



Congress Prepares for a Busy July

21st Century Cures, Innovation Act to be Considered Before Summer Recess

Health Policy Briefing

July 6, 2015

Congress returns on Tuesday for the final weeks of the summer session. The 21st Century Cures Act (H.R. 6) is scheduled for consideration by the House of Representatives later in this week. The Innovation Act (H.R. 9), regarding patent infringement, is scheduled to be considered on the House floor later this month, according to a memo from House Majority Leader Kevin McCarthy (R-Calif.). The 21st Century Cures Act currently has 230 bipartisan cosponsors, notable because only 218 votes are needed for passage of the bill. Floor consideration of H.R. 6 could begin as early as Wednesday of this week. The House schedule also includes Rep. Bob Goodlatte's (R-Va.) patent reform legislation, the Innovation Act. The pharmaceutical industry continues to push for changes to the bill to exempt drug manufacturers from a patent review process. The Majority Leader's memo does not mention any time to be set aside for budget reconciliation, nor is there any mention of the July 24 deadline for congressional committees to develop a budget reconciliation package that addresses changes to the Affordable Care Act (ACA). The final weeks of the legislative session are usually reserved for action on annual spending bills, though the House has already advanced the non-controversial appropriations measures and only the most controversial bills remain. The current fiscal year ends on September 30.

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Doc Caucus Comments on USPSTF Mammogram Recommendations

The GOP Doctors Caucus has **written** to Secretary of the U.S. Department of Health and Human Services (HHS) Sylvia Burwell, urging her to ensure that the most recent draft mammogram guidelines from the U.S. Preventive Services Task Force (USPSTF) are not finalized. The USPSTF updated their guidelines earlier this year, recommending that some women need the breast cancer screening procedure less frequently due to the utility of mammograms and the potential cost of false-positive diagnoses. “We believe that patients and the medical providers with whom they have an established relationship—who themselves follow clinical guidelines developed by their specialty societies—should decide which diagnostic tools are most appropriate in a given case,” the Doc Caucus writes. “Should the USPSTF recommendations become finalized, they will have a chilling effect on coverage for diagnostic mammograms, jeopardizing the health of American women.” The letter follows success from Democrats on the House Appropriations Committee, who added language to the Labor-HHS-Education spending bill that would delay for one year the effects of the guidelines.

Energy and Commerce Asks for Details on Avian Flu Preparedness

House Energy and Commerce Chairman Fred Upton (R-Mich.), Ranking Member Frank Pallone, Jr. (D-N.J.), Oversight and Investigations Subcommittee Chairman Tim Murphy (R-Pa.) and Ranking Member Diana DeGette (D-Col.) have **written** to Assistant Secretary for Preparedness and Response Dr. Nicole Lurie seeking details on the administration’s emergency preparedness on the spread of avian influenza. HPAI H5 viruses have “the potential to threaten public health indirectly through pressures on the flu vaccine development process, which still mostly requires chicken eggs,” the members write. The letter goes on to request information regarding the administration’s efforts to prevent disruption to the development of the flu vaccine and what is being done to prepare local communities for the potential spread to humans.

California Enacts Strict New Vaccination Law

Last week, California Governor Jerry Brown (D) signed into law a new bill imposing one of the strictest new school vaccination laws in the country. The bill limits who could request an exemption from vaccine requirements for religious and other personal reasons. The legislation will require nearly all public school children to be vaccinated. The bill follows an outbreak of measles fueled by low vaccination rates in California last year.

Affordable Care Act Update

New Express Scripts Findings on Exchange Plan Rx Spending

According to a new **report** from Express Scripts on 2015 Public Exchange Plan Rx Trends, 2015 enrollees in the health care exchanges established by the 2010 health care law are younger and healthier than earlier exchange enrollees, driving down the cost of prescription drug plans and patients’ out of pocket costs. Notably, newer enrollees are using fewer high-cost specialty medications. New exchange enrollees in the first quarter of 2015 had 34 percent fewer adjusted specialty pharmacy claims than enrollees in the first quarter of the previous year.

Upcoming Congressional Meetings and Hearings

Senate Health, Education, Labor and Pensions (HELP) Subcommittee on Primary Health and Retirement Security: hearing titled “Small Business Health Care Challenges and Opportunities;” 2:00 p.m., 430 Dirksen Bldg.; July 7

Senate Appropriations State, Foreign Operations, and Related Programs Subcommittee: markup of the State, Foreign Operations, and Related Programs Appropriations Act for Fiscal Year 2016; 3:00 p.m., 116 Dirksen Bldg.; July 7

House Energy and Commerce Health Subcommittee: hearing on “Medicaid at 50: Strengthening and Sustaining the Program;” 10:15 a.m., 2123 Rayburn Bldg.; July 8

House Appropriations Committee: markup of FY 2016 Agriculture Appropriations Bill; 10:15 a.m., 2359 Rayburn Bldg.; July 8

Senate Appropriations Committee: markup of the State, Foreign Operations, and Related Programs Appropriations Act for Fiscal Year 2016; 10:30 a.m., 106 Dirksen Bldg.; July 9

House Veterans’ Affairs Subcommittee on Disability Assistance and Memorial Affairs (DAMA): markup of Pending Legislation; 2:00 p.m.; 334 Cannon Bldg.; July 9

House Veterans’ Affairs Committee: hearing on: “H.R. 272; H.R. 353; H.R. 359; H.R. 421; H.R. 423; H.R. 1356; H.R. 1688; H.R. 1862; H.R. 2464; H.R. 2914; H.R. 2915; draft legislation to clarify the role of podiatrists in VA; and, draft legislation to authorize VA major medical facility construction projects for FY 2015 and to make certain improvements in the administration of VA medical facility construction projects;” 10:00 a.m.; 334 Cannon Bldg.; July 14