which has health jurisdiction and oversight authority of self-insured health insurance (ERISA) plans. Roe’s 1st congressional district of Tennessee is expected to remain one of the most Republican-leaning districts in the nation.

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### ***MACPAC Releases Report on IMD Exclusion***

The Medicaid and CHIP Payment and Access Commission (MACPAC) has released its mandated [report](#) to Congress on the oversight of institutions for mental diseases (IMDs), finding that states can and do pay for mental health and substance use disorder (SUD) services in such facilities. A policy known as the IMD exclusion prohibits the federal government from paying for inpatient psychiatric services and has been raised as a potential barrier to access for residential and inpatient behavioral health services for Medicaid beneficiaries. MACPAC's report, however, finds that states are using multiple legal authorities to pay for such treatment with Medicaid funds. The ***Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act*** required MACPAC to identify and describe IMDs in selected states and summarize state licensure, certification, or accreditation requirements and Medicaid's clinical and quality standards for IMDs.

### ***Brad Smith Selected to Lead CMMI***

The Trump administration announced last week that entrepreneur Brad Smith, co-founder of palliative care provider Aspire Health, has been selected to lead the Center for Medicare and Medicaid Innovation (CMMI). Smith will also serve as senior adviser to the U.S. Department of Health and Human Services (HHS) Secretary on value-based transformation and innovation. Smith started Aspire Health with former Senate Majority Leader Bill Frist, M.D. (R-Tenn.) in 2013. Aspire Health was involved in the development of a CMMI payment model announced last April designed to improve care for patients with serious illnesses and complex, chronic conditions. Aspire was sold to Anthem in 2018. Smith formerly served as chief of staff at the Tennessee Department of Economic Development, worked as a consultant at McKinsey & Company, and spent time as a staffer for former Sen. Bob Corker (R-Tenn.). CMMI's previous director Adam Boehler left the office on October 1 after being confirmed to lead the International Development Finance Corp. Career staffer Amy Bassano has served as acting CMMI director in the interim. Smith was chosen for the position by Boehler, HHS Secretary Alex Azar, and Centers for Medicare and Medicaid Services (CMS) Administrator Seema Verma.

### ***FDA Advisory Committee to Debate New Opioid Approval***

During a meeting of the Food and Drug Administration's (FDA) Anesthetic and Analgesic Drug Products and Drug Safety and Risk Management advisory committees this week, the panels will consider the approval of Nektar Therapeutics' oxycodol, a drug intended to manage chronic lower back pain in adults for whom other treatment options are inadequate. The agency will also consider approving the treatment for general long-term pain. Nektar says their drug is designed to cross the blood-brain barrier slowly to reduce the potential for abuse or misuse. Documents prepared by the FDA in advance of the meeting acknowledge the important role of opioids in the treatment of chronic pain, despite the epidemic of abuse and addiction with drugs prescribed for such purposes. The FDA documents also reject the idea of absolute limits on daily doses of opioids for pain management.

### ***Supreme Court to Consider State Regulation of PBMs***

The Supreme Court has accepted a request from the state of Arkansas to review an appeals court ruling that blocked the regulation of pharmacy benefit managers (PBMs) on the grounds that such activity is preempted by the Employee Retirement Income Security Act (ERISA). Attorneys general from 31 states and the District of Columbia have also asked the court to reverse the lower court ruling. The 2015 Arkansas law that would have required PBMs to raise reimbursement rates for drugs if they fell below the pharmacy's wholesale costs was challenged by the Pharmaceutical Care Management Association. State attorneys argue that PBM regulation is critical to a state's ability to increase access to and improve the transparency of the prescription drug marketplace.

### ***Administrative Health Care Costs on the Rise***

The cost of healthcare bureaucracy in the U.S. has increased to \$812 billion annually, according to a nationwide study of domestic spending on administrative costs. The [report](#), which was published in the *Annals of Internal Medicine*, attributes the growth to the expansion of Medicare Advantage (MA) and Medicaid managed-care plans. Administrative costs now accounts for one-third of health care spending on doctor visits, hospitals, long-term care, and health insurance. The study found that the nation spent \$2,379 in administrative costs per person in 2017.

### ***Health Care Remains Top Issue for Voters***

A new [poll](#) from the Bipartisan Policy Center finds that health care is once again a top issue for voters this year, who rank it above the economy, immigration, taxes, and gun control. The poll shows greater support for incremental changes to the current health care system than for sweeping policy changes like repeal of the Affordable Care Act (ACA) or passage of Medicare-for-All. Medicaid work requirements polled favorably amongst Republican respondents, while improving the cost and quality of care has strong bipartisan support.

### ***Nursing Ranks Highest in Assessment of Professional Honesty, Ethics***

A new Gallup poll indicates that the nursing profession rates highest for honesty and ethics by Americans for the 18th year in a row. Eighty-five percent of Americans find nurses' honesty and ethical standards are "very high" or "high." This is in keeping with nurses consistently ranking higher than all other professions included in the Gallup survey, by wide margins. Medical doctors, pharmacists, and dentists are also rated favorably, with at least 60 percent of U.S. adults assessing high levels of these virtues. Gallup's complete questions and responses can be found [here](#).

## **Upcoming Congressional Hearings and Markups**

*House Energy and Commerce Subcommittee on Oversight and Investigations hearing "A Public Health Emergency: State Efforts to Curb the Opioid Crisis;" 10:00 a.m., 2123 Rayburn Bldg.; January 14*

*House Energy and Commerce Subcommittee on Health hearing "Cannabis Policies for the New Decade;" 10:00 a.m., 2123 Rayburn Bldg.; January 15*

## **Recently Introduced Health Legislation**

*H.R.5534 — To amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients, and for other purposes; Sponsor: Rep. Kind, Ron [D-WI-3]; Committees: House - Energy and Commerce; Ways and Means*

*H.R.5551 — To amend title XXVII of the Public Health Service Act and title 5, United States Code, to require group health plans, health insurance issuers offering group or individual health insurance coverage, and Federal Employees Health Benefits Program health benefits plans to meet certain requirements with respect to medical child support orders, and for other purposes; Sponsor: Rep. Norton, Eleanor Holmes [D-DC-At Large]; Committees: House - Energy and Commerce; Oversight and Reform; Ways and Means*

*S.3152 — A bill to require the Federal Communications Commission to incorporate data on maternal health outcomes into its broadband health maps; Sponsor: Sen. Rosen, Jacky [D-NV]; Committees: Senate - Commerce, Science, and Transportation*

*H.R.5555 — To make certain improvements in the provision of medical care by the Department of Veterans Affairs, and for other purposes; Sponsor: Rep. Hudson, Richard [R-NC-8]; Committees: House - Veterans' Affairs*

*H.R.5556 — To direct the Secretary of Veterans Affairs to conduct an analysis of the need for women-specific programs that treat and rehabilitate women veterans with drug and alcohol dependency and to carry out a pilot program regarding such programs; Sponsor: Rep. Brownley, Julia [D-CA-26]; Committees: House - Veterans' Affairs*

*S.3161 — A bill to establish the "Biomedical Innovation Fund", and for other purposes; Sponsor: Sen. Warren, Elizabeth [D-MA]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3162 — A bill to amend the Public Health Service Act to establish an Office of Drug Manufacturing; Sponsor: Sen. Warren, Elizabeth [D-MA]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3163 — A bill to authorize the collection of supplemental payments to increase congressional investments in medical research, and for other purposes; Sponsor: Sen. Warren, Elizabeth [D-MA]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3166 — A bill to lower the cost of drugs for all Americans; Sponsor: Sen. Booker, Cory A. [D-NJ]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3169 — A bill to direct the Secretary of Health and Human Services to carry out a Health in All Policies Demonstration Project, and for other purposes; Sponsor: Sen. Booker, Cory A. [D-NJ]; Committees: Senate - Health, Education, Labor, and Pensions*

*H.R.5566 — To amend the Internal Revenue Code of 1986 to allow all individuals to contribute to health savings accounts, and for other purposes; Sponsor: Rep. Davidson, Warren [R-OH-8]; Committees: House - Ways and Means; Energy and Commerce*

*H.R.5570 — To direct the Secretary of Veterans Affairs to conduct a review of the deaths of certain veterans who died by suicide, and for other purposes; Sponsor: Rep. King, Peter T. [R-NY-2]; Committees: House - Veterans' Affairs*

*H.R.5572 — To establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families; Sponsor: Rep. Trone, David J. [D-MD-6]; Committees: House - Energy and Commerce*

*S.3179 — A bill to establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families; Sponsor: Sen. Gillibrand, Kirsten E. [D-NY]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3180 — A bill to amend the Federal Food, Drug, and Cosmetic Act to restrict direct-to-consumer drug advertising; Sponsor: Sen. King, Angus S., Jr. [I-ME]; Committees: Senate - Health, Education, Labor, and Pensions*