



Health Policy Briefing

April 3, 2017

Health Care Reform: What's Next?

Following a legislative setback in the breakdown of the American Health Care Act (AHCA), Republicans are attempting to determine their next steps. Tax reform is the next item on the agenda, and a top priority for many members. But others, including Speaker of the House Paul Ryan (R-Wis.), have suggested that health care reform is not dead. Although he has not offered a timeline for repealing and replacing the 2010 health care law or promised to hold a vote, Ryan has said that he will work to find a path forward on repeal and replacement, while continuing to move on other issues in the short term. President Trump and others in the Administration have suggested that although they have no immediate strategy to replace the Affordable Care Act (ACA), they are open to working with Democrats on health care reform. Minority Leader Chuck Schumer (D-N.Y.) also expressed willingness to work with the Administration on improving access to health care, but only if Republicans stop attempting to undermine the ACA. Paul Ryan, however, disagrees with the President's sentiment. He stated last week that he does not want to work with Democrats on future health care legislation. Disagreements also remain within the Republican Party itself. According to Rep. Chris Collins (R-N.Y.), the President's congressional liaison, the moderate House Tuesday Group will not work with the House Freedom Caucus going forward. He blamed the conservative group for sinking the health care bill. House Freedom Caucus member Mo Brooks (R-Ala.) has threatened to force a vote on full Obamacare repeal should further movement on health care reform not take place. Brooks could file what is known as a discharge petition, which would compel a vote if it is signed by a majority of House members.

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Appropriators Approach April 28 Deadline

Lawmakers are negotiating how to handle hot-button subjects, such as funding for the President's border wall and the defunding of Planned Parenthood, in advance of the expiration of the current continuing resolution (CR). Senate Majority Leader Mitch McConnell (R-Ky.) has said that he wishes to avoid another CR, and would rather pass an omnibus appropriations package to complete fiscal year (FY) 2017 spending. Appropriators are currently debating whether or not to fund the Affordable Care Act's (ACA) cost-sharing subsidies, which assist those with incomes below 250 percent of the poverty level in purchasing insurance on the exchanges. Lawmakers could increase total funding for health programs, or authorize the subsidies as mandatory spending. Many conservatives are pushing for the defunding of Planned Parenthood to be included in the spending measure, but such a move could be enough to earn a filibuster in the Senate. The bill will require 60 votes to pass the upper chamber, where Democrats and a number of moderate Republicans are opposed to the Planned Parenthood provision. The White House has not committed to defunding Planned Parenthood in the upcoming spending bill, and Speaker of the House Paul Ryan (R-Wis.) has expressed opposition to the inclusion of Planned Parenthood defunding in the spending bill. He instead believes that reconciliation should be used to defund the organization. Congress must pass a spending bill by April 28 in order to avoid a government shutdown. Lawmakers are scheduled to recess from April 10th through April 24th.

Opioid Epidemic Back in the Spotlight

President Trump has issued an **executive order** establishing the Commission on Combating Drug Addiction and the Opioid Crisis. The Commission will conduct a review of federal policies to combat the opioid epidemic and assist those suffering from addiction. The Commission will be led by New Jersey Governor Chris Christie (R), and is a part of the new White House Office of American Innovation. The Office was created to consider innovative ideas of strategic consultants from private industry. The President and Gov. Christie held a listening session last week, along with Attorney General Jeff Sessions, Education Secretary Betsy DeVos, Veterans Affairs Secretary David Shulkin and Homeland Security Secretary John F. Kelly, to hear from drug policy experts and advocates. Also in attendance were Don Wright, acting assistant secretary for health; Charles Rosenberg, acting administrator of the Drug Enforcement Administration; Richard Baum, acting director of the Office of National Drug Control Policy; Mariano Rivera, a former New York Yankee and a philanthropist; Florida Attorney General Pam Bondi; Bertha Madras, a Harvard Medical School professor and former drug policy official; Pam Garozzo, a drug awareness advocate; AJ Solomon, co-founder of the Victory Bay Recovery Center; and Vanessa Vitolo, a recovering addict. In the Senate, the Ranking Member of the Homeland Security and Government Affairs Committee has launched an investigation into the business practices of the manufacturers of the nation's top five prescription opioid products. Sen. Claire McCaskill (D-Mo.) has **asked** manufacturers for information related to the marketing of opioid painkiller medications. She is investigating whether the manufacturers have contributed to the current epidemic of opioid abuse and addiction.

Lawmakers Comment on Medicare Advantage

A group of Senate Republicans have **written** to Administrator of the Centers for Medicare and Medicaid Services (CMS) Seema Verma making suggestions for improvements to the Medicare Advantage program. The lawmakers urge Verma to consider some additional policy modifications that would promote beneficiary access to the program. Proposals include measures relating to the fee-for-service normalization factor, plan performance rating methods and employer group waiver plans. The letter was signed by Senate Finance Committee Chairman Orrin Hatch (Utah), Majority Leader Mitch McConnell (R-Ky.) and Finance Committee Senators Chuck Grassley (Iowa), Mike Crapo (Idaho), Pat Roberts (Kans.), John Cornyn (Tex.), John Thune (S.D.), Richard Burr (N.C.), Johnny Isakson (Ga.), Rob Portman (Ohio), Pat Toomey (Pa.), Dean Heller (Nev.), Tim Scott (S.C.) and Bill Cassidy (R-La.). The final rate notice has yet to be released.

Democrats Call on White House to Rescind Executive Order

A group of Senate Democrats have **written** to the President asking to rescind the January 20 executive order that instructed his Administration to undo as much of the Affordable Care Act (ACA) as possible. The letter was signed by 44 Senate Democrats. Sens. Joe Manchin of West Virginia, Jon Tester of Montana and Heidi Heitkamp of North Dakota, as well as Independent Angus King of Maine, did not sign it, but have all expressed opposition to full repeal of the 2010 health care law.

Legislation Introduced to Assist those Without Marketplace Options

Sen. Lamar Alexander (R-Tenn.) and Sen. Bob Corker (R-Tenn.) have introduced legislation aimed at assisting Americans who receive health insurance subsidies but have no plans available to them on the exchange. The Health Care Options Act of 2017 will allow those who live in counties with no health insurance options on the exchange to use their subsidy to purchase any state-approved plan for sale on the individual market. Additionally, the Affordable Care Act's (ACA) individual mandate will not apply to this population. The temporary authority provided by S. 761 would only be in place through the end of the 2019 plan year.

Upcoming Congressional Hearings/Meetings

Senate Health, Education, Labor and Pensions Committee hearing on “FDA User Fee Agreements: Improving Medical Product Regulation and Innovation for Patients, Part II;” 10:00 a.m., 430 Dirksen Bldg.; April 4

House Energy and Commerce Subcommittee on Oversight and Investigations hearing on “Cybersecurity in the Health Care Sector: Strengthening Public-Private Partnerships;” 10:15 a.m., 2322 Rayburn Bldg.; April 4

Senate Health, Education, Labor, and Pensions Committee hearing to consider the nomination of Scott Gottlieb, MD, to serve as Commissioner of Food and Drugs; 10:00 a.m., 430 Dirksen Bldg.; April 5

Recently Introduced Health Legislation

H.R.1718 (introduced by Rep. Mo Brooks): To repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; Energy and Commerce, Ways and Means, Education and the Workforce, Natural Resources, Judiciary, House Administration, Rules, Appropriations

H.R.1732 (introduced by Rep. Charles Dent): To amend the Controlled Substances Act to add certain synthetic substances to schedule I, and for other purposes; Energy and Commerce, Judiciary

H.R.1736 (introduced by Rep. Larry Bucshon): To amend the Federal Food, Drug, and Cosmetic Act to improve the process for inspections of device establishments and for granting export certifications; Energy and Commerce

H.R.1766 (introduced by Rep. David P. Roe): To prohibit conditioning health care provider licensure on participation in a health plan or the meaningful use of electronic health records; Energy and Commerce

H.R.1775 (introduced by Rep. Peter A. DeFazio): To amend part D of title XVIII of the Social Security Act to direct the President to negotiate prescription drug prices and establish a formulary on behalf of Medicare beneficiaries, and for other purposes; Energy and Commerce, Ways and Means

H.R.1776 (introduced by Rep. Janice D. Schakowsky): To improve access to affordable prescription drugs; Energy and Commerce, Ways and Means, Judiciary

H.R.1781 (introduced by Rep. Daniel M. Donovan, Jr.): To improve the ability of the Federal Government to address synthetic opioids, and for other purposes; Energy and Commerce, Judiciary, Oversight and Government Reform

S.761 (introduced by Sen. Lamar Alexander): A bill to amend the Internal Revenue Code of 1986 to allow individuals to receive a premium assistance credit for insurance not purchased on an Exchange, and for other purposes; Finance

S.769 (introduced by Sen. John Boozman): A bill to amend title XVIII of the Social Security Act to align physician supervision requirements under the Medicare program for radiology services performed by advanced level radiographers with State requirements; Finance

S.771 (introduced by Sen. Al Franken): A bill to improve access to affordable prescription drugs; Finance

H.R.1821 (introduced by Rep. Joe Barton): To amend the Internal Revenue Code of 1986 to increase the standard charitable mileage rate for delivery of meals to elderly, disabled, frail, and at risk individuals; Ways and Means

H.R.1822 (introduced by Rep. Marsha Blackburn): To amend the Public Health Service Act to limit the liability of health care professionals who volunteer to provide health care services in response to a disaster; Energy and Commerce, Judiciary

H.R.1825 (introduced by Rep. Chris Collins): To amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program, and for other purposes; Ways and Means, Energy and Commerce

H.R.1826 (introduced by Rep. Gerald E. Connolly): To amend title XIX of the Social Security Act to redistribute Federal funds that would otherwise be made available to States that do not provide for the Medicaid expansion in accordance with the Affordable Care Act to those States electing to provide those Medicaid benefits, and for other purposes; Energy and Commerce

H.R.1828 (introduced by Rep. Lynn Jenkins): To amend title XVIII of the Social Security Act to provide for payments for certain rural health clinic and Federally qualified health center services furnished to hospice patients under the Medicare program; Ways and Means

H.R.1831 (introduced by Rep. Thomas MacArthur): To amend title XVIII of the Social Security Act to permit hospitals in all-urban States to be considered Medicare dependent hospitals, and for other purposes; Ways and Means

H.R.1834 (introduced by Rep. Cathy McMorris Rodgers): To amend title XVIII of the Social Security Act to establish a national Oncology Medical Home Demonstration Project under the Medicare program for the purpose of changing the Medicare payment for cancer care in order to enhance the quality of care and to improve cost efficiency, and for other purposes; Energy and Commerce, Ways and Means

H.R.1838 (introduced by Rep. Devin Nunes): To amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program, and for other purposes; Energy and Commerce, Ways and Means

H.R.1845 (introduced by Rep. Lloyd Smucker): To amend title XVIII of the Social Security Act to facilitate the transition to Medicare for individuals enrolled in group health plans, and for other purposes; Energy and Commerce, Ways and Means

S.778 (introduced by Sen. Amy Klobuchar): A bill to require the use of prescription drug monitoring programs and to facilitate information sharing among States; Health, Education, Labor, and Pensions

S.781 (introduced by Sen. Bill Cassidy): A bill to amend the Public Health Service Act to limit the liability of health care professionals who volunteer to provide health care services in response to a disaster; Health, Education, Labor, and Pensions

S.783 (introduced by Sen. Tammy Baldwin): A bill to amend the Public Health Service Act to distribute maternity care health professionals to health professional shortage areas identified as in need of maternity care health services; Health, Education, Labor, and Pensions

S.786 (introduced by Sen. Jeanne Shaheen): A bill to establish a grant program relating to the prevention of student and student athlete opioid misuse; Health, Education, Labor, and Pensions

S.787 (introduced by Sen. Cory Gardner): A bill to require the Center for Medicare and Medicaid Innovation to test the effect of including telehealth services in Medicare health care delivery reform models; Finance

S.794 (introduced by Sen. Johnny Isakson): A bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative contractors issue local coverage determinations under the Medicare program, and for other purposes; Finance