



Health Policy Briefing

May 8, 2017

House of Representatives Passes Obamacare Repeal and Replacement

The House of Representatives narrowly passed legislation to repeal and replace the Affordable Care Act (ACA) by a vote of 217-213 on Thursday. H.R. 1628, the American Health Care Act (AHCA) has been the subject of Republican negotiations for weeks following the cancellation of a scheduled vote due to lack of support within the GOP. The bill's prospects were revived following the addition of two amendments. An amendment from Rep. Tom MacArthur (R-N.J.), which would allow states to waive some Obamacare insurance regulations, including essential health benefits and community rating, helped secure the support of conservatives. But due to continued concerns about the impact of the bill on those with pre-existing conditions, Rep. Fred Upton (R-Mich.) secured an amendment that would increase funding by \$8 billion over five years to help patients pay insurance premiums and copays. President Trump put intense pressure on House leadership to schedule the vote, and lobbied GOP members of Congress to support the bill. The House voted without a report on the cost of the bill from the Congressional Budget Office (CBO), which was the subject of much last minute contention. The score is expected to be released as soon as this week. Twenty Republican representatives voted against the measure: Andy Biggs (Ariz.), Mike Coffman (Colo.), Barbara Comstock (Va.), Ryan Costello (Pa.), Charlie Dent (Pa.), Dan Donovan (N.Y.), Brian Fitzpatrick (Pa.), Jaime Herrera Beutler (Wash.), Will Hurd (Texas), Walter Jones (N.C.), Dave Joyce (Ohio), John Katko (N.Y.), Leonard Lance (N.J.), Frank LoBiondo (N.J.), Thomas Massie (Ky.), Patrick Meehan (Pa.), Dave Reichert (Wash.), Ileana Ros-Lehtinen (Fla.), Chris Smith (N.J.), Mike Turner (Ohio). No Democrats voted in favor of the bill. The bill's passage was celebrated at the White House rose garden by House Republicans and President Trump. Majority Leader Paul Ryan (R-Wis.) acknowledged that there is still much work to be done, while the President expressed optimism that health care reform would pass the Senate. Senate Majority Whip John Cornyn (R-Texas) has said that the House bill will be the starting point for the Senate's deliberations. There is no timeline for the consideration of the bill in the Senate, though it may face procedural hurdles in its current form. Senator Roy Blunt (R-Mo.), also a member of GOP leadership, however, has stated that the Senate will be writing its own health care bill, rather than taking up the House legislation. The bill is not expected to garner any Democratic support in the Senate, so Republicans can only afford to lose two

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members of their own caucus. Sen. Rob Portman (R-Ohio) has already expressed opposition to the AHCA as currently constructed, and Sen. Lisa Murkowski (R-Alaska) has also been very critical of the bill. There is currently a group of 13 Republican senators who have begun work on the Senate health care bill, comprised of Ted Cruz (R-Texas), Lamar Alexander (R-Tenn.), Mike Lee (R-Utah), Tom Cotton (R-Ark.), Cory Gardner (R-Colo.), Rob Portman (R-Ohio), Pat Toomey (R-Pa.), Mike Enzi (R-Wy.), Orrin Hatch (R-Utah), Mitch McConnell (R-Ky.), John Cornyn (R-Texas), John Thune (R-S.D.), and John Barrasso (R-Wyo.). Sen. Cornyn stressed that there is no deadline to pass a health care bill, and that legislation will not be brought to the floor without assurance of 51 votes for passage. Avalere Health has released an analysis of the House-passed AHCA, which finds that the legislation's funding for high risk pools would fall far short of helping the 2.2 million Americans with pre-existing conditions afford health insurance. According to Avalere, the funding would cover 600,000 people at most. Groups like AARP, the American Medical Association (AMA), and the American Nurses Association remain in opposition to the AHCA, given concerns that millions of Americans will lose access to affordable, quality health insurance under the bill.

Congress Completes Work on FY 2017 Appropriations

Congress successfully passed the Consolidated Appropriations Act of 2017 last week. The bill will fund the federal government through September. The \$1.1 trillion government-funding bill includes a \$2 billion increase for the National Institutes of Health (NIH) – money that will aid in implementation of the 21st Century Cures Act. The funding bill also includes \$500 million as authorized by Cures for the creation of the State Response to Opioid Abuse program, as well as \$20 million for programs authorized by the Comprehensive Addiction and Recovery Act (CARA). The budget agreement also adds \$295 million for Puerto Rico's Medicaid program. The President signed the funding bill into law on Friday in order to avoid a partial government shutdown.

Senate to Vote on FDA Commissioner This Week

Senate Majority Leader Mitch McConnell (R-Ky.) has filed cloture on the nomination of Scott Gottlieb to be Commissioner of Food and Drugs. This procedural step sets up consideration of Dr. Gottlieb's nomination on the Senate floor for today. If the cloture vote is successful, the Senate could hold up to 30 hours of debate before a final confirmation vote, which will likely occur on Wednesday.

ONDCP Nominee Withdraws; Office Faces Budget Cuts

The President's pick for drug czar, Rep. Tom Marino (R-Pa.), has withdrawn his name from consideration for Director of National Drug Control Policy, citing family reasons. He will remain a member of Congress. The White House is also proposing to cut the Office of National Drug Control Policy's (ONDCP) budget by 95 percent, for a total of only \$24 million, for fiscal year (FY) 2018.

Democrats Comment on Trump Tax Plan

Senate Democrats have written to Secretary of the Treasury Steven Mnuchin and Director of the Office of Management and Budget (OMB) Mick Mulvaney to express concerns that the President's proposed tax plan will result in cuts to Social Security and Medicare. President Trump's proposal would involve trillions of dollars in estimated revenue losses, which the lawmakers warn could undermine entitlement programs. "We write to express our concern that your new deficit-exploding proposal to hand out massive tax breaks to millionaires and billionaires will threaten deep cuts to Social Security, Medicare, Medicaid and other middle-class priorities," the lawmakers write. The letter was signed by 11 Senate Democrats.

Trump Nominates Assistant HHS Secretary

The President has nominated Matthew Bassett as Assistant Secretary of Health and Human Services, Legislation. Bassett has served as senior executive for the health-care companies myNEXUS and Davita Inc. He also has experience working for members of House Rules and Energy and Commerce committees.

Reauthorization Updates

The Senate Health, Education, Labor, and Pensions (HELP) Committee will mark up legislation to reauthorize the Food and Drug Administration's (FDA) user fee programs this week. Current user fee authorization expires on September 30. The Senate Finance Committee will delay a hearing on the reauthorization of the Children's Health Insurance Program (CHIP) originally scheduled for Tuesday. The delay was requested by Committee Democrats, who don't want the subject overshadowed by work to repeal and replace the Affordable Care Act (ACA). Funding for CHIP is set to expire at the end of September. A new hearing date has not been set.

Upcoming Congressional Hearings/Meetings

Senate Health, Education, Labor, and Pensions (HELP) Committee executive session to consider the Recognize, Assist, Include, Support, and Engage (RAISE) Family Caregivers Act and S.934, Food and Drug Administration Reauthorization Act; 10:10 a.m., G-50 Dirksen Bldg.; May 10

Recently Introduced Health Legislation

H.R.2224 (introduced by Rep. Adrian Smith): To amend title XVIII of the Social Security Act to apply budget neutrality on a State-specific basis in the calculation of the Medicare hospital wage index floor for non-rural areas; Ways and Means

H.R.2239 (introduced by Rep. Marcia L. Fudge): To amend title XIX of the Social Security Act to provide for a State Medicaid option to provide coverage of community-based inpatient substance use disorder treatment for nonelderly adults, to remove such services from the Medicaid exclusion from medical assistance of items and services for patients in an institution for mental diseases, and for other purposes; Energy and Commerce

H.R.2244 (introduced by Rep. Leonard Lance): To direct the Secretary of Health and Human Services to carry out a pilot project under which no more than 3 sponsors agree to evaluate the psychological and social distress experienced by patients participating in a clinical trial, conducted by the respective sponsor, of a drug or biological product that is intended to treat a serious or life-threatening disease or condition, and for other purposes; Energy and Commerce

H.Res.297 (introduced by Rep. George Holding): Expressing support for designation of April 2017 as "National Congenital Diaphragmatic Hernia Awareness Month"; Energy and Commerce

S.989 (introduced by Sen. Roy Blunt): A bill to amend the Public Health Service Act to provide for the participation of pediatric subspecialists in the National Health Service Corps program, and for other purposes; Health, Education, Labor, and Pensions

H.R.2263 (introduced by Rep. Gus M. Bilirakis): To provide for greater transparency and information with respect to Federal expenditures under the Medicaid and CHIP programs in the territories of the United States, and for other purposes; Energy and Commerce

H.R.2267 (introduced by Rep. Joseph Crowley): To amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes; Ways and Means, Energy and Commerce

H.R.2276 (introduced by Rep. Tom Rice): To amend title XVIII of the Social Security Act to provide for treatment of audiologists as physicians for purposes of furnishing audiology services under the Medicare program, to improve access to the audiology services available for coverage under the Medicare program and to enable beneficiaries to have their choice of a qualified audiologist to provide such services, and for other purposes; Energy and Commerce, Ways and Means

H.Res.301 (introduced by Rep. Tim Ryan): Expressing support for designation of May 30 as “National Bartter Syndrome Day”; Oversight and Government Reform

H.R. 2285 (introduced by Rep. Roe): A bill to amend the Public Health Service Act to increase the preference given, in awarding certain allergies and reversible lower airway disorders-related grants, to States that allow trained school personnel to administer rescue medications for allergies and reversible lower airway disorders, and for other purposes; Energy and Commerce

H.R. 2290 (introduced by Rep. DeLauro): A bill to amend title XIX of the Social Security Act to provide a standard definition of therapeutic family care services in Medicaid; Energy and Commerce

H.R. 2291 (introduced by Rep. Duffy): A bill to amend title XVIII of the Social Security Act to expand the coverage of telehealth services under the Medicare program, to provide coverage for home-based monitoring for congestive heart failure and chronic obstructive pulmonary disease under such program, and for other purposes; Energy and Commerce, Ways and Means

H. Res. 304 (introduced by Rep. Shea-Porter): A resolution expressing support for designation of May as “National Asthma and Allergy Awareness Month”; Energy and Commerce

S. 1001 (introduced by Sen. Crapo): A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program, and for other purposes; Finance

S. 1003 (introduced by Sen. Grassley): A bill to amend title XIX of the Social Security Act to add standards for drug compendia for physician use for purposes of Medicaid payment for certain drugs, and for other purposes; Finance

S. Res. 149 (introduced by Sen. Wicker): A resolution supporting the goals and ideals of World Malaria Day; considered and agreed to

S.1016 (introduced by Sen. Brian Schatz): A bill to amend title XVIII of the Social Security Act to expand access to telehealth services, and for other purposes; Finance

S.1022 (introduced by Sen. Johnny Isakson): A bill to amend the Public Health Service Act to facilitate assignment of military trauma care providers to civilian trauma centers in order to maintain military trauma readiness and to support such centers, and for other purposes; Health, Education, Labor, and Pensions

H.R.2307 (introduced by Rep. Debbie Wasserman Schultz): To amend title XVIII of the Social Security Act to protect coverage for screening mammography, and for other purposes; Energy and Commerce, Ways and Means, Veterans’ Affairs

H.R.2310 (introduced by Rep. Mike Kelly): To amend the Internal Revenue Code of 1986 to make members of health care sharing ministries eligible to establish health savings accounts; Ways and Means

H.R.2334 (introduced by Rep. Leonard Lance): To amend the Balanced Budget and Emergency Deficit Control Act of 1985 to exempt from sequestration certain user fees of the Food and Drug Administration; Budget

H.R.2336 (introduced by Rep. David Loebsack): To amend the Public Health Service Act to authorize a primary and behavioral health care integration grant program; Energy and Commerce

H.R.2337 (introduced by Rep. David Loebsack): To amend title XIX of the Social Security Act to provide for a State Medicaid option to enhance administrative matching funds to support statewide behavioral health access program activities for children under 21 years of age, and for other purposes; Energy and Commerce

H.R.2342 (introduced by Rep. Bradley Scott Schneider): To amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Public Health Service Act to require employees to be provided with information about the availability of special enrollment periods to obtain marketplace coverage and Medicare coverage upon termination or separation, and for other purposes; Energy and Commerce, Ways and Means, Education and the Workforce

H.Res.308 (introduced by Rep. Doug Collins): Providing for consideration of the bill (H.R. 2192) to amend the Public Health Service Act to eliminate the non-application of certain State waiver provisions to Members of Congress and congressional staff, and providing for further consideration of the bill (H.R. 1628) to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; Rules

H.Res.310 (introduced by Rep. Matt Cartwright): Expressing support for the designation of May as “National Bladder Cancer Awareness Month”; Energy and Commerce