



Health Policy Briefing

June 10, 2019

PAHPA Passes House, Sent to President Trump

The House of Representatives passed S. 1379, the *Pandemic and All-Hazards Preparedness and Advancing Innovation Act* under suspension of the rules by voice vote last week. The legislation would reauthorize programs related to emergency preparedness and public health response efforts. Most of these programs expired last September but were funded under fiscal year (FY) 2019 appropriations legislation. The bill will now be sent to the President’s desk, where it is expected to be signed into law.

Ag-FDA Spending Bill Advances Out of Committee

The House Appropriations Committee advanced its Agriculture-Rural Development-Food and Drug Administration (FDA) fiscal year (FY) 2020 spending bill along party lines last week. It includes \$24.3 billion in discretionary funding, an increase of \$1 billion over current levels. The FDA would receive a total of \$3.3 billion, \$184 million above FY 2019. The panel adopted an amendment from Rep. Robert Aderholt (R-Ala.) that would ban the advancement of research and technology related to the modification of human embryos or gene editing. The same rider was placed on the FY 2019 spending bill but had been dropped in subcommittee last month. The committee’s report language expresses support for stronger regulation of cosmetics and dietary supplements. The panel requests a briefing on the staffing and budget resources FDA would need to improve its oversight of cosmetics, and whether user fees would be helpful in supporting the agency’s work in this space. Appropriators also request a briefing with the agency on the issue of office-use compounding.

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CBO Works to Score Surprise Insurance Gap Legislation

The Congressional Budget Office (CBO) scored a number of legislative proposals to prevent surprise insurance gaps last week, according to congressional staff. Several bipartisan groups in both the House and Senate have released legislation to address surprise medical bills in recent months. The CBO has sent its preliminary budget estimates to lawmakers, but the full estimates are not yet public. The agency examined a bill from a Senate working group led by Sens. Bill Cassidy (R-La.) and Maggie Hassan (D-N.H.). CBO found that their proposal, which includes a provision to allow payment disputes to be settled through arbitration, would save \$17 billion over the next decade. CBO found that the bipartisan proposal from Senate Health, Education, Labor, and Pensions (HELP) Committee leadership to pay providers based on the median contracted rate would save \$25 billion over the next decade. The provisions contained in the HELP draft bill to use arbitration for bills of more than \$750 would save \$20 billion over the next 10 years, but would cost \$1 billion in administrative costs, while the panel's network matching policy would save \$9 billion. Chairman Lamar Alexander (R-Tenn.) plans to convene a hearing next week and to markup the ***Lower Health Care Costs Act of 2019*** later in the month in hopes of passing a bill before August recess. According to Alexander, the committee has received over 400 comments on the draft bill to lower health care costs and is working to review and incorporate the feedback into a final package. HELP's legislation is expected to be combined with prescription drug pricing legislation from the Senate Finance Committee before being brought for a vote on the Senate floor.

Senators Release List of Under-Performing Nursing Homes

Sens. Bob Casey (D-Pa.) and Pat Toomey (R-Pa.) have released a confidential list obtained from the Centers for Medicare and Medicaid Services (CMS) documenting approximately 400 "under-performing" nursing homes across the nation with "persistent records of poor care." The list is comprised of candidates for the Special Focus Facility (SFF) initiative. According to Casey and Toomey, CMS declined to make the list public. Agency officials have stated that the same data is available on the Nursing Home Compare website. The list was released along with a [report](#) providing additional background and context information.

House Dems Request Info on Direct Enrollment

Democratic leadership of the House Energy and Commerce and Ways and Means committees have [written](#) to Administrator of the Centers for Medicare and Medicaid Services (CMS) Seema Verma questioning the administration's decision to allow more consumers to enroll in Affordable Care Act (ACA) coverage directly through insurance broker websites. Chairmen Frank Pallone (D-N.J.) and Richard Neal (D-Mass.) express concerns that expanding the enhanced direct enrollment process could confuse consumers, lead to individuals being unnecessarily charged more for coverage, or result in the steering of consumers to short-term, limited-duration plans that do not have to comply with all of the 2010 health care law's consumer protections. The lawmakers ask for a list of CMS-approved direct enrollment entities, direct enrollment-related consumer complaints, and whether the agency has taken any direct enrollment enforcement action against insurance brokers no later than June 18.

House to Begin Consideration of \$1 Trillion in Spending Bills this Week

The House plans to begin consideration of a package of five FY 2020 appropriations bills totaling almost \$1 trillion in spending, according to notice from the House Rules Committee. H.R. 2740 would combine the spending bills covering Defense, Labor-Health and Human Service-Education, State and Foreign Operations, Energy and Water Development, and the Legislative Branch. It will be the first FY 2020 spending bill and one of several minibuses to be considered this year on the House floor; Majority Leader Steny Hoyer (D-Md.) has said that he hopes all 12 appropriations bills will be passed by the end of the month to prevent a government shutdown at the end of the fiscal year on Sept. 30. The House Rules Committee will meet Monday and Tuesday to set the terms for floor debate. Lawmakers will begin debate on the bill Wednesday, and a vote is expected the week of June 17.

Finance Drug Pricing Proposal Expected June 19

The Senate Finance Committee hopes to release bipartisan drug pricing legislation by June 19, according to Chairman Chuck Grassley (R-Iowa). The package has not yet been finalized but is expected to include reforms to Medicare Parts B and D and the Medicaid program. Both Grassley and Ranking Member Ron Wyden (D-Ore.) have expressed support for a Part D out-of-pocket cap. The committee is also considering extending the administration's proposal to require rebates to be passed directly to consumers. Grassley has stated that, if the issue of drug pricing is not addressed this month, it will be difficult to pass legislation before the end of the year.

Trump Administration Personnel Updates

Peter Urbanowicz, Chief of Staff to U.S. Department of Health and Human Services (HHS) Secretary Alex Azar, announced that he will be leaving the department in June. Deputy Chief of Staff Brian Harrison will be promoted to the chief of staff position. Harrison has held the position of deputy chief of staff since Azar's confirmation. Harrison worked in the office of the Deputy Secretary at HHS during the George W. Bush administration and has also held positions at the Social Security Administration, the Department of Defense (DOD), and the Office of the Vice President at the White House.

Upcoming Congressional Hearings and Markups

House Committee on Education and Labor markup of H.R. 1230, Protecting Older Workers Against Discrimination Act, H.R. 1309, Workplace Violence Prevention for Health Care and Social Service Workers Act, and H.R. 397, Rehabilitation for Multiemployer Pensions Act; 10:15 a.m., 2175 Rayburn Bldg.; June 11

Senate Judiciary Subcommittee on Intellectual Property hearing to examine the state of patent eligibility in America; 2:30 p.m., 226 Dirksen Bldg.; June 11

House Ways and Means Committee hearing "Pathways to Universal Health Coverage;" 10:00 a.m., 1100 Longworth Bldg.; June 12

House Energy and Commerce Subcommittee on Health hearing "No More Surprises: Protecting Patients from Surprise Medical Bills;" 10:00 a.m., 2123 Rayburn Bldg.; June 12

House Veterans' Affairs Subcommittee on Technology Modernization "Implementation of Electronic Health Record Systems at the Department of Veterans Affairs (VA) and the Department of Defense (DoD);" 10:15 a.m., 210 Capitol Bldg.; June 12

House Committee on Small Business hearing "The Doctor is Out. Rising Student Loan Debt and the Decline of the Small Medical Practice;" 11:30 a.m., 2360 Rayburn Bldg.; June 12

Senate Judiciary Subcommittee on Antitrust, Competition Policy, and Consumer Rights hearing "Your Doctor/Pharmacist/Insurer Will See You Now: Competitive Implications of Vertical Consolidation in the Healthcare Industry;" 2:30 p.m., 226 Dirksen Bldg.; June 12

Senate Special Committee on Aging hearing to examine the complex web of prescription drug prices, focusing on examining agency efforts to further competition and increase affordability; 9:15 a.m., 562 Dirksen Bldg.; June 19

Recently Introduced Health Legislation

H.R.3029 — *To amend title XVIII of the Social Security Act to provide transitional coverage and retroactive Medicare part D coverage for certain low-income beneficiaries; Sponsor: Rep. Olson, Pete [R-TX-22]; Committees: House - Energy and Commerce, Ways and Means*

H.R.3030 — *To amend the Internal Revenue Code of 1986 and title XI of the Social Security Act to extend appropriations and transfers to the Patient-Centered Outcomes Research Trust Fund and to extend certain health insurance fees for such transfers; Sponsor: Rep. DeGette, Diana [D-CO-1]; Committees: House - Ways and Means, Energy and Commerce*

H.R.3031 — *To amend title XVIII of the Social Security Act to extend funding for quality measure endorsement, input, and selection under the Medicare program; Sponsor: Rep. Chu, Judy [D-CA-27]; Committees: House - Ways and Means, Energy and Commerce*

H.R.3034 — *To amend title 10, United States Code, to authorize the Secretary of a military department to retain a reserve officer in a medical specialty beyond the date that such individual turns 68 years old, and for other purposes; Sponsor: Rep. Herrera Beutler, Jaime [R-WA-3]; Committees: House - Armed Services*

H.R.3036 — *To improve the provision of health care to women veterans by the Secretary of Veterans Affairs; Sponsor: Rep. Rose, Max [D-NY-11]; Committees: House - Veterans' Affairs*

H.Res.412 — *Supporting the designation of May as “National Lyme and Tick-Borne Disease and Conditions Awareness Month”; Sponsor: Rep. Hartzler, Vicky [R-MO-4]; Committees: House - Oversight and Reform*

H.R.3044 — *To establish the Medical Device Sterilization Challenge, and for other purposes; Sponsor: Rep. Lipinski, Daniel [D-IL-3]; Committees: House - Energy and Commerce, Science, Space, and Technology*

H.Res.419 — *Acknowledging the contributions of America’s addiction professionals and their commitment to delivering evidence-based practice to individuals with substance use disorders through recognized standards of education, training, and competencies; Sponsor: Rep. Joyce, David P. [R-OH-14]; Committees: House - Energy and Commerce*

H.R.3054 — *To amend title XIX of the Social Security Act to modify the reductions in Medicaid DSH allotments; Sponsor: Rep. Olson, Pete [R-TX-22]; Committees: House - Energy and Commerce*

S.Res.227 — *A resolution expressing support for health and wellness coaches; Sponsor: Sen. Heinrich, Martin [D-NM]; Committees: Senate - Health, Education, Labor, and Pensions*

S.1697 — *A bill to amend the SUPPORT for Patients and Communities Act to provide for immediate eligibility for former foster youth under Medicaid; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Finance*

S.1698 — *A bill to amend title XIX of the Social Security Act and the SUPPORT for Patients and Communities Act to ensure health insurance coverage continuity for former foster youth; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Finance*

H.Res.422 — *Expressing support for the designation of the first Tuesday in June as “National Cancer Survivor Beauty and Support Day”; Sponsor: Rep. Schneider, Bradley Scott [D-IL-10]; Committees: House - Oversight and Reform*

H.Con.Res.46 — *Expressing support for the designation of June 21 as National ASK (Asking Saves Kids) Day to promote children’s health and safe storage of guns in the home; Sponsor: Rep. Cicilline, David N. [D-RI-1]; Committees: House - Energy and Commerce*

H.R.3080 — To amend the Public Health Service Act to enhance the national strategy for combating and eliminating tuberculosis, and for other purposes; Sponsor: Rep. Engel, Eliot L. [D-NY-16]; Committees: House - Energy and Commerce

H.R.3085 — To authorize activities to combat the Ebola outbreak in the Democratic Republic of the Congo, and for other purposes; Sponsor: Rep. Bass, Karen [D-CA-37]; Committees: House - Foreign Affairs

S.1712 — A bill to amend title XVIII of the Social Security Act to encourage the development and use of DISARM antimicrobial drugs, and for other purposes; Sponsor: Sen. Isakson, Johnny [R-GA]; Committees: Senate - Finance

H.R.3105 — To establish an annual fee applicable to opioid manufacturers; Sponsor: Rep. Bonamici, Suzanne [D-OR-1]; Committees: House - Energy and Commerce

H.R.3107 — To amend title XVIII of the Social Security Act to establish requirements with respect to the use of prior authorization under Medicare Advantage plans, and for other purposes; Sponsor: Rep. DelBene, Suzan K. [D-WA-1]; Committees: House - Ways and Means, Energy and Commerce

H.R.3109 — To provide grants to better understand and reduce gestational diabetes, and for other purposes; Sponsor: Rep. Engel, Eliot L. [D-NY-16]; Committees: House - Energy and Commerce

H.R.3113 — To require the United States Postal Service to sell the Alzheimer's semipostal stamp for 6 additional years; Sponsor: Rep. Waters, Maxine [D-CA-43]; Committees: House - Oversight and Reform, Energy and Commerce

H.R.3117 — To amend the Child Nutrition Act of 1966 to establish a grant program to provide grants to local agencies and clinics to improve the health of mothers and infants, and for other purposes; Sponsor: Rep. Adams, Alma S. [D-NC-12]; Committees: House - Education and Labor

H.R.3127 — To permit occupational therapists to conduct the initial assessment visit and complete the comprehensive assessment under a Medicare home health plan of care for certain rehabilitation cases; Sponsor: Rep. Doggett, Lloyd [D-TX-35]; Committees: House - Ways and Means, Energy and Commerce

H.R.3129 — To provide women with increased access to preventive and life-saving cancer screening; Sponsor: Rep. Gomez, Jimmy [D-CA-34]; Committees: House - Energy and Commerce

H.R.3131 — To amend the Public Health Service Act to provide for research and improvement of cardiovascular health among the South Asian population of the United States, and for other purposes; Sponsor: Rep. Jayapal, Pramila [D-WA-7]; Committees: House - Energy and Commerce

H.R.3147 — To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide service dogs to veterans with mental illnesses who do not have mobility impairments; Sponsor: Rep. Stivers, Steve [R-OH-15]; Committees: House - Veterans' Affairs

S.1725 — A bill to permit occupational therapists to conduct the initial assessment visit and complete the comprehensive assessment under a Medicare home health plan of care for certain rehabilitation cases; Sponsor: Sen. Cardin, Benjamin L. [D-MD]; Committees: Senate - Finance

S.1728 — A bill to require the United States Postal Service to sell the Alzheimer's semipostal stamp for 6 additional years; Sponsor: Sen. Markey, Edward J. [D-MA]; Committees: Senate - Homeland Security and Governmental Affairs

S.1735 — A bill to provide women with increased access to preventive and life-saving cancer screening; Sponsor: Sen. Murray, Patty [D-WA]; Committees: Senate - Health, Education, Labor, and Pensions

S.1737 — A bill to strengthen parity in mental health and substance use disorder benefits; Sponsor: Sen. Murphy, Christopher [D-CT]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.3153 — To direct the Director of the National Science Foundation to support research on opioid addiction, and for other purposes; Sponsor: Rep. Wexton, Jennifer [D-VA-10]; Committees: House - Science, Space, and Technology

H.R.3164 — Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2020, and for other purposes; Sponsor: Rep. Bishop, Sanford D., Jr. [D-GA-2]; Committees: House - Appropriations