



Health Policy Briefing

February 22, 2021

House Vote on Stimulus Bill Expected This Week

Majority Leader Steny Hoyer (D-Md.) announced that the House of Representatives may vote on the **American Rescue Plan** COVID relief legislation as early as Friday, Feb. 26. The package is advancing via the budget reconciliation process. The House Budget Committee will meet today (Feb. 22) to assemble the recommendations approved by individual House committees under the budget reconciliation framework and prepare the stimulus package for a vote. No substantial changes to the legislation are expected as the lawmakers on the panel are not able to offer regular amendments. After the Budget Committee compiles the bill, it will be sent to the Rules Committee before being slated for the House floor. The bill will be sent to the Senate as soon as it passes the House, where Senate Majority Leader Chuck Schumer (D-N.Y.) has said the bill will bypass the committee process.

The Congressional Budget Office (CBO) released its [analysis](#) of the estimated budget effects of the **American Rescue Plan** over the weekend, finding that the bill totals slightly more than \$1.9 trillion – exceeding the limit laid out in the budget resolution allowing the measure to advance through the reconciliation process. As a result, Democrats will be forced to trim approximately \$31 billion from the legislation before it can pass the Senate. CBO’s report also finds that the majority of spending in the stimulus bill will take place in 2021, and that it would add \$1.234 trillion to this year’s budget deficit.

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Top Health Officials Get Confirmation Hearings This Week

The Senate Health, Education, Labor and Pensions (HELP) Committee has scheduled confirmation hearings for top Biden administration health nominees. The panel scheduled a courtesy hearing to consider Xavier Becerra to be Secretary of the U.S. Department of Health and Human Services (HHS) on Tuesday, and Vivek Murthy as Surgeon General and Rachel Levine as Assistant Secretary of HHS on Thursday. The Senate Finance Committee has scheduled a confirmation hearing for Xavier Becerra on Wednesday. Becerra has been targeted in recent days by a \$2 million ad campaign from conservative organizations attacking the nominee's stance on abortion. The groups are specifically trying to sway certain senators, including Joe Manchin (D-W.Va.), who have supported restrictions on abortion. Republicans have also argued that Becerra lacks the public health experience for the top role at HHS. The GOP would need to be united in a vote against Becerra and joined by at least one Democrat to prevent confirmation. Democrats continue to stress the importance of having an HHS Secretary in place in order to implement the administration's coronavirus pandemic response plan. Over the weekend, the Washington Post reported that Biden's nominee for Surgeon General, Vivek Murthy, made more than \$2 million during the pandemic with consulting fees and speeches. It's unclear if this new information will have an effect on his nomination.

Brooks-LaSure Nominated for Top CMS Position

President Joe Biden has tapped Chiquita Brooks-LaSure to be Administrator of the Centers for Medicare & Medicaid Services (CMS). Brooks-LaSure is a former Obama administration health official who helped implement the Affordable Care Act (ACA) while serving as deputy director for policy at the Center for Consumer Information and Insurance Oversight (CCIIO). She chaired President Biden's health transition team and currently works as a managing director of the consulting firm Manatt Health. Earlier in her career, she was a staffer for the House Ways and Means Committee where she helped to draft the ACA while working with nominee for U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra, who served on the panel during his time in Congress. She will need to be confirmed by the Senate before assuming the top role at CMS.

Senators Ask White House to Prioritize Opioid Epidemic in Budget

A group of 17 senators has sent a [letter](#) to President Joe Biden urging the Biden Administration to increase federal funding to combat the opioid and substance use disorder epidemic. They request a boost in spending on prevention, treatment, and recovery programs and treatment provider workforce programs in the forthcoming White House budget. The letter, which was led by Sens. Tammy Baldwin (D-Wis.) and Jeanne Shaheen (D-N.H.), argues that the opioid abuse epidemic continues "to evolve and ravage communities across the country" and has been exacerbated by the coronavirus pandemic.

Lawmakers Call for Increase to HCBS Reimbursement Rates

A group of Democrats led by Senator Maggie Hassan (D-N.H.) has [written](#) to Senate leadership calling for the inclusion of a 7.35% increase to federal reimbursement rates for Medicaid Home and Community-Based Services (HCBS) in the next COVID relief package. The letter asserts that providers of these home-based care services have experienced difficulty procuring personal protective equipment (PPE), testing, and vaccines. The funding boost has already been included in the *American Rescue Plan* currently being assembled by the House of Representatives.

Details About Reinstatement of Earmarks Expected Soon

House Appropriations Chair Rosa DeLauro (D-Conn.), along with Senate Appropriations Chair Patrick Leahy (D-Vt.), are expected to release details about their plan to reinstate lawmaker-directed spending – also known as earmarks – in the coming weeks. Earmarks were banned by Congress a decade ago. Their plan will include transparency provisions and limits on total dollar amounts and recipients. Each chamber is responsible for setting their own rules regarding earmarks.

Debt Ceiling Deadline Set for Late Summer

The debt ceiling will be reinstated on Aug. 1 after a two-year suspension. Treasury officials are expected to be able to use what is known as “extraordinary measures” to push back the deadline for suspending or raising the debt limit, which must be done to avoid default on government payments and the subsequent serious economic consequences. Congressional leadership has not yet indicated how they plan to address the debt ceiling.

CBO Releases Report on Brand Name Drug Spending

The Congressional Budget Office (CBO) has released a [report](#) finding that the federal government spends three times as much for brand prescription drugs under the Medicare program compared to Medicaid. The budget office analyzed the prices of 176 brand name drugs and found that the average cost of a 30-day supply in Medicaid was \$118 versus \$343 in Medicare Part D. The same drugs cost twice as much in Medicare compared to the cost paid through Veterans Affairs. The report was requested by the Chairman of the Budget Committee, Senator Sanders (I-VT).

OSHA Releases COVID Guidance for Employers

The Occupational Safety and Health Administration (OSHA) has released updated COVID-19 [guidance](#) for employers. The guidance is intended to inform employers and employees in most workplace settings outside of health care to help identify risks of being exposed to or contracting COVID-19 at work and to help determine appropriate control measures to implement. The document, which recommends that employers provide vaccines to eligible employees, implement coronavirus prevention programs, and provide face coverings to all employees, comes in response to an executive order issued by President Joe Biden.

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.

- [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](#)
- [Testing](#)
- [Vaccines](#)

Upcoming Congressional Committee Activity

Senate Committee on the Judiciary hearing to examine the nomination of Merrick Brian Garland, of Maryland, to be Attorney General, Department of Justice; 9:30 a.m., 216 Hart Bldg.; February 22

House Budget Committee markup of the American Rescue Plan Act of 2021; 1:00 p.m., Virtual; February 22

House Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies hearing on Access to Fertility Services for Veterans; 9:30 a.m., Virtual; February 23

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing on the nomination of Xavier Becerra to serve as Secretary of Health and Human Services; 10:00 a.m., 430 Dirksen Bldg.; February 23

Senate Judiciary Committee hearing to examine the nomination of Merrick Brian Garland, of Maryland, to be Attorney General, Department of Justice; 10:00 a.m., 216 Hart Bldg.; February 23

House Energy and Commerce Subcommittee on Oversight and Investigations hearing “Pathway to Protection: Expanding Availability of COVID-19 Vaccines;” 10:30 a.m.; Virtual; February 23

House Homeland Security Committee hearing “Confronting the Coronavirus: Perspectives on the COVID-19 Pandemic One Year Later;” 9:30 a.m.; Virtual; February 24

House Appropriations Subcommittee on Departments of Labor, Health and Human Services, Education, and Related Agencies hearing “Ready or Not: U.S. Public Health Infrastructure;” 10:00 a.m., Virtual; February 24

Senate Veterans’ Affairs Committee hearing “Vaccines for Vets: Our Best Shot at Ending the COVID-19 Pandemic;” 3:00 p.m., G50 Dirksen Bldg.; February 24

Senate Finance Committee hearing to consider the nomination of Xavier Becerra, of California, to be Secretary of Health and Human Services; 2:30 p.m., 106 Dirksen Bldg.; February 24

Senate HELP Committee hearing on the nominations of Vivek Murthy to serve as Medical Director in the Regular Corps of the Public Health Service and Surgeon General of the Public Health Service, and Rachel Levine to serve as Assistant Secretary of Health and Human Services; 10:00 a.m., 430 Dirksen Bldg.; February 25

House Science, Space, and Technology Committee hearing “Building Back the U.S. Research Enterprise: COVID Impacts and Recovery;” 10:00 a.m., Virtual; February 25

Senate Finance Committee hearing to consider the nomination of Katherine C. Tai, of the District of Columbia, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary; 10:00 a.m., 215 Dirksen Bldg.; February 25

Recently Introduced Health Legislation

S.308 — A bill to establish a pilot program to address shortages of testing equipment and personal protective equipment through enhanced domestic production, and for other purposes; Sponsor: Sen. Durbin, Richard J. [D-IL]; Committees: Senate - Health, Education, Labor, and Pensions

S.310 — A bill to amend the Small Business Act to include hospitals serving rural areas or areas of persistent poverty in the paycheck protection program, and for other purposes; Sponsor: Sen. Wicker, Roger F. [R-MS]; Committees: Senate - Small Business and Entrepreneurship

S.311 — 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.315 — A bill to amend titles XVIII and XIX of the Social Security Act to ensure quality care for residents of skilled nursing facilities and nursing facilities, and for other purposes; Sponsor: Sen. Blumenthal, Richard [D-CT]; Committees: Senate - Finance

S.317 — A bill to amend titles XVIII and XIX of the Social Security Act to improve the quality of care for residents of and workers in skilled nursing facilities and nursing facilities during the COVID-19 emergency period, and for other purposes; Sponsor: Sen. Booker, Cory A. [D-NJ]; Committees: Senate - Finance

S.320 — A bill to amend the Public Health Service Act to provide that the authority of the Director of the National Institute on Minority Health and Health Disparities to make certain research endowments applies with respect to both current and former centers of excellence, and for other purposes; Sponsor: Sen. Cassidy, Bill [R-LA]; Committees: Senate - Health, Education, Labor, and Pensions

S.322 — A bill to amend the Health Insurance Portability and Accountability Act; Sponsor: Sen. Tillis, Thom [R-NC]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.123 — Expressing appreciation and recognition for the scientific, medical, and pharmaceutical community in the historic development of the COVID-19 vaccine in record time; Sponsor: Rep. Calvert, Ken [R-CA-42]; Committees: House - Energy and Commerce

H.Res.128 — Recognizing the rise of cardiovascular disease as the world's leading cause of preventable death and disability and as the global public health crisis of our generation and supporting the recognition of February 2021, as "American Heart Month"; Sponsor: Rep. Smith, Christopher H. [R-NJ-4]; Committees: House - Energy and Commerce; Foreign Affairs

H.Res.135 — Expressing support for the designation of May 2021 as "Spondyloarthritis Awareness Month"; Sponsor: Rep. Matsui, Doris O. [D-CA-6]; Committees: House - Energy and Commerce

H.R.1099 — To establish a national system for individuals to register for the administration of a COVID-19 vaccine, and for other purposes; Sponsor: Rep. Brown, Anthony G. [D-MD-4]; Committees: House - Energy and Commerce

H.R.1101 — To exempt certain businesses from liability arising from claims relating to an individual contracting COVID-19 as a result of patronizing a business or healthcare entity; Sponsor: Rep. Budd, Ted [R-NC-13]; Committees: House - Judiciary

H.R.1106 — To amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of hearing aids and related hearing services; Sponsor: Rep. Cartwright, Matt [D-PA-8]; Committees: House - Energy and Commerce

H.R.1114 — To authorize the Secretary of Veterans Affairs to provide COVID-19 vaccines to an expanded population of veterans during a covered emergency period, and for other purposes; Sponsor: Rep. Crist, Charlie [D-FL-13]; Committees: House - Veterans' Affairs

H.R.1118 — To amend title XVIII of the Social Security Act to remove the exclusion of Medicare coverage for hearing aids and examinations therefor, and for other purposes; Sponsor: Rep. Dingell, Debbie [D-MI-12]; Committees: House - Energy and Commerce; Ways and Means

H.R.1123 — 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. Garbarino, Andrew R. [R-NY-2]; Committees: House - Veterans' Affairs

H.R.1125 — 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, Jenniffer [R-PR-At Large]; Committees: House - Veterans' Affairs

H.R.1133 — 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: Rep. Harder, Josh [D-CA-10]; Committees: House - Education and Labor

H.R.1166 — To allow individuals to choose to opt out of the Medicare part A benefit; Sponsor: Rep. Palmer, Gary J. [R-AL-6]; Committees: House - Ways and Means

H.R.1167 — To amend title XVIII of the Social Security Act to provide for the automatic qualification of certain Medicaid beneficiaries for premium and cost-sharing subsidies under part D of the Medicare program, and for other purposes; Sponsor: Rep. Pappas, Chris [D-NH-1]; Committees: House - Energy and Commerce; Ways and Means

H.R.1176 — To amend title XXVII of the Public Health Service Act to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for prostate cancer screenings without the imposition of cost-sharing requirements, and for other purposes; Sponsor: Rep. Rush, Bobby L. [D-IL-1]; Committees: House - Energy and Commerce

H.R.1184 — To amend the Federal Food, Drug, and Cosmetic Act to improve the treatment of rare diseases and conditions, and for other purposes; Sponsor: Rep. Tonko, Paul [D-NY-20]; Committees: House - Energy and Commerce

H.R.1185 — To amend the Public Health Service Act to authorize grants to certain States to inform patients about the risks of opioids and their analogues, and for other purposes; Sponsor: Rep. Trone, David J. [D-MD-6]; Committees: House - Energy and Commerce

H.R.1186 — To amend the Federal Food, Drug, and Cosmetic Act to reduce the threat of counterfeit drugs to the pharmaceutical supply chain, and to make the pharmaceutical supply chain more robust, while ensuring the authenticity, content, purity, and manufacturing location and batch number of drugs (including COVID-19 therapeutics and vaccines) and allowing patient verification of authenticity, and for other purposes; Sponsor: Rep. Van Drew, Jefferson [R-NJ-2]; Committees: House - Energy and Commerce