



Health Policy Briefing

July 20, 2015

Congress Continues Appropriations Work; Will Not Meet Reconciliation Deadline

Reconciliation to be Addressed After August Recess

House Budget Committee Chairman Tom Price (R-Ga.) has confirmed that the Budget Committee will not address reconciliation legislation until after the August recess. Reconciliation is a process that imposes rules of debate on the Senate and allows passage with 51 votes instead of the usual 60. Chairman Price says that House Republicans are still debating what measures to include in the reconciliation package. The Republican’s budget resolution set a deadline of July 24 for House and Senate committees of jurisdiction to develop a plan for reconciliation. Missing the deadline, however, does not prevent the Senate from using reconciliation at a later point in time through the end of the congressional session. Senate Majority Leader Mitch McConnell (R-Ky.) has made assurances that the Senate will consider using budget reconciliation for repealing the Affordable Care Act (ACA), though there is no schedule for doing so as of yet. The chairmen of the Senate committees with health care jurisdiction have also announced that while they will not report reconciliation legislation by the July 24 deadline, future action on reconciliation will still be taken.

Senate Advances FY 2016 FDA Spending Bill

The Senate Appropriations Committee advanced an appropriations bill by a vote of 28-2 that would fund the Food and Drug Administration (FDA) and the Department of Agriculture for the coming fiscal year. The bill adheres to sequestration level spending limits and contains \$20.5 billion in discretionary funding -- \$64 million below the current spending level and \$1.1 billion below the President’s budget request. The measure contains \$123.3 billion in mandatory funding. Democratic committee members argued that the bill does not provide enough funding for provisions such as antibiotic research, the FDA Safety

Inside

- Senate Reauthorizes the Older Americans Act.....2
- House Passes Breast Cancer Research Funding Bill....2
- WhiteHouseHoldsConferenceonAging.....2
- MedPAC Releases June 2015 Data Book on Health Care SpendingandtheMedicareProgram.....3
- StudyFindsHealthExchangesHaveFewerProvidersThan Employer Plans.....3
- Upcoming Congressional Meetings and Hearings.....3
- HealthLegislationRecentlyIntroduced.....4

continued on page 2

continued from page 1

and Innovation Act (FDASIA), oversight of drug compounding facilities, and the evaluation of sunscreens. Democrats continue to push for a new budget deal to lift the budget ceiling before the new fiscal year begins on October 1. Of the 12 annual spending bills, the Agriculture, Rural Development, FDA, and Related Agencies Appropriations bill is the 11th of 13 bills to be approved by the Senate Appropriations Committee.

Senate Reauthorizes the Older Americans Act

The Senate unanimously approved the bipartisan Older Americans Act Reauthorization Act of 2015 (S. 192) last week. The legislation supports social and nutritional services for nearly 12 million seniors. It has not been reauthorized since 2006. The law expired in 2011 and has been funded through continuing resolutions in the years since. Passage of the bill coincides with the 50th anniversary of the Older Americans Act being signed into law. Rep. Suzanne Bonamici (D-Ore.), who is leading the effort to reauthorize the law in the House, has said that her chamber's current focus is on an appropriate funding formula for the bill.

House Passes Breast Cancer Research Funding Bill

The House overwhelmingly approved the Breast Cancer Awareness Commemorative Coin Act last week by a roll call vote 421-9. The bill directs the Treasury to issue a commemorative coin to raise money for the Breast Cancer Research Foundation. Debate on the bill was stalled by language that would have provided half of the coins' proceeds to the Susan G. Komen Foundation, which supports cancer screenings provided through Planned Parenthood. The later group's connection to abortions resulted in the Komen language being pulled from the bill prior to passage and a number of Republican members removing their names as cosponsors of the bill.

White House Holds Conference on Aging

The White House Conference on Aging was held last week, consisting of a day-long discussion focusing on caregiving, financial security, elder justice and technology. The Conference corresponded with the 50th anniversary of Medicare, Medicaid, and the Older Americans Act, and featured a number of announcements from the U.S. Department of Health and Human Services (HHS):

- The Centers for Medicare and Medicaid Services (CMS) is proposing a rule to update the quality and safety requirements for nursing homes and skilled nursing facilities
- The National Prevention Council will release a Healthy Aging Action Plan to advance the National Prevention Strategy, a guide to the most effective strategies for improving health and well-being
- HHS will be update the National Plan to address Alzheimer's Disease
- The Health Resources and Services Administration (HRSA) will create an Alzheimer's Disease and Related Dementias training curriculum
- The Administration on Community Living is launching a \$4 million Brain Health Awareness Campaign
- The Centers for Disease Control and Prevention (CDC) is launching a free on-line course offering continuing education credits on making falls prevention a routine part of clinical care
- HRSA will grant \$35 million in awards to health professions training programs to expand geriatrics education
- CMS will partner with patient and provider organizations to disseminate information to patients and members on Medicare preventive benefits

MedPAC Releases June 2015 Data Book on Health Care Spending and the Medicare Program

The Medicare Payment Advisory Commission (MedPAC) released its **June 2015 Data Book** on Health Care Spending and the Medicare Program last week. The Data Book provides information on national health care and Medicare spending as well as Medicare beneficiary demographics, dual-eligible beneficiaries, quality of care in the Medicare Program, and Medicare beneficiary and other payer liability. It examines provider settings and presents data on Medicare spending and beneficiaries' access to care in each setting, as well as each setting's profit margins. Additionally, MedPAC covers the Medicare Advantage program and prescription drug coverage for Medicare beneficiaries. MedPAC resumes its monthly meetings in September.

Affordable Care Act Update

Study Finds Health Exchanges Have Fewer Providers Than Employer Plans

On average, insurance plans available to purchase through the health exchanges provide access to one-third fewer providers than plans offered through employer-provided coverage, according to a new **study** from Avalere Health. The marketplaces created by the Affordable Care Act (ACA) use narrow networks to contract with a limited number of providers who agree to be reimbursed at lower rates as a means of cost savings and keeping premiums low. Consumers, however, are subject to much higher out of pocket costs should they use a provider that is outside their plan's network. These costs do not count towards consumer deductibles or out of pocket maximums. Compared to traditional employer coverage, plans on the exchange had networks with 42 percent fewer cancer and cardiac specialists, 32 percent fewer mental health and primary care providers, and 24 percent fewer hospitals.

Upcoming Congressional Meetings and Hearings

House Veterans' Affairs Oversight and Investigations (O&I) Subcommittee: *hearing titled "Lack of Oversight of Interagency Agreements - VA Procurement Failures Continued;" 4:00 p.m., 334 Cannon Bldg.; July 21*

House Veterans' Affairs Committee: *hearing to Receive the Secretary's Testimony regarding the Pending VA Health Care Budget Shortfall and System Shutdown; 10:00 a.m., 334 Cannon Bldg.; July 22*

House Veterans' Affairs Health Subcommittee: *markup of pending legislation; 1:30 p.m., 334 Cannon Bldg.; July 22*

House Ways and Means Health Subcommittee: *hearing with MedPAC to discuss hospital payment issues, rural health issues, and beneficiary access to care; 10:00 a.m., B-318 Rayburn Bldg.; July 22*

Senate Special Aging Committee *hearing titled "The Doctor's Not In: Combating Medicare Provider Enrollment Fraud;" 2:15 p.m., 562 Dirksen Bldg.; July 22*

Senate Health, Labor, Education, and Pensions Committee: *hearing titled "Achieving the Promise of Health Information Technology: Information Blocking and Potential Solutions;" 10:00 a.m., 430 Dirksen Bldg.; July 23*

House Energy and Commerce Oversight and Investigations Subcommittee: *hearing titled "An Overdue Checkup: Examining the ACA's [Affordable Care Act] State Insurance Marketplaces;" 9:15 a.m., 2123 Rayburn Bldg.; July 24*

Health Legislation Recently Introduced

H.R. 3037 (HOSPICE), to amend title XVIII of the Social Security Act to improve access to hospice care under the Medicare program, and for other purposes; REED; to the Committee on Ways and Means; July 13

H.R. 3053 (VENTRICULAR DEVICES), to ensure appropriate coverage of ventricular assist devices under the Medicare program under title XVIII of the Social Security Act, and for other purposes; BUCSHON; jointly, to the committees on Ways and Means and Energy and Commerce; July 14

H.R. 3057 (CME), to require the Secretary of Health and Human Services to issue to Federal agencies guidelines for developing procedures and requirements relating to certain primary care Federal health professionals completing continuing medical education on nutrition and to require Federal agencies to submit annual reports relating to such guidelines, and for other purposes; GRIJALVA; to the Committee on Energy and Commerce; July 14

H.R. 3061 (PART D), to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; WELCH; 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; July 14

S. 1757 (HIT), to amend title XVIII of the Social Security Act to promote health care technology innovation and access to medical devices and services for which patients choose to self-pay under the Medicare program, and for other purposes; PORTMAN; to the Committee on Finance; July 14

H.R. 3080 (PPACA), to amend the Internal Revenue Code of 1986 to provide an exception to the employer health insurance mandate for Indian tribal governments and tribally owned businesses; NOEM; to the Committee on Ways and Means; July 15

H.R. 3081 (TELEMEDICINE), to amend title XVIII of the Social Security Act to permit certain Medicare providers licensed in a State to provide telemedicine services to certain Medicare beneficiaries in a different State; NUNES; jointly, to the committees on Ways and Means and Energy and Commerce; July 15

S. 1767 (COMBINATION PRODUCTS), to amend the Federal Food, Drug, and Cosmetic Act with respect to combination products, and for other purposes; ISAKSON; to the Committee on Health, Education, Labor, and Pensions; July 15

S. 1778 (TELEMEDICINE), to amend title XVIII of the Social Security Act to permit certain Medicare providers licensed in a State to provide telemedicine services to certain Medicare beneficiaries in a different State; HIRONO; to the Committee on Finance; July 15

H.R. 3090 (ALZHEIMER'S), to amend the Public Health Service Act to authorize grants for training and support services for Alzheimer's patients and their families; WATERS; to the Committee on Energy and Commerce; July 16

H.R. 3091 (ALZHEIMER'S), to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program; WATERS; to the Committee on the Judiciary; July 16

H.R. 3092 (ALZHEIMER'S), to provide for the issuance of an Alzheimer's Disease Research Semipostal Stamp; WATERS; jointly, to the committees on Oversight and Government Reform and Energy and Commerce; July 16

H.R. 3100 (EHR), to prohibit conditioning health care provider licensure on participation in a health plan or the meaningful use of electronic health records; PRICE; to the Committee on Energy and Commerce; July 16

H.R. 3112 (PPACA), to repeal a requirement that new employees of certain employers be automatically enrolled in the employer's health benefits plan; STEFANIK; to the Committee on Education and the Workforce; July 16

H.Res. 366 (HIV/AIDS), supporting the goals and ideals of National Clinicians HIV/AIDS Testing and Awareness Day, and for other purposes; WATERS; to the Committee on Energy and Commerce; July 16

Health Legislation Recently Introduced

S. 1790 (PHARMACIES), to amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable prescription drugs from approved pharmacies; VITTER; to the Committee on Health, Education, Labor, and Pensions; July 16