



## Opioid Funding Included in Spending Bill; House Opioid Package Conferees Appointed

Appropriators in the House of Representatives have included \$103 million for programs to address the abuse of opioids in the fiscal year (FY) 2017 Commerce-Justice-Science spending bill. This money would help to fully fund the recently passed H.R. 5046, the Comprehensive Opioid Abuse Reduction Act of 2016. This spending level comes in below the \$132 million to combat the opioid abuse epidemic included in the Senate measure advanced in April. Speaker Paul Ryan (R-Wis.) has appointed 21 Republicans and 14 Democrats to represent the House in a conference committee to reconcile the differences between each chamber’s version of the Comprehensive Addiction and Recovery Act (CARA). Majority Leader Kevin McCarthy (R-Calif.) will lead the Republicans and Energy and Commerce Ranking Member Frank Pallone (D-N.J.) will lead the Democrats. The Senate has not named their conferees yet, and a final bill is expected to be negotiated and sent to the President’s desk by July.

### *Cassidy, Sessions Introduce ACA Alternative*

Rep. Pete Sessions (R-Texas) and Sen. Bill Cassidy (R-La.) have developed their own alternative to the Affordable Care Act (ACA). The Sessions/Cassidy plan (H.R. 5284) does not fully repeal the ACA, but would eliminate the individual and employer mandates as well as requirements for what a health insurance plan must cover. A flat sum in the amount of a \$2,500 tax credit would be offered to eligible citizens to purchase health insurance. Rep. Sessions introduced the bill in the House (H.R. 5284) last week. Today, Sen. Cassidy and Rep. Sessions will hold a press conference to discuss the bill. Meanwhile, the House task force established by Speaker Paul Ryan (R-Wis.) is expected to release its outline of how to fully repeal and replace the ACA in coming weeks.

### *Zika Update*

The House and the Senate approved two very different funding packages last week to combat the Zika virus. The Senate attached an amendment from Sens. Roy Blunt (R-Mo.) and Patty Murray (D-Wash.) for \$1.1 billion in Zika funding through September 2017 to the merged Transportation-Housing and Urban Development, Military Construction and Veterans Affairs appropriations legislation. The amendment

### *Inside*

New Draft of Mental Health Bill Circulating the House.....	2
Ways and Means Releases Hospital Bill.....	2
Lawmakers Continue to Comment on Part B Demonstration.....	3
Upcoming Congressional Meetings and Hearings.....	3
Recently Introduced Health Legislation.....	4

*continued on page 2*

*continued from page 1*

would require a spending plan update to be submitted to the Senate Appropriations Committee every 90 days through the end of September 2017, and every 180 days thereafter until all of the funding appropriated has been spent. Although the Zika funding measure was criticized by some conservatives for not being offset, and by Democrats for being inadequate, the bill was passed by a vote of 89-8. While the \$1.1 billion in Zika funding passed by the Senate is less than the President's request of \$1.9 billion, it is significantly more than the \$622 million approved to fight the virus through the end of the current fiscal year (FY) in the House. The fully offset supplemental spending bill (H.R. 5234) was offered by Appropriations Chairman Harold Rogers (R-Ky.). It includes \$103 million for the Biomedical Advance Research and Development Authority (BARDA), \$119.1 million for State Department and U.S. Agency for International Development (USAID) programs, \$170 million for the Centers for Disease Control and Prevention (CDC), \$230 million for the National Institutes of Health (NIH) and \$2 million for oversight of how the funding is spent. The House package is paid for through \$252.1 million in money originally set aside to address the Ebola virus, and \$270 million in unused administrative funding at the U.S. Department of Health and Human Services (HHS). The House funding level has been denounced by both Democratic lawmakers and the administration, and the bill has received a veto threat from the White House. A potentially complicated conference will now be necessary to reconcile the considerable differences between the two chamber's spending provisions. The CDC also released updated figures on U.S. Zika infection rates last week, announcing that at least 279 pregnant women in the United States and territories are infected with the virus.

### ***New Draft of Mental Health Bill Circulating the House***

Chairman of the House Energy and Commerce Committee Fred Upton (R-Mich.) is circulating a revised draft of Rep. Tim Murphy's (R-Pa.) mental health legislation, which has seen no movement in recent months due to concerns about the bill from members on both sides of the aisle. In order to accommodate conservative members, Upton is working to reduce the cost of H.R. 2646, the Helping Families in Mental Health Crisis Act of 2016, through scaling back a provision that would allow Medicare to cover more care at mental health facilities. One of the many provisions committee Democrats have voiced objection to is a change to the Health Insurance Portability and Accountability Act (HIPAA) in order for family members to have more information about mentally ill patients. The revised draft would drop this language and instead encourage the U.S. Department of Health and Human Services (HHS) to review HIPAA privacy regulations. Chairman of the Health Subcommittee Joe Pitts (R-Pa.) has said that he expects the bill to be marked up by the full Committee before the congressional recess in July.

### ***Ways and Means Releases Hospital Bill***

The House Ways and Means Committee has unveiled legislation that would revise a measure impacting hospitals included in last year's budget deal. H.R. 5273, the Helping Hospitals Improve Patient Care Act of 2016, would allow hospitals that were already in the process of constructing off-campus outpatient centers last year to be grandfathered into outpatient payment rates. The budget agreement largely restricted the application of such rates to these centers. The Ways and Means bill would also exclude certain cancer centers from the payment changes included in the budget deal, which attempted to address concerns about Medicare paying more for the same services provided in hospital outpatient departments than in the physician's office. Additionally, H.R. 5273 would temporarily exclude doctors providing the majority of their Medicare services at ambulatory surgical centers (ASC) from electronic health record (EHR) requirements under both meaningful use (MU) and the merit-based incentive payment system (MIPS). The legislation also includes a delay on the authority of Medicare to terminate a Medicare Advantage (MA) plan based solely on the failure to achieve a minimum quality rating. The bill is fully offset. The Ways and Means Committee meets to markup H.R. 5273 on Tuesday.

## ***Lawmakers Continue to Comment on Part B Demonstration***

Members of Congress continue to write to the Centers for Medicare and Medicaid Services (CMS) to express concerns about the proposed Part B Drug Payment Model. Rep. Richard Neal (D-Mass.) led a letter signed by 66 of his colleagues requesting that the agency address concerns regarding beneficiary and physician impact, stakeholder input, the model scope, interactions with other models, potential shifts in site of service, and the Phase II comment period before moving forward with the model. Reps. Robin Kelly (D-Ill.) and Terri Sewell (D-Ala.) led a letter requesting that the agency does not move forward with the proposed rule due to serious concerns about the model's potential effect on entities that serve a disproportionate share of aging, low-income and rural communities. This letter was signed by 23 other members of the House of Representatives. In the Senate, Gary Peters (D-Mich.) expressed concerns about the scope of the model, as well as its impact on existing delivery and payment reform models, and requests that CMS resolve these issues before implementing their proposal. Sens. Elizabeth Warren (D-Mass.) and Al Franken (D-Minn.) circulated a letter giving support for the demonstration. "Prescription drug spending, especially in the Medicare Part B program, is rising rapidly, and we believe the Demonstration offers an important opportunity to provide better value to beneficiaries," the lawmakers, along with nine other Senate co-signers, write.

## **Upcoming Congressional Meetings and Hearings**

***House Energy and Commerce Oversight and Investigations Subcommittee hearing on "Medicare and Medicaid Program Integrity: Combatting Improper Payments and Ineligible Providers;" 10:15 a.m., 2322 Rayburn Bldg.; May 24***

***House Veterans' Affairs hearing on draft legislation to establish a permanent Veterans Choice Program and H.R. 5083, the VA Appeals Modernization Act of 2016; 10:30 a.m., 334 Cannon Bldg.; May 24***

***House Ways and Means Committee markup of proposals to advance hospital reforms and improve TANF; the Committee will consider H.R. 5273, Helping Hospitals Improve Patient Care Act of 2016; 2:00 p.m., 1100 Longworth Bldg.; May 24***

***Senate Veterans' Affairs Committee hearing on a number of bills including S. 2896, to eliminate the sunset date for the Veterans Choice Program, to expand eligibility for such program, and to extend certain operating hours for pharmacies and medical facilities of the Department, S.2888, to amend the Public Health Service Act with respect to the Agency for Toxic Substances and Disease Registry's review and publication of illness and conditions relating to veterans stationed at Camp Lejeune, North Carolina, and their family members, S.2883, to amend title 38, United States Code, to extend the requirement of the Secretary of Veterans Affairs to submit a report on the capacity of the Department of Veterans Affairs to provide for the specialized treatment and rehabilitative needs of disabled veterans, S.2679, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish within the Department of Veterans Affairs a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits, S.2520, to amend title 38, United States Code, to improve the care provided by the Secretary of Veterans Affairs to newborn children, S.2487, to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, S.2049, to establish in the Department of Veterans Affairs a continuing medical education program for non-Department medical professionals who treat veterans and family members of veterans to increase knowledge and recognition of medical conditions common to veterans and family members of veterans, an original bill to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, an original bill to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs, and an original bill to expand eligibility for hospital care and medical services under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 to include veterans in receipt of health services under the pilot program of the Department of Veterans Affairs for rural veterans; ; 2:15 p.m., 418 Russell Bldg.; May 24***

***House Energy and Commerce Health Subcommittee hearing on "Examining Cybersecurity Responsibilities at HHS;" 10:00 a.m., 2123 Rayburn Bldg.; May 25***

House Science, Space, and Technology Committee hearing titled “Science of Zika: The DNA of an Epidemic;” 10:15 a.m., 2318 Rayburn Bldg.; May 25

Senate Foreign Relations Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women’s Issues Subcommittee hearing to *examine cartels and the U.S. heroin epidemic, focusing on combating drug violence and the public health crisis*; 9:00 a.m., 419 Dirksen Bldg.; May 26

Senate Appropriations Military Construction and Veterans Affairs, and Related Agencies Subcommittee hearing to *examine a review of the Dept. of Veterans Affairs’ electronic health record (VistA), progress toward interoperability with the Department of Defense’s electronic health record, and plans for the future*; 10:30 a.m., 124 Dirksen Bldg.; June 8

## Recently Introduced Health Legislation

H.R.5243 (introduced by Rep. Harold Rogers): A bill making appropriations for the fiscal year ending September 30, 2016, to strengthen public health activities in response to the Zika virus, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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; May 16

H.R.5249 (introduced by Rep. Lois Capps): A bill to direct the NIH to intensify and coordinate fundamental, translational, and clinical research with respect to the understanding of pain, the discovery and development of therapies for chronic pain, and the development of alternatives to opioids for effective pain treatments; to the House Committee on Energy and Commerce; May 16

H.R.5262 (introduced by Rep. Richard Hudson): 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 to extend certain operating hours for pharmacies and medical facilities of the Department, and for other purposes; to the House Committee on Veterans’ Affairs; May 17

H.R.5263 (introduced by Rep. Richard M. Nolan): A bill to require a study on women and lung cancer, and for other purposes; to the House Committee on Energy and Commerce; May 17

H.R.5267 (introduced by Rep. Lois Frankel): A bill to amend title XI of the Social Security Act to expand the permissive exclusion from Federal health programs to include certain individuals with prior interest in sanctioned entities and entities affiliated with sanctioned entities and to provide a criminal penalty for the illegal distribution of Medicare, Medicaid, or CHIP beneficiary identification or provider numbers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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; May 17

H.R.5268 (introduced by Rep. Jim McDermott): A bill to provide for improvements to the Welcome to Medicare package, and for other purposes; 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; May 17

H.R. 5273 (introduced by Rep. Tiberi): A bill to amend title XVIII of the Social Security Act to provide for regulatory relief under the Medicare program for certain providers of services and suppliers and increased transparency in hospital coding and enrollment data, and for other purposes; 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; May 18

*H.R. 5284 (introduced by Rep. Sessions): A bill to eliminate the individual and employer health coverage mandates under the Patient Protection and Affordable Care Act, to expand beyond that Act the choices in obtaining and financing affordable health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, 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; May 19*

*H.R. 5287 (introduced by Rep. Foster): A bill to amend title XIX of the Social Security Act to provide States with an option to provide medical assistance to individuals between the ages of 22 and 64 for inpatient services to treat substance use disorders at certain facilities, and for other purposes; to the Committee on Energy and Commerce; May 19*

*S.2932 (introduced by Sen. Bill Cassidy): A bill to amend the Controlled Substances Act with respect to the provision of emergency medical services; to the Committee on Health, Education, Labor, and Pensions; May 16*

*S.2933 (introduced by Sen. Tammy Baldwin): A bill to prohibit certain health care providers from providing non-Department health care services to veterans, and for other purposes; to the Committee on Veterans' Affairs; May 16*

*S.RES.467 (introduced by Sen. Roger F. Wicker): A resolution supporting the goals and ideals of National Nurses Week, to be observed from May 6 through May 12, 2016; submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent; May 16*

*S.2940 (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; to the Committee on Finance; May 17*

*S.2941 (introduced by Sen. Kelly Ayotte): A bill to require a study on women and lung cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions; May 17*

*S.2948 (introduced by Sen. Patty Murray): A bill to plan, develop, and make recommendations to increase access to sexual assault examinations for survivors by holding hospitals accountable and supporting the providers that serve them; to the Committee on Health, Education, Labor, and Pensions; May 18*

*S. 2953 (introduced by Sen. Barrasso): A bill to promote patient-centered care and accountability at the Indian Health Service, and for other purposes; to the Committee on Indian Affairs; May 19*

*S. 2956 (introduced by Sen. Moran): An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2017, and for other purposes; from the Committee on Appropriations; placed on the calendar; May 19*

*S. 2960 (introduced by Sen. Booker): A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes; to the Committee on Health, Education, Labor, and Pensions; May 19*

*S. 2961 (Introduced by Sen. Blumenthal): A bill to improve end-of-life care; to the Committee on Health, Education, Labor, and Pensions; May 19*