



Health Policy Briefing

April 6, 2020

Thousands Apply at Launch of Paycheck Protection Program

Lenders began accepting applications last week for loans under the \$349 billion Paycheck Protection Program (PPP) created as a part of the **CARES Act** stimulus package. The PPP provides loan interest loans for certain businesses expenses. Under certain circumstances, all or part of the loans may be forgiven. As of 5:30 p.m. on Friday, 12,461 loans valued at more than \$3.9 billion had been made. Small business advocates have expressed concerns that demand will exceed the total \$349 billion in funding, and firms without an established relationship with a lender are worried that they will be beaten out for funding by lenders' existing clients. One estimate projects that small businesses may need more than \$1 trillion to replace revenue lost over the next three months. The U.S. Chamber of Commerce has been in talks with both Republican and Democratic members of Congress about the issue, and Treasury Secretary Mnuchin has said that he will ask Congress for additional funding for the PPP if necessary.

Hart Health Strategies COVID-19 Resources

Hart Health Strategies Inc. continues to update the following resources related to the coronavirus pandemic:

- [COVID-19 Testing](#)
- [Disaster Primer](#)
- [Federal Relief Overview](#)
- [Health Care Workers on the Front Lines](#)
- [Hospice and Palliative Care](#)
- [Nursing Resources](#)
- [Personal Protective Equipment](#)
- [Physician Provisions](#)
- [Small Business Resources](#)
- [Small Business - Paycheck Protection Program](#)
- [Small Business - PPP FAQ](#)
- [State Resources](#)
- [Tax Provisions](#)
- [Telehealth Overview](#)

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What to Expect in Coronavirus Phase 4

House Speaker Nancy Pelosi (D-Calif.) told reporters last week that Democrats are already in the early stages of drafting phase four of the legislative response to the coronavirus pandemic. The measure is expected to include provisions to strengthen health systems and additional protections for health care workers. Other proposals under discussion include making treatment for COVID-19 free, the creation of a supply chain czar to oversee the purchase and distribution of medical supplies, another round of direct payments to middle income Americans, and a rollback of caps on state and local tax (SALT) deductions. Speaker Pelosi also believes that the next stimulus should include \$10 billion for community health centers. Further investments in infrastructure, state and local governments, housing, education, unemployment insurance, small business loans, personal protective equipment (PPE) for health care workers, hospitals, and family medical leave have also been floated. Additionally, Treasury Secretary Steven Mnuchin has spoken in favor of the inclusion of hazard pay for workers involved in responding to the pandemic in the fourth legislative rescue package.

Senate Majority Leader Mitch McConnell (R-Ky.) has also confirmed that there will be a fourth coronavirus bill. He has stated that health care should be a top priority as lawmakers draft the legislation, but that he is not in favor of “rushing” the next piece of legislation. Senate Republicans have expressed concerns that the House plan will be too progressive, though Speaker Pelosi has said that she hopes that the phase four bill will be bipartisan. Strengthening the Occupational Safety and Health Administration’s (OSHA) enforcement of safety standards in hospitals and other health care settings is one such proposal supported by House Democrats that has already been met with Republican opposition.

Pelosi has said that a vote on the package could occur in late April. The House is scheduled to be in recess until April 20, though lawmakers could return earlier if necessary.

House Select Committee on Coronavirus Created

Speaker Pelosi announced the creation of a bipartisan House Select Committee on the Coronavirus to oversee the implementation of the ***Coronavirus Aid, Relief, and Economic Security (CARES) Act*** stimulus plan. The panel will also provide oversight to ensure that decisions made by the federal government in responding to COVID-19 are based on science. The committee will be chaired by Rep. Jim Clyburn (D-S.C.) and will have subpoena power. Top GOP members of the House have argued that an additional layer of oversight is unnecessary.

Neal Requests Details on PPE Shortages

House Ways and Means Chairman Richard Neal (D-Mass.) is requesting more details from the administration about its response to shortages of PPE. In a [letter](#) to Vice President Mike Pence, Rep. Neal raises concerns about challenges that health workers and states are facing in securing PPE from the Strategic National Stockpile (SNS). He urges the White House to help states secure PPE from private vendors.

President Names Coronavirus IG

President Trump has selected Brian Miller, special assistant to the President and senior associate counsel in the White House Counsel’s office, to serve as the special inspector general for pandemic recovery (SIGPR). In this position, which was authorized for five years under the ***CARES Act***, Miller will oversee the disbursement of hundreds of billions of dollars in federal relief funds. Miller has previously served as inspector general for the General Services Administration (GSA). Sens. Mitt Romney (R-Utah) and Jon Tester (D-Mont.) wrote to the President on Friday, urging the administration to ensure full transparency and willingness for independent oversight. President Trump had previously made remarks indicating his intention to supervise the inspector general’s reports to Congress.

HHS Will Not Open COVID-19 Special Enrollment Period

As of now, President Trump has decided not to establish a special Affordable Care Act (ACA) open enrollment period specifically designated for COVID-19. Re-opening enrollment would have allowed people to gain health insurance coverage prior to contracting the virus and getting sick. The President's decision was quickly condemned by Democratic health leaders in Congress, who argued that Americans will be forced to weigh seeking treatment for COVID-19 against their financial security. During the task force press conference on Friday, Secretary Azar reminded Americans that those that lose their job due to the pandemic are eligible to enroll in ACA plans.

COVID-19 to Further Delay VA/DOD EHR

The Department of Veterans Affairs is expected to further delay the rollout of its new electronic health record (EHR) system because of the COVID-19 outbreak. The system, which is being developed by Cerner, would connect the VA with the Department of Defense's (DOD) EHR to provide service members with a unified health record from enlistment through discharge. It was announced in February that the new EHR's testing phase in the Pacific Northwest would be delayed, and it remains unclear what the VA's latest timeline is.

FCC Announces new COVID-19 Telehealth Program

The Federal Communications Commission (FCC) has developed and approved [a \\$200 million program to fund telehealth services and devices](#) for medical providers. Hospitals and other health centers will be able to apply for up to \$1 million to cover the cost of new devices, services and personnel. Republican Chairman Ajit Pai's proposed the initiative using funds from the *CARES Act*. It would also allow the FCC to move forward with a Connected Care telehealth pilot program for veterans and low-income individuals using existing FCC subsidy mechanisms.

Krishnamoorthi Pushes for Stronger E-Cig Enforcement Citing COVID-19 Concerns

Rep. Raja Krishnamoorthi (D-Ill.), Chairman of the House Oversight Subcommittee on Economic and Consumer Policy, is urging the Food and Drug Administration (FDA) to prioritize clearing the market of e-cigarette products and to immediately suspend all approvals of Premarket Tobacco Product Applications. In his [letter](#) to FDA Commissioner Stephen Hahn, Rep. Krishnamoorthi argues that allowing e-cigarettes to remain on the market will only exacerbate the coronavirus crisis. Evidence indicates that smokers are more likely than non-smokers to suffer severe outcomes from COVID-19.

Senators Ask FDA to Expand Availability of Distillery-Produced Hand Sanitizer

A bipartisan group of senators is [asking](#) the FDA to lift federal guidance that effectively limits distillers to the use of non-food-grade alcohol in the production of hand sanitizer. The World Health Organization (WHO) has recognized the use of food-grade alcohol as an acceptable hand sanitizer ingredient. The lawmakers argue that the move would allow distillers to help meet the increased demand for such products in response to the coronavirus pandemic. The letter was signed by Sens. Rand Paul (R-Ky.), Roy Blunt (R-Mo.), Gary Peters (D-Mich.), Marsha Blackburn (R-Tenn.), Ted Cruz (R-Texas), Kirsten Gillibrand (D-N.Y.), and Debbie Stabenow (D-Mich.).

DNC Delays Convention from July to August

The Democratic National Convention, previously scheduled to take place in Milwaukee July 13-16, will be delayed for a month because of the coronavirus pandemic. As of now, it will take place beginning August 17. The Democratic National Convention Committee is still in the process of determining the most appropriate format for the event given the COVID-19 pandemic. The Republican National Convention is scheduled to take place August 24-27 in Charlotte, N.C.

Congressional Buildings Closed to Public Through April

The House and Senate Sergeant at Arms announced that the Capitol Visitor Center and House and Senate office buildings will be closed to the public through May 1. Members, staff, press, and visitors on official business will continue to be allowed access to the Capitol facilities with appropriate social distancing.

Meadows Starts as WH Chief of Staff

Rep. Mark Meadows (R-N.C.) officially submitted his resignation from Congress last week in order to begin his new job as President Trump's chief of staff. Meadows was chosen to replace Mick Mulvaney last month but did not immediately resign from Congress.

Upcoming Congressional Hearings and Markups

Senate Commerce, Science, and Transportation Committee paper hearing "Enlisting Big Data in the Fight Against Coronavirus;" 10:00 a.m., April 9

Recently Introduced Health Legislation

H.Res.913 — Expressing support for frontline workers of the COVID-19 pandemic; Sponsor: Rep. Carbajal, Salud O. [D-CA-24]; Committees: House - Energy and Commerce

H.R.6409 — To establish the Emergency Social Insurance Program in the Social Security Administration and Small Business Administration in order to address the injury concerns of certain small businesses and idle workers disproportionately affected by the COVID-19 crisis; Sponsor: Rep. Omar, Ilhan [D-MN-5]; Committees: House - Ways and Means; Small Business

H.R.6410 — To direct the President to use authority under the Defense Production Act of 1950 to ensure an adequate supply equipment necessary for limiting the spread of COVID-19; Sponsor: Rep. Larson, John B. [D-CT-1]; Committees: House - Financial Services

H.R.6411 — To amend the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide notices relating to prescription drug refills to individuals covered under such plans or coverage who reside in emergency areas during emergency periods; Sponsor: Rep. McBath, Lucy [D-GA-6]; Committees: House - Energy and Commerce; Ways and Means; Education and Labor