



Health Policy Briefing

July 5, 2016

Senate Adjourns Without Progress on Zika Funding

Before recessing ahead of the July Fourth recess, the Senate failed to clear a procedural vote to take up the conference agreement on the military construction and Veterans Affairs spending package, which includes a measure for \$1.1 billion to combat the Zika virus. Sixty votes were needed to invoke cloture (i.e., end debate) on the bill, but the Senate fell eight votes short. In the 52-48 vote, Sen. Joe Donnelly (D-Ind.) backed the deal, while Republican Senators James Lankford (R-Okla.), Mike Lee (R-Utah), and Majority Leader Mitch McConnell (R-Ky.) voted in opposition. Lankford and Lee felt that the bill was not sufficiently offset. The Majority Leader's "no" vote will allow him to bring the measure back for another vote at a later point in time. Democratic leadership has sent a letter to the Majority Leader and Speaker of the House Paul Ryan (R-Wis.) asking for House/Senate conference negotiations on Zika spending to be reopened. They claim they were not included in the previous round of discussions, which led to the conference report being rejected by the Senate. Although conference reports cannot be amended, McConnell said that the same measure would be reconsidered by the Senate following the July Fourth recess. However, an unchanged measure would still face a presidential veto if it passed the Senate. Democratic opposition to the current bill stems from the provisions used to partially offset the Zika funding – taking money previously allocated for Ebola and other health priorities of the Administration – as well as a measure that would have prevented the money from going to contraceptive services. Congress is scheduled to adjourn on July 15 for party conventions and the August recess, meaning that the funding battle for Zika will likely continue for at least a few more weeks. The White House has said that lawmakers should delay their summer recess if necessary to respond to the Zika outbreak. Both the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) have warned of the repercussions if Congress fails to act to fund Zika response efforts in the near future. Phase Two vaccine trials could be impacted, and health agencies' Zika research might need to be scaled back. There are a total of 2,961 Zika cases in the United States, with at least 481 pregnant women affected, according to June 29 data from the CDC.

Inside

White House Hosts Cancer Moonshot Summit	2
CBO Scores Opioid Legislation.....	2
Hatch Releases Stark Law Reform White Paper.....	2
Upcoming Congressional Meetings and Hearings.....	3
Recently Introduced Health Legislation.....	3

White House Hosts Cancer Moonshot Summit

The Administration hosted a summit last week at Howard University as a part of the cancer moonshot to debut a number of new projects associated with the initiative. The National Cancer Institute (NCI) will begin a new public-private partnership with more than 20 biopharmaceutical companies to accelerate researchers' access to both approved drugs and those still being developed. The administration also announced that it will be redesigning the NCI's website to make it easier for patients to search for and sign up for clinical trials. The Food and Drug Administration (FDA) announced the creation of an Oncology Center of Excellence, which will bring together oncology experts across the agency to speed the development and approval of new cancer treatments. The U.S. Patent and Trademark Office will launch a pilot program to grant priority review for patent applications dealing with immunotherapy treatments, aimed at completing their reviews within 12 months.

CBO Scores Opioid Legislation

The Congressional Budget Office (CBO) has evaluated The Recovery Enhancement for Addiction Treatment Act (TREAT) Act (S. 1455) and found that it would increase deficits by \$3.1 billion over the next decade. The bill would increase the number of patients a doctor can treat with buprenorphine from 100 to 500, but this high cost casts doubt on the likelihood of its advancement. The CBO also scored a measure passed by the House (H.R. 4981, Opioid Use Disorder Treatment Expansion and Modernization Act) that would allow physician assistants and nurse practitioners to prescribe medication-assisted treatment (MAT), as well as enable pharmacists to partially fill prescriptions for painkillers at the request of the prescriber or patient. The non-partisan budget agency found that this policy change would ultimately save money and expand access for addiction treatment. The U.S. Department of Health and Human Services' (HHS) final rule on the buprenorphine cap is expected to be released in the coming weeks. HHS had proposed to increase the cap to 200 patients. Additionally, the House and Senate Opioid Conference Committee is scheduled to meet this week to reconcile the differences between each chamber's version of the Comprehensive Addiction and Recovery Act (CARA). Negotiations may be complicated by Democratic demands for appropriating new spending to combat the opioid addiction epidemic.

Hatch Releases Stark Law Reform White Paper

Senate Finance Committee Chairman Orrin Hatch (R-Utah) has released a 19-page document entitled **Why Stark, Why Now? Suggestions to Improve the Stark Law to Encourage Innovative Payment Models**. The white paper outlines how the Stark Law interferes with delivery system and payment reform and offers commentary on possible reforms. It highlights stakeholders' perspectives on the law's complexity, severe penalties, and significant compliance costs.

Upcoming Congressional Meetings and Hearings

POSTPONED: House Energy and Commerce Health Subcommittee hearing “Strengthening our National Trauma System”

Meeting of House and Senate Conferees on S. 524, the Comprehensive Addiction and Recovery Act (CARA); 10:00 a.m., 2123 Rayburn Bldg.; July 6

House Appropriations Labor, Health and Human Services, Education, and Related Agencies Subcommittee markup of FY 2017 Labor/HHS Bill; 9:00 a.m., 2358-C Rayburn Bldg.; July 7

House Ways and Means Oversight Subcommittee hearing entitled “Defying the Constitution: The Administration’s Unlawful Funding of the Cost Sharing Reduction Program;” 10:00 a.m., 1100 Longworth Bldg.; July 7

House Energy and Commerce Health Subcommittee hearing on “Examining the Advancing Care for Exceptional Kids Act;” 10:15 a.m., 2322 Rayburn Bldg.; July 7

House Energy and Commerce Oversight and Investigations Subcommittee hearing on “The ACA’s Cost Sharing Reduction Program: Ramifications of the Administration’s Decision on the Source of Funding for the CSR Program;” 9:15 a.m., 2322 Rayburn Bldg.; July 8

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.; July 13

Recently Introduced Health Legislation

H.R. 5589 (introduced by Rep. Blackburn): A bill to amend title I of the Patient Protection and Affordable Care Act to require verification for eligibility for enrollment during special enrollment periods in PPACA insurance plans, and for other purposes; to the Committee on Energy and Commerce; June 28

H.R. 5593 (introduced by Rep. Delaney): A bill to amend the Fair Credit Reporting Act and the Fair Debt Collection Practices Act to delay the inclusion in consumer credit reports and to establish requirements for debt collectors with respect to medical debt information of veterans due to inappropriate or delayed Veterans Choice Program billing payments, and for other purposes; to the Committee on Financial Services; June 28

H.R. 5600 (introduced by Rep. Calvert): A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy technology to veterans; to the Committee on Veterans’ Affairs; June 28

H.R. 5601 (introduced by Rep. Kuster): A bill to amend the Federal Food, Drug, and Cosmetic Act to require the label of any drug containing an opiate to prominently state that addiction is possible; to the Committee on Energy and Commerce; June 28

H.R. 5613 (introduced by Rep. Jenkins): A bill to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2016; 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; June 30

H.R. 5614 (introduced by Rep. Crowley): A bill to amend title XVIII of the Social Security Act to provide for a change in Medicare classification for certain hospitals; to the Committee on Ways and Means; June 30

Recently Introduced Health Legislation

S. 3101 (introduced by Sen. 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**; to the Committee on Health, Education, Labor, and Pensions; June 27

S.3107 (introduced by Sen. Johnny Isakson): A bill to amend title XVIII of the Social Security Act to **provide for a temporary exception to the application of the Medicare long-term care hospital site neutral provisions for certain spinal cord specialty hospitals**; to the Committee on Finance; June 29

S.3111 (introduced by Sen. Rob Portman): A bill to amend the Internal Revenue Code of 1986 to **extend the 7.5 percent threshold for the medical expense deduction for individuals age 65 or older**; to the Committee on Finance; June 29

S.3113 (introduced by Sen. Amy Klobuchar): A bill to amend Public Health Service Act to **authorize grants for training and support services for families and caregivers of people living with Alzheimer's disease or a related dementia**; to the Committee on Health, Education, Labor, and Pensions; June 29

S.3115 (introduced by Sen. Roger F. Wicker): A bill to **amend the Public Health Service Act with respect to a national pediatric research network**; to the Committee on Health, Education, Labor, and Pensions; June 29

S.3120 (introduced by Sen. David Vitter): A bill to **apply the provisions of the Patient Protection and Affordable Care Act to Congressional members and members of the executive branch**; to the Committee on Homeland Security and Governmental Affairs; June 29

S.RES.517 (introduced by Sen. Jeff Sessions): A resolution **designating September 2016 as "National Prostate Cancer Awareness Month"**; June 29