



Health Policy Briefing

December 3, 2018

House Dems Select Leaders for 116th Congress

Nancy Pelosi (D-Calif.) won the internal caucus nomination to continue to lead Democrats as Speaker of the House in the 116th Congress by a 203-32 vote. Reps. Steny Hoyer (D-Md.) and James Clyburn (S.C.) ran unopposed for the No. 2 and No. 3 spots of Majority Leader and Majority Whip. Rep. Cheri Bustos (Ill.) was elected chairwoman of the Democratic Congressional Campaign Committee (DCCC), receiving 117 votes compared to 83 votes for Denny Heck (Wash.) and 32 votes for Suzan DelBene (Wash.). The former DCCC leader Ben Ray Luján (N.M.) was elected to serve as the next Assistant Leader. Rep. Hakeem Jeffries (D-N.Y.) was elected Democratic caucus chair in a 123-113 vote against fellow Congressional Black Caucus (CBC) member Barbara Lee (Calif.). If every member votes for a candidate, and no member votes present, Pelosi will need 218 votes to become Speaker when the full House votes in January. Despite some opposition from within her party, Pelosi remains uncontested for the top leadership spot.

Lawmakers Consider CR to Avert Partial Government Shutdown

Congressional lawmakers are reportedly in talks with the White House on the passage of a stopgap spending bill to avert a partial government shutdown. The current continuing resolution (CR) for those portions of the federal government that have not yet been funded for fiscal year (FY) 2019 expires on December 7, and government funding negotiations will likely be slowed due to the state funeral of former President George H. W. Bush this week. Little progress has been made to reach an agreement on immigration issues. A Senate-passed measure included \$1.6 billion for border security, but President Trump has threatened to veto a spending bill that does not meet his funding demand of \$5 billion for a border wall. Appropriator Nita Lowey (D-N.Y.) has said that House Democrats do not support any money for a physical border wall.

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Doc Caucus Discusses International Pricing Index with Azar

Members of the GOP Doctors Caucus met with U.S. Department of Health and Human Services (HHS) Secretary Alex Azar last week to express concerns with a recent proposal from the administration to lower drug prices by tying Medicare Part B prescription payment rates to the amount paid for such drugs in other countries. The meeting gave Azar and Centers for Medicare and Medicaid Services (CMS) Administrator Seema Verma the opportunity to explain the White House proposal in greater detail. Caucus members Larry Bucshon, MD (R-Ind.) and Phil Roe, MD (R-Tenn.) said that they still have some concerns about the policy but have less concerns than before the meeting. Bucshon had previously expressed opposition to the proposal and its potential to lead to price-fixing.

Grassley Hints at 2019 Finance Committee Agenda

Incoming Chairman of the Senate Finance Committee Chuck Grassley (R-Iowa) gave a Senate floor speech last week reiterating his commitment to lowering the cost of prescription drugs next Congress. Grassley highlighted plans to examine a number of controversial policies, such as drug importation, curbing 'pay for delay,' and oversight of mergers in the pharmaceutical supply chain. He also noted plans to investigate the use of regulatory loopholes to extend monopolies over certain products. Grassley welcomed collaboration with House Democrats to lower the cost of drugs without compromising access to treatment.

Lawmakers Call for Further Health Insurance Tax Delay

A bipartisan group of lawmakers have written to Senate leadership calling for a vote to extend the delay on the Affordable Care Act's (ACA) health insurance tax before the end of the lame-duck session. Sens. John Barrasso (R-Wyo.), Jeanne Shaheen (D-N.H.), Cory Gardner (R-Colo.), and Doug Jones (D-Ala.) expressed concerns that the tax, which has already been suspended for 2019 and is currently set to begin in 2020, will increase health insurance premiums.

Senate Extends PEPFAR, House Passes Health Care Fraud, Dental Legislation

The Senate passed H.R. 6651, the ***PEPFAR Extension Act of 2018***, by voice vote last week. The bill would extend the President's Emergency Plan for AIDS Relief (PEPFAR) through FY 2023. The bill was passed by the House in November by voice vote. PEPFAR was started by President George W. Bush in 2003 and has treated 14 million people worldwide. The House of Representatives also passed legislation last week to advance public health. H.R. 6753, the ***Strengthening the Health Care Fraud Prevention Task Force Act of 2018***, would codify the existing public-private Health Care Fraud and Prevention Partnership, which works to identify and eliminate health care waste, fraud, and abuse through data and information sharing. H.R. 2422, the ***Action for Dental Health Act of 2017***, would reauthorize grants that support oral health workforce activities as well as authorize the Centers for Disease Control and Prevention (CDC) and the Health Resources and Services Administration (HRSA) to award grants aimed at improving oral health and preventing dental disease. Both bills passed the House by voice vote.

HELP Advances Four Health Bills

The Senate Health, Education, Labor, and Pensions (HELP) Committee advanced four bipartisan pieces of health-related legislation last week. The ***Building Our Largest Dementia (BOLD) Infrastructure for Alzheimer's Act*** (S. 2076) would create public health centers of excellence to increase Alzheimer's disease detection, data collection, and research. The ***Improving Access to Maternity Care Act*** (H.R. 315) would strengthen access and infrastructure for maternal care and charge HRSA with identifying geographic regions with shortages of maternal health providers. The ***Traumatic Brain Injury Program Reauthorization Act of 2018*** (S. 3657) would reauthorize the federal program that funds home and community-based care for individuals with traumatic brain injury (TBI). Finally, S. 3482 would reauthorize the Emergency Medical Services for Children Program, which works to ensure that children and adolescents receive appropriate care during health emergencies. The bills were advanced by voice vote for consideration by the full Senate.

Hyde-Smith Prevails in Final Senate Race of the Midterm Cycle

Sen. Cindy Hyde-Smith (R-Miss.) defeated former Agriculture Secretary Mike Espy (D) in the last Senate race of the 2018 midterm cycle. Tuesday's runoff was triggered because no candidate received 50 percent of the vote in the Nov. 6 election. Hyde-Smith is a former state agricultural commissioner who was appointed to the Senate after Sen. Thad Cochran (R-Miss.) retired due to health reasons earlier this year. Hyde-Smith's victory secures a 53-47 majority for Republicans in the upper chamber for the 116th Congress, up from the current 51-49 balance of power. Three weeks after the midterm elections, the final numbers for the House of Representatives have also been set. Democrats picked up 40 seats for a 235-200 majority.

Upcoming Congressional Hearings and Meetings

12/5 – House Energy and Commerce Oversight and Investigations Subcommittee hearing “Examining the Availability of SAFE Kits at Hospitals in the United States;” 10:15 a.m., 2322 Rayburn Bldg.

House Committee on Veterans' Affairs hearing “Tracking Transformation: VA MISSION Act Implementation;” 10:00 a.m., 334 Cannon Bldg.; December 6

House Oversight and Government Reform Subcommittee on government Operations and Subcommittee on Health Care, Benefits, and Administrative Rules joint hearing “Exploring Alternatives to Fetal Tissue Research;” 10:00 a.m., 2154 Rayburn Bldg.; December 6

Recently Introduced Health Legislation

S.Res.705 — A resolution designating December 3, 2018, as “National Phenylketonuria Awareness Day”; Sponsor: Sen. Isakson, Johnny [R-GA]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.3656 — A bill to authorize the Department of Energy to conduct collaborative research with the Department of Veterans Affairs in order to improve healthcare services for veterans in the United States, and for other purposes; Sponsor: Sen. Ernst, Joni [R-IA]; Committees: Senate - Energy and Natural Resources

S.3657 — A bill to reauthorize the Traumatic Brain Injury program; Sponsor: Sen. Hatch, Orrin G. [R-UT]; Committees: Senate - Health, Education, Labor, and Pensions

S.3660 — A bill to improve the health of minority individuals, and for other purposes; Sponsor: Sen. Hirono, Mazie K. [D-HI]; Committees: Senate - Finance

H.R.7177 — To amend title III of the Public Health Service Act and titles XI and XVIII of the Social Security Act to accelerate the adoption of value-based payment and delivery arrangements among health care stakeholders intended to coordinate care, improve patient outcomes, share accountability, or lower costs, and for other purposes; Sponsor: Rep. Paulsen, Erik [R-MN-3]; Committees: House - Energy and Commerce, Ways and Means

S.3680 — A bill to require the Secretary of Health and Human Services to establish reference prices for prescription drugs for purposes of Federal health programs; Sponsor: Sen. Merkley, Jeff [D-OR]; Committees: Senate - Health, Education, Labor, and Pensions

S.3685 — A bill to amend the Public Health Service Act to expand the authority of the Secretary of Health and Human Services to permit nurses to practice in health care facilities with critical shortages of nurses through programs for loan repayment and scholarships for nurses; Sponsor: Sen. Young, Todd C. [R-IN]; Committees: Senate - Health, Education, Labor, and Pensions

S.3686 — A bill to promote minimum State requirements for the prevention and treatment of concussions caused by participation in school sports, and for other purposes; Sponsor: Sen. Durbin, Richard J. [D-IL] Committees: Senate - Health, Education, Labor, and Pensions

S.3687 — A bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; Sponsor: Sen. Duckworth, Tammy [D-IL]; Committees: Senate - Finance

S.3691 — A bill to modernize the National Air Toxics Assessment, the Integrated Risk Information System, and the Agency for Toxic Substances and Disease Registry, and for other purposes; Sponsor: Sen. Duckworth, Tammy [D-IL]; Committees: Senate - Environment and Public Works

S.3693 — A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain cancer hospitals; Sponsor: Sen. Hatch, Orrin G. [R-UT]; Committees: Senate - Finance

H.R.7189 — To modernize the National Air Toxics Assessment, the Integrated Risk Information System, and the Agency for Toxic Substances and Disease Registry, and for other purposes; Sponsor: Rep. Foster, Bill [D-IL-11]; Committees: House - Energy and Commerce

H.R.7193 — To amend the VA MISSION Act of 2018 to expand the veterans healing veterans medical access and scholarship program to include more students and schools; Sponsor: Rep. Gonzalez-Colon, Jennifer [R-PR-At Large]; Committees: House - Veterans' Affairs