



## Health Policy Briefing

May 18, 2020

### House Passes Heroes Act to Spur Negotiations with Senate Republicans

The House of Representatives passed a \$3 trillion stimulus bill (H.R.6800, the *Health and Economic Recovery Omnibus Emergency Solutions Act* or the *HEROES Act*) last week by a vote of 208-199. The *HEROES Act* included nearly \$1 trillion in aid for state and local governments, rent and mortgage relief, expanded unemployment benefits and food assistance, and provided funding for voting by mail and the U.S. Postal Service. It would also make another round of direct cash payments of up to \$1,200 to individuals. The legislation, which was passed largely along party lines, is opposed by most Republicans, who have characterized the bill as a Democratic wish-list that is dead on arrival in the Senate. The White House has also issued a veto threat.

With respect to insurance coverage, the *HEROES Act* would provide a two-year federal backstop of subsidies to support health plans and coverage of job-based insurance premiums between March and next January for workers who have been laid off or furloughed. It would reopen the HealthCare.gov enrollment period and provide an additional increase to federal Medicaid payments. It would also restore Medicaid coverage for Pacific Islanders.

With respect to testing and treatment for COVID-19, \$75 billion is included for testing and surveillance. Labs would be required to send daily testing reports to the U.S. Department of Health and Human Services (HHS) and to make data public about where tests have been distributed and the results being recorded. The bill would end cost sharing for coronavirus-related treatments, and includes a provision to crack down on price-gouging for supplies amid the pandemic, giving the Federal Trade Commission (FTC) the authority to prevent “unconscionably excessive”

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price increases.

To address drug shortages, the bill would require pharmaceutical manufacturers to issue quarterly reports on the volume of drugs made overseas and expand the Food and Drug Administration's (FDA) authority to enforce timely notification requirements and risk management plans for drug shortages. It directs the FDA to designate National Centers of Excellence in Continuous Pharmaceutical Manufacturing to work with the agency to build a national framework for continuous drug manufacturing. The bill also gives FDA the authority to destroy imported medical devices that the agency believes they are adulterated, misbranded, or unapproved and may pose a threat to public health. Device manufacturers would also be required to provide information on extending medical device shelf life dates.

Key employment provisions within the **HEROES Act** include a "Heroes Fund" to provide \$200 billion in hazard pay to essential workers. Essential work employers would be eligible for grants of \$10,000 per essential worker to cover the entire cost of premium pay. The bill would also allow a greater array of non-profits to access funds under the Paycheck Protection Program (PPP), lengthen the required period for spending the money to 24 weeks, nix a requirement that at least 75 percent of the money be spent on payroll, and set aside funding specifically for firms with 10 or fewer employees. The bill would permit loans to be spent on personal protective equipment (PPE) or other supplies necessary for protecting employee health and safety.

Although the legislation is understood as a symbolic messaging bill, Democrats will use it as an opening bid during eventual negotiations with the Republican Senate and White House. Republicans have stressed that there is no need to rush the passage of an additional stimulus until the effects of previously passed coronavirus legislation become apparent. Any deal on the next package is still likely weeks away. It has been reported that Majority Leader Mitch McConnell (R-Ky.) does not plan to move the next relief package until June at the earliest. McConnell is insisting that the next COVID-19 bill create a legal safe harbor for businesses, nonprofits, governments, workers, and schools as the economy begins to reopen, and House Speaker Nancy Pelosi (D-Calif.) has indicated that she is open to a conversation about legal protections as a part of the next stimulus deal.

President Trump has expressed support for infrastructure spending in the next stimulus. He is also pushing to include a measure to increase transparency into the prices for medical services negotiated by hospitals and insurers. The White House believes that passing such a measure through legislation would end its current legal battle with the industry over two 2019 regulations that would require hospitals and insurers to make their prices public. The President also continues to urge the inclusion of a payroll and capital gains tax cut in the next stimulus package as well. Democrats have expressed opposition to this idea.

### ***House Adopts Historic Rules for Proxy Voting, Remote Committee Work***

The House of Representatives adopted a resolution (H.Res.965) last week that will provide for the use of proxy voting during the COVID-19 pandemic. The change will allow lawmakers to serve as proxies for their colleagues who are not able to be on Capitol Hill during votes. The resolution also includes procedures to implement remote committee work and eventually remote floor votes. The temporary changes will enable committees to engage in fully virtual hearings and markups during the coronavirus pandemic. Committees will be required to use software platforms approved by the Chief Administrative Officer (CAO) for remote participation to help guard against cybersecurity issues. The changes will be in place for 45 days and can be extended or renewed if the public health emergency persists or if there is a resurgence.

### ***House May Consider Additional COVID Legislation Next Week***

Majority Leader Steny Hoyer (D-Md.) announced that no votes are expected in the House of Representatives this week to allow the chamber time to determine how the new rules for remote work will be implemented. Tom Tiffany (R-Wis.) and Mike Garcia (R-Calif.), who won in special elections, will be sworn in during Tuesday's pro forma session. The House will be in session May 27 and 28 and is expected to consider H.R. 6172, the **USA FREEDOM Reauthorization Act of 2020** (FISA Reauthorization). In addition, Leader Hoyer told members that negotiations regarding additional legislation addressing the COVID-19 pandemic are ongoing and it is possible that the House could vote on COVID-19-related bills when they return.

### ***CDC Issues Additional Reopening Guidances***

The Centers for Disease Control and Prevention (CDC) released six checklists last week to help schools, workplaces, restaurants and bars, youth programs and camps, childcare programs, and mass transit decide when to reopen during the coronavirus pandemic. The guidances are shorter and less specific than previous drafts from the agency. Sen. Mike Braun (R-Ind.) blocked an attempt by Minority Leader Chuck Schumer (D-N.Y.) last week to pass a resolution supporting the release of the more comprehensive guidelines, which were shelved by the White House for being overly prescriptive.

### ***Burgess Calls for Additional COVID-19 Hearings***

House Energy and Commerce Health Subcommittee Ranking Member Michael Burgess (R-Texas) is [requesting](#) that Subcommittee Chair Anna Eshoo (D-Calif.) hold hearings on bipartisan issues related to assisting with coronavirus challenges. He criticizes the subcommittee for holding what he deemed a partisan hearing last week on former Biomedical Advanced Research and Development Authority (BARDA) Director Richard Bright's whistleblower campaign. Instead, Burgess argues, the panel should schedule hearings on issues related to the Strategic National Stockpile (SNS), COVID-19's impact on mental health, reducing racial disparities in COVID-19 outcomes, distributions from the CARES Act Provider Relief Fund, and on COVID-19 testing, contact tracing, and personal protective equipment (PPE).

### ***Senate Dems Propose Fund for Frontline Workers***

Sens. Kamala Harris (D-Calif.), Richard Blumenthal (D-Conn.), Tammy Duckworth (D-Ill.), Kirsten Gillibrand (D-N.Y.), and Bernie Sanders (I-Vt.) are [calling](#) on congressional leadership to create a federal fund to reimburse essential front line workers for costs incurred while serving during the coronavirus pandemic. The Essential Frontline Worker Compensation Fund, which would be administered by the Department of Labor, would compensate these individuals for medical costs, transportation, temporary housing, and childcare. The lawmakers request that at a minimum the fund include support for health care workers, first responders, sanitation workers, transportation workers, grocery store pharmacy employees, domestic workers, farmworkers, and others deemed essential by federal, state, and local governments.

## **Hart Health Strategies COVID-19 Resources**

Hart Health Strategies Inc. continues to update the following resources related to the coronavirus pandemic. Please remember to clear your cache to ensure you download the most recent documents.

- [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](#)
- [Re-Opening America](#)
- [Small Business Resources](#)
- [Small Business - Paycheck Protection Program](#)
- [Small Business – PPP FAQ](#)
- [State Resources](#)
- [Tax Provisions](#)
- [Telehealth Overview](#)
- [Timeline for Implementation](#)

## **Upcoming Congressional Hearings and Markups**

*Senate Banking, Housing, and Urban Affairs hearing “The Quarterly CARES Act Report to Congress;” 10:00 a.m., remote; May 19*

*House Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies hearing “Department of Veterans Affairs - Response to COVID-19;” 12:00 p.m., 2359 Rayburn Bldg.; May 19*

*House Education and Labor Subcommittee on Workforce Protections hearing “Examining the Federal Government’s Actions to Protect Workers from COVID-19;” 10:15 a.m., 2175 Rayburn Bldg.; May 20*

*Senate Special Aging Committee hearing to examine caring for seniors amid the COVID-19 crisis; 9:30 a.m., 301 Russell Bldg.; May 21*

**Recently Introduced Health Legislation**

*H.Res.957 — Expressing support for the designation of May as “National Asthma and Allergy Awareness Month”; Sponsor: Rep. Engel, Eliot L. [D-NY-16]; Committees: House - Energy and Commerce*

*H.R.6739 — To amend title XVIII of the Social Security Act to require coverage under Medicare PDPs and MA-PD plans, without the imposition of cost sharing or utilization management requirements, of drugs intended to treat COVID-19 during certain emergencies; Sponsor: Rep. Casten, Sean [D-IL-6]; Committees: House - Energy and Commerce; Ways and Means*

*H.R.6753 — To amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the rural community hospital demonstration program; Sponsor: Rep. Finkenauer, Abby [D-IA-1]; Committees: House - Ways and Means*

*H.R.6763 — To provide for the establishment of a COVID-19 Racial and Ethnic Disparities Task Force to gather data about disproportionately affected communities and provide recommendations to combat the racial and ethnic disparities in the COVID-19 response; Sponsor: Rep. Kelly, Robin L. [D-IL-2]; Committees: House - Energy and Commerce; Small Business; Education and Labor; Oversight and Reform*

*H.R.6773 — To amend the Internal Revenue Code of 1986 to provide for a credit against tax for certain health care workers, and for other purposes; Sponsor: Rep. Maloney, Sean Patrick [D-NY-18]; Committees: House - Ways and Means*

*H.R.6774 — To amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to conduct a demonstration program to assess the effects of a hospital providing to qualified individuals medically tailored home-delivered meals, and for other purposes; Sponsor: Rep. McGovern, James P. [D-MA-2]; Committees: House - Ways and Means; Rules*

*H.R.6788 — To enhance our Nation’s nurse and physician workforce during the COVID-19 crisis by recapturing unused immigrant visas; Sponsor: Rep. Schneider, Bradley Scott [D-IL-10]; Committees: House – Judiciary*

*H.R.6792 — To amend title XVIII of the Social Security Act to simplify payments for telehealth services furnished by Federally qualified health centers or rural health clinics under the Medicare program, and for other purposes; Sponsor: Rep. Smith, Adrian [R-NE-3]; Committees: House - Energy and Commerce; Ways and Means*

*H.R.6797 — To increase support for State Children’s Health Insurance programs during the COVID-19 emergency, and for other purposes; Sponsor: Rep. Wild, Susan [D-PA-7]; Committees: House - Energy and Commerce*

*S.3677 — A bill to require the Occupational Safety and Health Administration to promulgate an emergency temporary standard to protect employees from occupational exposure to SARS-CoV-2, and for other purposes; Sponsor: Sen. Baldwin, Tammy [D-WI]; Committees: Senate - Health, Education, Labor, and Pensions*

*H.R.6803 — To amend the Small Business Act to exempt certain ambulatory surgery and outpatient health centers from affiliation rules, and for other purposes; Sponsor: Rep. Balderson, Troy [R-OH-12]; Committees: House - Small Business*

*H.R.6808 — To provide for the establishment of a Health Force and a Resilience Force to respond to public health emergencies and meet public health needs; Sponsor: Rep. Crow, Jason [D-CO-6]; Committees: House - Energy and Commerce; Transportation and Infrastructure; Budget*

*H.R.6809 — To prohibit health care providers that receive funding through the Public Health and Social Services Emergency Fund from reducing employment or compensation for certain nurses employed by the provider; Sponsor: Rep. Davis, Rodney [R-IL-13]; Committees: House - Energy and Commerce*



*H.R.6810 — To establish a Health Care Protection Program Fund to provide grants to employers to ensure continuity of coverage under a group health plan through the COVID-19 pandemic, to provide for premium assistance for COBRA benefits, and for other purposes; Sponsor: Rep. Davis, Rodney [R-IL-13]; Committees: House - Education and Labor; Energy and Commerce; Ways and Means*

*H.R.6813 — To amend the Elder Abuse Prevention and Prosecution Act to improve the prevention of elder abuse and exploitation of individuals with Alzheimer's disease and related dementias; Sponsor: Rep. Deutch, Theodore E. [D-FL-22]; Committees: House - Judiciary*

*H.R.6822 — To amend the National and Community Service Act of 1990 to establish a national public health service program to respond to public health emergencies, including the COVID-19 pandemic, and for other purposes; Sponsor: Rep. Houlahan, Chrissy [D-PA-6]; Committees: House - Education and Labor*

*H.R.6824 — To amend the Internal Revenue Code of 1986 to provide for the carryover of the remaining 2020 balance in health flexible spending arrangements; Sponsor: Rep. Kilmer, Derek [D-WA-6]; Committees: House - Ways and Means*

*H.R.6829 — To authorize funding for a bilateral cooperative program with Israel for the development of health technologies with a focus on combating COVID-19; Sponsor: Rep. Pappas, Chris [D-NH-1]; Committees: House - Energy and Commerce*

*H.R.6837 — To amend title XVIII of the Social Security Act to modify the accelerated and advance payment programs under parts A and B of the Medicare program during the COVID-19 emergency; Sponsor: Rep. Schneider, Bradley Scott [D-IL-10]; Committees: House - Ways and Means; Energy and Commerce*

*H.R.6839 — To direct the Comptroller General of the United States to submit a report describing the response of certain entities to the COVID-19 pandemic with respect to the development, regulatory evaluation, and deployment of diagnostic tests; Sponsor: Rep. Spanberger, Abigail Davis [D-VA-7]; Committees: House - Energy and Commerce*

*S.3703 — A bill to amend the Elder Abuse Prevention and Prosecution Act to improve the prevention of elder abuse and exploitation of individuals with Alzheimer's disease and related dementias; Sponsor: Sen. Collins, Susan M. [R-ME]; Committees: Senate - Judiciary*

*H.R.6849 — To direct the Secretary of Health and Human Services to require long term care facilities to report certain information relating to COVID-19 cases and deaths; Sponsor: Rep. Horsford, Steven [D-NV-4]; Committees: House - Ways and Means; Energy and Commerce*

*H.R.6855 — To amend title XVIII of the Social Security Act to ensure communications accessibility for residents of skilled nursing facilities during the COVID-19 emergency period; Sponsor: Rep. Sanchez, Linda T. [D-CA-38]; Committees: House - Ways and Means*

*H.R.6857 — To amend title XVIII of the Social Security Act to establish a COVID-19 skilled nursing facility payment incentive program; Sponsor: Rep. Suozzi, Thomas R. [D-NY-3]; Committees: House - Ways and Means; Energy and Commerce*

*H.R.6858 — To enhance authorities under the Defense Production Act of 1950 to respond to the COVID-19 emergency, to provide additional oversight of such authorities, and to require a strategy on securing supply chains for medical materials, and for other purposes; Sponsor: Rep. Vargas, Juan [D-CA-51]; Committees: House - Financial Services; Energy and Commerce*

*S.Res.572 — A resolution expressing the sense of the Senate that the report of the Centers for Disease Control and Prevention entitled “Guidance for Implementing the Opening Up America Again Framework” be released immediately; Sponsor: Sen. Schumer, Charles E. [D-NY]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3709 — A bill to increase the eligibility of nonprofit organizations for loans under the Paycheck Protection Program, and for other purposes; Sponsor: Sen. Loeffler, Kelly [R-GA]; Committees: Senate - Small Business and Entrepreneurship*

*S.3715 — A bill to amend the Defense Production Act of 1950 to ensure the supply of certain medical articles essential to national defense, and for other purposes; Sponsor: Sen. McSally, Martha [R-AZ]; Committees: Senate - Banking, Housing, and Urban Affairs*

*S.3721 — A bill to provide for the establishment of a COVID-19 Racial and Ethnic Disparities Task Force to gather data about disproportionately affected communities and provide recommendations to combat the racial and ethnic disparities in the COVID-19 response; Sponsor: Sen. Harris, Kamala D. [D-CA]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3724 — A bill to prohibit the Secretary of Veterans Affairs from charging veterans copayments for preventive services relating to COVID-19; Sponsor: Sen. Duckworth, Tammy [D-IL]; Committees: Senate - Veterans’ Affairs*

*S.3726 — A bill to recruit qualified foreign nationals residing in the United States to provide healthcare during a public health emergency at healthcare facilities operated by the Department of Health and Human Services, the Department of Defense, or the Department of Veterans Affairs; Sponsor: Sen. Cruz, Ted [R-TX]; Committees: Senate - Health, Education, Labor, and Pensions*

*H.R.6866 — To protect the privacy of health information during a national health emergency; Sponsor: Rep. Eshoo, Anna G. [D-CA-18]; Committees: House - Energy and Commerce*

*H.R.6872 — To direct the Secretary of Health and Human Services to provide funding for State strike teams for resident and employee safety in skilled nursing facilities and nursing facilities; Sponsor: Rep. Panetta, Jimmy [D-CA-20]; Committees: House - Energy and Commerce*

*H.R.6875 — To direct the Comptroller General of the United States to conduct a study to investigate the feasibility of establishing user fees to offset certain Federal costs attributable to the procurement of single-source materials for the Strategic National Stockpile, and for other purposes; Sponsor: Rep. Slotkin, Elissa [D-MI-8]; Committees: House - Energy and Commerce*

*H.R.6876 — To amend the Public Health Service Act to ensure that the contents of the Strategic National Stockpile remain in good working order and, as appropriate, conduct maintenance services on contents of the stockpile, and for other purposes; Sponsor: Rep. Slotkin, Elissa [D-MI-8]; Committees: House - Energy and Commerce*

*H.R.6877 — To direct the Assistant Secretary for Preparedness and Response to issue a report to Congress regarding all State, local, Tribal, and territorial requests for supplies from the Strategic National Stockpile related to COVID-19, and for other purposes; Sponsor: Rep. Slotkin, Elissa [D-MI-8]; Committees: House - Energy and Commerce*

*H.R.6878 — To direct the Secretary of Health and Human Services to develop and implement improved, transparent processes for the use and distribution of supplies in the Strategic National Stockpile, and for other purposes; Sponsor: Rep. Slotkin, Elissa [D-MI-8]; Committees: House - Energy and Commerce*

*H.R.6879 — To enhance American production of certain medical supplies, and for other purposes; Sponsor: Rep. Slotkin, Elissa [D-MI-8]; Committees: House - Energy and Commerce; Oversight and Reform*

*S.Res.579 — A resolution encouraging the international community to remain committed to collaboration and coordination to mitigate and prevent the further spread of COVID-19 and urging renewed United States leadership and participation in any global efforts on therapeutics and vaccine development and delivery to address COVID-19 and prevent further deaths, and for other purposes; Sponsor: Sen. Durbin, Richard J. [D-IL]; Committees: Senate - Foreign Relations*

*S.3737 — A bill to improve the public health workforce loan repayment program; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Finance*

*S.3738 — A bill to require the Secretary of Health and Human Services to provide updated information about COVID-19 testing to the public, and for other purposes; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3740 — A bill to assist older Americans and people with disabilities affected by COVID-19; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Finance*

*S.3741 — A bill to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for services furnished via telehealth if such services would be covered if furnished in-person during the COVID-19 emergency; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3746 — A bill to amend the Higher Education Act of 1965 to include certain employment as a health care practitioner as eligible for public service loan forgiveness, and for other purposes; Sponsor: Sen. Feinstein, Dianne [D-CA]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3749 — A bill to protect the privacy of health information during a national health emergency; Sponsor: Sen. Blumenthal, Richard [D-CT]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3750 — A bill to amend title XVIII of the Social Security Act to modify the accelerated and advance payment programs under parts A and B of the Medicare program during the COVID-19 emergency; Sponsor: Sen. Shaheen, Jeanne [D-NH]; Committees: Senate - Finance*