



## Health Policy Briefing

November 9, 2015

### Kevin Brady to Assume Ways and Means Chairmanship

Rep. Kevin Brady (R-Texas) was chosen to replace Speaker of the House Paul Ryan (R-Wis.) as Chairman of the House Ways and Means Committee last week. Ryan stepped down as Chairman after he was elected Speaker of the House. The chairmanship was decided in a closed-door vote of the 33-member GOP Steering Committee, which determines the lawmakers that serve as committee chairmen and choose who serves on what committees. The decision was ratified by the full House Republican Conference. Rep. Pat Tiberi (R-Ohio) was the only other member running for the position. Brady is a ten term congressman and held seniority over Tiberi as the number two Republican on Ways and Means, the Health Subcommittee Chairman, and a member of the Republican Study Committee. Brady received the support of Paul Ryan in the vote for Chairman. As Speaker, Ryan controlled five of the panel's 38 votes, while Majority Leader Kevin McCarthy (R-Calif.) submitted two votes. McCarthy declined to say for whom he voted. The Ways and Means Committee is the Congressional tax-writing committee, and has jurisdiction over trade, health care, and Social Security. While Health Subcommittee Chairman, Brady helped repeal the sustainable growth rate (SGR) through passage of the Medicare Access and CHIP Reauthorization Act (MACRA). He also began working on a hospital payment reform package and a post-acute care value-based purchasing pilot. The package would expand Medicare Advantage, and include language to give seniors a set amount of money to purchase health insurance coverage. It would also combine Medicare Part A and Part B. One of Brady's first responsibilities as Chairman of full committee will be to consider the Trans-Pacific Partnership (TPP) trade deal by early next year. He has also pledged to pursue tax reform. The Steering Committee chose Rep. Tom Rice (R-S.C.) to fill the opening created by Ryan's departure from the Committee, and will have to choose a member to fill the chairman position on the Health Subcommittee.

In related news, House Republicans held a special meeting to overhaul the way the Steering Committee conducts its business, with the aim of increasing the power shared by rank-and-file members of the Republican Party. Proposals would give each member of the Steering panel, including leadership, only one vote, while removing members

*continued on page 2*

### Inside

- [Speaker Ryan Open to Policy Riders in FY 2016 Appropriations.....](#)2
- [Energy and Commerce Health Committee Chairman Joe Pittsto Retire.....](#)2
- [Senate Special Aging Committee Announces Hearing on Drug Prices.....](#)2
- [Text of the Trans-Pacific Partnership Trade Deal Released.....](#)2
- [Medicaid Task Force Created by Energy and Commerce Committee.....](#)3
- [Upcoming Congressional Meetings and Hearings.....](#)3
- [Health Legislation Recently Introduced.....](#)3

*continued from page 1*

in chairmanship positions and lower-level leadership from the Committee. The plan would expand the number of regional representatives on the Steering Committee from 13 to 20.

### ***Speaker Ryan Open to Policy Riders in FY 2016 Appropriations***

Now that the President has signed the budget deal and debt limit suspension into law, Congress will work to finish proceedings to craft a fiscal year (FY) 2016 appropriations bill. Senate Minority Leader Harry Reid (D-Nev.) has said that Democrats will be united against ideological attachments to an omnibus-spending bill. But Speaker of the House Paul Ryan (R-Wis.) will not rule out the inclusion of policy riders in House omnibus legislation. Ryan plans to hold a series of meetings led by Appropriations Chairman Hal Rogers (R-Ky.) and rank-and-file members to discuss how to shape the spending bills that are still unfinished. The deadline for action to pass appropriations measures to keep the government open is December 11.

### ***Energy and Commerce Health Committee Chairman Joe Pitts to Retire***

Chairman of the House Energy and Commerce Health Subcommittee Joe Pitts (R-Pa.) announced last week that he would retire at the end of the 114th Congress. Rep. Pitts was first elected in 1996, promising to serve only five terms in Congress. He is currently serving his tenth term. During the 114th Congress, Rep. Pitts has worked to repeal the sustainable growth rate (SGR) through passage of the Medicare Access and CHIP Reauthorization Act (MACRA), and has seen the Energy and Commerce Committee's 21st Century Cures Act through passage in the House.

### ***Senate Special Aging Committee Announces Hearing on Drug Prices***

Last week, the Senate Special Aging Committee announced that they would hold a hearing on December 9 to examining the rising cost of prescription drug prices. The price of pharmaceuticals has been strongly criticized by lawmakers and presidential candidates in recent months. Ten Ways and Means Democrats have written to new Committee Chairman Kevin Brady (R-Texas) asking him to prioritize examining the issue of pharmaceutical drug costs. A similar letter was sent from Democratic committee membership to Appropriations Committee leadership. House Democrats also announced the creation of a drug price task force. Additionally, the U.S. Department of Health and Human Services (HHS) has planned an invitation only meeting set for November 20th to discuss ways to address increased spending on drugs. Participants, which will include representatives from the pharmaceutical industry, patient advocates, providers, employers, and payers, will also discuss strategies for value-based and outcomes-based purchasing for pharmaceuticals, and the state of the current drug class system.

### ***Text of the Trans-Pacific Partnership Trade Deal Released***

The full details of the Trans-Pacific Partnership (TPP) deal reach last month were released last week. A number of lawmakers, including Senate Finance Committee Chairman Orrin Hatch (R-Utah), have expressed concerns about the deal's eight years of data exclusivity on biologic drugs, instead of the 12-year standard used in the United States, which some say would limit patient access to crucial drugs in other nations. The Senate Finance Committee and the House Ways and Means Committee will now begin examining the deal before it is sent to the House and Senate floors for a final vote. Congress is prohibited from amending the deal. Congress is expected to vote on the agreement sometime next year. The President has said that he intends to sign the deal into law. The United States entered into the trade deal with 11 other nations: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam.

### ***Medicaid Task Force Created by Energy and Commerce Committee***

Chairman of the House Energy and Commerce Committee Fred Upton (R-Mich.) announced the creation of a Medicaid Task Force to examine potential changes to strengthen and sustain the program. The Republican group will be chaired by Health Subcommittee Chairman Brett Guthrie (R-Ky.), and the following members were appointed to serve on the Task Force: Rep. Marsha Blackburn (R-Tenn.), Rep. Susan Brooks (R-Ind.), Rep. Larry Bucshon (R-Ind.), Rep. Michael C. Burgess, M.D. (R-Texas), Rep. Chris Collins (R-N.Y.), Rep. Bill Flores (R-Texas), and Rep. Markwayne Mullin (R-Ok.). Task Force membership comes from both Medicaid expansion and non-expansion states. Democrats have criticized the Task Force for not including representatives from both sides of the aisle. Since June of this year, the Energy and Commerce Committee has held six Medicaid-related hearings.

### **Upcoming Congressional Meetings and Hearings**

***House Veterans' Affairs Health Subcommittee: hearing on veterans' health legislation; 10:00 a.m., 334 Cannon Bldg.; November 17***

***House Energy and Commerce Health Subcommittee hearing titled "Examining the Regulation of Diagnostic Tests and Laboratory Operations;" 2:00 p.m., 2123 Rayburn Bldg.; November 17***

***House Veterans Affairs Committee hearing titled "Choice Consolidation: Assessing VA's Plan to Improve Care in the Community;" 10:30 a.m., 334 Cannon Bldg.; November 18***

***Senate Special Aging Committee hearing on prescription drug prices; time and place TBA; December 9***

### **Health Legislation Recently Introduced**

***H.R.3879 (introduced by Rep. Beto O'Rourke): A bill to amend title 38, United States Code, to provide for covered agreements and contracts between the Secretary of Veterans Affairs and eligible academic affiliates for the mutually beneficial coordination, use, or exchange of health-care resources, and for other purposes; to the House Committee on Veterans' Affairs; November 3***

***H.R.3883 (introduced by Robert J. Wittman): A bill to improve the provision of health care by the Department of Veterans Affairs, and for other purposes; to the House Committee on Veterans' Affairs; November 3***

***H.R.3889 (introduced by Rep. Yvette D. Clarke): A bill to require certain practitioners authorized to prescribe controlled substances to complete continuing education; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; November 3***

***H.R.3909 (introduced by Rep. Frank C. Guinta): A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to expand the Veterans Choice Program, to amend title 38, United States Code to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; November 3***

***H.R.3913 (introduced by Rep. James R. Langevin): A bill to amend title XXIX of the Public Health Service Act to reauthorize the program under such title relating to lifespan respite care; to the House Committee on Energy and Commerce; November 3***

**Health Legislation Recently Introduced cont.**

*H.R. 3920 (introduced by Rep. Fitzpatrick): A bill to direct the Commissioner of Food and Drugs to issue an order withdrawing approval for Essure System; to the Committee on Energy and Commerce; November 4*

*H.R. 3930 (introduced by Rep. Norton): A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for the District of Columbia under the Medicaid Program to 80 percent; to the Committee on Energy and Commerce; November 4*

*H.R.3940 (introduced by Rep. Tom Price): A bill to amend title XVIII of the Social Security Act to authorize a blanket meaningful use significant hardship exception for the 2015 reporting period due to the delay in timely publication of the Stage 2 meaningful use rule; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; November 5*

*H.R.3943 (introduced by Rep. Karen Bass): A bill to amend the Public Health Service Act to provide loan repayment incentives for physician assistants, and for other purposes; to the House Committee on Energy and Commerce; November 5*

*H.R.3944 (introduced by Rep. Karen Bass): A bill to amend the Higher Education Act of 1965 to improve education opportunities for physician assistants, and for other purposes; to the House Committee on Education and the Workforce; November 5*

*H.R.3951 (introduced by Rep. Ami Bera): A bill to establish in the Veterans Health Administration of the Department of Veterans Affairs the Office of Health Care Quality; to the House Committee on Veterans' Affairs; November 5*

*H.R.3952 (introduced by Rep. Gus M. Bilirakis): A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the House Committee on Energy and Commerce; November 5*

*H.R.3954 (introduced by Rep. Gus M. Bilirakis): A bill to amend title 38, United States Code, to provide for access to hospital care and medical services furnished by the Department of Veterans Affairs for certain members of the reserve components who received training at Camp Lejeune, North Carolina, and for other purposes; to the House Committee on Veterans' Affairs; November 5*

*H.R.3956 (introduced by Rep. Mike Bost): A bill to direct the Secretary of Veterans Affairs to develop and implement a plan to hire directors of the medical centers of the Department of Veterans Affairs; to the House Committee on Veterans' Affairs; November 5*

*H.R.3958 (introduced by Rep. Michael C. Burgess): A bill to provide for the issuance of a Veterans Health Care Stamp; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; November 5*

*H.R.3961 (introduced by Rep. Peter A. DeFazio): A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security and Medicare benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; November 5*

**Health Legislation Recently Introduced cont.**

*H.R.3966 (introduced by Rep. Alan Grayson): A bill to provide transportation of dependent patients relating to obstetrical anesthesia services; to the House Committee on Armed Services; November 5*

*H.R.3972 (introduced by Rep. Daniel T. Kildee): A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to more effectively provide mental health resources for members of the Armed Forces and veterans at high risk of suicide, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; November 5*

*H.R.3974 (introduced by Rep. Ann M. Kuster): A bill to require the Secretary of Veterans Affairs to carry out a pilot program to provide educational assistance to certain former members of the Armed Forces for education and training as physician assistants of the Department of Veterans Affairs, to establish pay grades and require competitive pay for physician assistants of the Department, and for other purposes; to the House Committee on Veterans' Affairs; November 5*

*H.R.3978 (introduced by Rep. Michelle Lujan Grisham): A bill to amend title 38, United States Code, to establish an Ombudsman within the Veterans Health Administration of the Department of Veterans Affairs; to the House Committee on Veterans' Affairs; November 5*

*H.R.3980 (introduced by Rep. Donald Norcross): A bill to eliminate the sunset date for the Veterans Choice Program of the Department of Veterans Affairs, to expand eligibility for such program, and for other purposes; to the House Committee on Veterans' Affairs; November 5*

*H.R.3982 (introduced by Rep. Erik Paulsen): A bill to amend the Internal Revenue Code of 1986 to treat amounts paid for private umbilical cord blood or umbilical cord tissue, or placental blood or placental tissue, banking services as medical care expenses; to the House Committee on Ways and Means; November 5*

*H.R.3986 (introduced by Cedric L. Richmond): A bill to direct the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the Secretary of Education and the President's Council on Fitness, Sports, and Nutrition, to conduct a study on the causes of deaths related to high school football and formulate recommendations to prevent such deaths; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; November 5*

*H.R.3989 (introduced by Rep. Elise M. Stefanik): A bill to amend title 38, United States Code, to improve the process for determining the eligibility of caregivers of veterans to certain benefits administered by the Secretary of Veterans Affairs; to the House Committee on Veterans' Affairs; November 5*

*H.RES.523 (introduced by Rep. Tim Ryan): A resolution supporting the goals and ideals of American Diabetes Month; to the House Committee on Energy and Commerce; November 5*

*S.2226 (introduced by Sen. Kelly Ayotte): A bill to amend the Public Health Service Act to reauthorize the residential treatment programs for pregnant and postpartum women and to establish a pilot program to provide grants to State substance abuse agencies to promote innovative service delivery models for such women; to the Committee on Health, Education, Labor, and Pensions; November 3*

## Health Legislation Recently Introduced cont.

*S.2228 (introduced by Sen. Chuck Grassley): A bill to amend title XVIII of the Social Security Act to permit review of certain Medicare payment determinations for disproportionate share hospitals, and for other purposes; to the Committee on Finance; November 3*

*S.2229 (introduced by Sen. Jeanne SHaheen): A bill to require the Comptroller General of the United States to conduct audits relating to the timely access of veterans to hospital care, medical services, and other health care from the Department of Veterans Affairs; to the Committee on Veterans' Affairs; November 3*

*S.RES.303 (introduced by Sen. Lamar Alexander): A resolution designating the week beginning November 8, 2015, as "National Nurse-Managed Health Clinic Week"; to the Committee on the Judiciary; November 3*

*S. 2241 (introduced by Sen. Shaheen): A bill to combat the heroin epidemic and drug sample backlogs; to the Committee on the Judiciary; November 4*

*S.2248 (introduced by Sen. Richard Durbin): A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions; November 5*

*S.2256 (introduced by Sen. Tim Kaine): A bill to establish programs for health care provider training in Federal health care and medical facilities, to establish Federal co-prescribing guidelines, to establish a grant program with respect to naloxone, and for other purposes; to the Committee on Health, Education, Labor, and Pensions; November 5*