



Health Policy Briefing

June 15, 2015

Health Legislation Scheduled for Consideration in the House this Week

House to Act on MA and ACA Bills

The House is scheduled to vote on bills under suspension of the rules that would make changes to the Medicare Advantage (MA) program and repeal parts of the Affordable Care Act (ACA). In his June memo to House Republicans, House Majority Leader Kevin McCarthy (R-Calif.) announced that he would use this week to consider bills from the Ways and Means Committee that reduce the costs of the ACA, stop Medicare rationing, and improve the MA program. As early as Wednesday, the House could begin consideration of H.R. 160, the Protect Medical Innovation Act of 2015, and H.R. 1190, the Protecting Seniors' Access to Medicare Act of 2015. H.R. 160 would repeal the ACA's 2.3 percent excise tax on medical device manufacturers, which Republicans believe inhibits innovation in the industry. The bill has the support of 41 Democratic cosponsors and 282 total cosponsors. H.R. 1190 would repeal the ACA's Independent Payment Advisory Board (IPAB), an unelected panel tasked with reducing Medicare spending should costs rise above a target level. The bill has 20 Democratic co-sponsors and 235 total cosponsors. The Majority Leader's schedule also includes four bipartisan bills that would make tweaks to the MA program. H.R. 2505, the Medicare Advantage Coverage Transparency Act of 2015, would increase transparency by requiring the Centers for Medicare and Medicaid Services (CMS) to annually report on enrollment data in MA plans. H.R. 2507, the Increasing Regulatory Fairness Act of 2015, would expand an annual regulatory schedule for MA payment rates so that stakeholders have the necessary time to review and provide feedback to ensure seniors continue to have access to quality low-cost plans of their choosing. H.R. 2582, the Seniors' Health Care Plan Protection Act of 2015, is aimed at improving risk adjustment under MA by delaying the authority to terminate MA contracts for MA plans failing to achieve minimum quality ratings. H.R. 2570, the Value Based Insurance Design for Better Care Act of 2015, establishes a demonstration program that removes barriers and allows plans to innovate and incentivize high-value care that promotes better health outcomes through varying their plan benefits based on beneficiary population.

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Administration Launches Preventive Health Campaign

Last week, the White House launched “Healthy Self,” an initiative aimed at helping patients better understand their health care coverage and using preventive services provided without cost under the Affordable Care Act (ACA). Through largely digital outreach, the health literacy initiative will encourage the use of preventive care such as blood pressure screenings, vaccinations, contraception, and obesity counseling. The campaign will also encourage healthy lifestyle decision-making, such as exercise, diet, and smoking cessation. The campaign will focus on young people and those who the Administration feels do not understand their benefits. Outreach to women will also be prioritized, as it is understood that they often make the health care decisions for their entire family. Healthy Self will partner with private companies throughout the campaign to help increase the use of preventive services. Fifty Healthy Self campaign events are planned between June 15 and the end of August of this year.

HELP to Hold Series of Hearings on HIT

Senate Health, Education, Labor, and Pensions (HELP) Chairman Lamar Alexander (R-Tenn.) and Ranking Member Patty Murray (D-Wash.) have announced a series of bipartisan hearings on ways to improve electronic health records for patients and providers this summer. The announcement came during a hearing titled “Health Information Exchange: A Path Towards Improving the Quality and Value of Health Care for Patients.” Sen. Bill Cassidy (R-La.), a physician, will chair a hearing on opportunities to improve the provider experience with health IT, with Sen. Sheldon Whitehouse (D-R.I.) as ranking member on June 16th. Sen. Susan Collins (R-Maine) will chair a future hearing on how to make sure patients can better access their own health information. Better enabling the adoption of EHRs and improving the Meaningful Use Program are two of the priorities of the HELP Committee’s Innovation Initiative. An Innovation bill is expected later this year, and Sen. Alexander hopes to consider the legislation in committee after the reauthorization of a higher education law in September.

Bipartisan Cancer Drug Coverage Bill Introduced

Rep. Leonard Lance (R-N.J.), Rep. Brian Higgins (D-N.Y.), Sen. Mark Kirk (R-Ill.) and Sen. Al Franken (D-Minn.) have reintroduced legislation that would require health plans that cover traditional chemotherapy to equally cover cancer medications in pill form. Patients who currently use these oral chemotherapy pills, which are becoming increasingly common, are subject to large out of pocket costs. This is because orally administered anti-cancer medications are usually covered under a prescription drug plan that places a higher percentage of cost sharing on the patient. H.R. 2739 and S. 1566, the Cancer Drug Coverage Parity Act, aim to fix this disparity in coverage.

Medicare & Medicaid News

Advance Care Planning Legislation Reintroduced

Sen. Mark Warner (D-Va.) and Sen. Johnny Isakson (R-Ga.) have reintroduced the Care Planning Act for the 114th Congress. The legislation would establish Medicare reimbursement for health care professionals to provide a voluntary and structured discussion about the goals and treatment options for individuals with serious illness. The legislation would test new models for more intensive services for those with advanced illness, and provide funding to support the development of a public information campaign to encourage effective care planning. S. 1549 directs the U.S. Department of Health and Human Services (HHS) to develop quality metrics that will measure synchronicity among the individual’s stated goals, values, and preferences with documented care plans, the treatment that is delivered, and the outcome of treatment. The legislation was previously introduced during the 113th Congress, but with no other cosponsors. This year, Sen. Tammy Baldwin (D-Wis.), Sen. Susan Collins (R-Maine), Sen. Amy Klobuchar (D-Minn.), and Sen. Shelley Moore Capito (R-W.V.) signed on as original cosponsors of the bill.

Upcoming Congressional Meetings and Hearings

Senate Health, Education, Labor, and Pensions Committee: hearing titled “Achieving the Promise of Health Information Technology: What Can Providers and the U.S. Department of Health and Human Services Do To Improve the Electronic Health Record User Experience?;” 10:00 a.m., 430 Dirksen Bldg.; June 16

House Energy and Commerce Health Subcommittee: hearing titled “Examining H.R. 2646, the Helping Families in Mental Health Crisis Act;” 10:00 a.m., 2322 Rayburn Bldg.; June 16

House Energy and Commerce Health Subcommittee: hearing titled “A National Framework for the Review and Labeling of Biotechnology in Food;” 10:00 a.m., 2123 Rayburn Bldg.; June 18

Health Legislation Recently Introduced

H.R. 2690 (MENTAL HEALTH), to direct the Secretary of Health and Human Services to promulgate regulations clarifying the circumstances under which, consistent with the standards governing the privacy and security of individually identifiable health information promulgated by the Secretary under sections 262(a) and 264 of the Health Insurance Portability and Accountability Act of 1996, health care providers and covered entities may disclose the protected health information of patients with a mental illness, and for other purposes; MATSUI; to the House Committee on Energy and Commerce; June 9

H.R. 2696 (PHSA), to amend title XXVII of the Public Health Service Act to require certain health insurance premium increase information submitted to the Secretary of Health and Human Services be disclosed to Congress; GRIFFITH; to the House Committee on Energy and Commerce; June 9

H.R. 2704 (SNP), to establish a **Community-Based Institutional Special Needs Plan demonstration program to target home and community-based care to eligible Medicare beneficiaries, and for other purposes; SÁNCHEZ; jointly, to the committees on Ways and Means and Energy and Commerce; June 9**

H.R.2707 (ACA), to ensure a **legislative solution for those individuals who may be affected by ObamaCare’s unlawful implementation, and for other purposes; WALKER; to the House Committee on Energy and Commerce; June 9**

S.1531 (ACA), to reform the **provision of health insurance coverage by promoting health savings accounts, State-based alternatives to coverage under the Affordable Care Act, and price transparency, in order to promote a more market-based health care system, and for other purposes; CASSIDY; to the Committee on Finance; June 9**

S. 1537 (EMERGING THREATS), to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism, infectious disease, and noncommunicable emerging threats, and for other purposes; UDALL; to the Committee on Health, Education, Labor, and Pensions; June 10

S. 1549 (ADVANCE CARE PLANNING), to amend title XVIII of the Social Security Act to provide for advanced illness care coordination services for Medicare beneficiaries, and for other purposes; WARNER; to the Committee on Finance; June 10

H.R. 2730 (PROSTATE CANCER), to establish the National Prostate Cancer Council for improved screening, early detection, assessment, and monitoring of prostate cancer, and to direct the development and implementation of a national strategic plan to expedite advancement of diagnostic tools and the transfer of such tools to patients; BUTTERFIELD; to the House Committee on Energy and Commerce; June 11

Health Legislation Recently Introduced cont.

H.R. 2736 (MENTAL HEALTH), to provide for a Youth Mental Health Research Network; FATTAH; to the House Committee on Energy and Commerce; June 11

H.R. 2739 (ORAL CANCER MEDICATION), to amend the Public Health Service Act to require group and individual health insurance coverage and group health plans to provide for coverage of oral anticancer drugs on terms no less favorable than the coverage provided for anticancer medications administered by a health care provider; LANCE; to the House Committee on Energy and Commerce; June 11

S.1566 (introduced by Sen. Mark Steven Kirk for himself and Sen. Al Franken): A bill to amend the Public Health Service Act to require group and individual health insurance coverage and group health plans to provide for coverage of oral anticancer drugs on terms no less favorable than the coverage provided for anticancer medications administered by a health care provider; to the Committee on Health, Education, Labor, and Pensions; June 11

H.R. 2748 (HEARING SERVICES), to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of hearing aids and related hearing services; CARTWRIGHT; jointly, to the committees on Energy and Commerce and Ways and Means; June 12

H.R. 2752 (EMERGENCY MEDICINE), to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders; LARSON; to the Committee on Ways and Means; June 12

H.R. 2756 (ACA), to reform the provision of health insurance coverage by promoting health savings accounts, State-based alternatives to coverage under the Affordable Care Act, and price transparency, in order to promote a more market-based health care system, and for other purposes; ABRAHAM; jointly, to the committees on Energy and Commerce, Ways and Means, and Education and the Workforce; June 12

H.R. 2759 (MENTAL HEALTH), to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; GIBSON; jointly, to the committees on Energy and Commerce and Ways and Means; June 12