



Health Policy Briefing

August 3, 2015

House Adjourns for August Recess

Senate to Remain in Session this Week

The House of Representatives has adjourned for its five-week August recess, and won't return for votes until September 8. The Senate is expected to remain in session for the remainder of this week. For the first time in six years, both the House and the Senate have completed committee-level work on all 12 of the individual appropriations bills for fiscal year 2016. Democratic members in both chambers, however, oppose the sequestration level budget caps used in writing each spending bill, and the President has threatened to veto any spending bill that adheres to these budget caps. The new fiscal year begins on October 1. It appears as though a short-term continuing resolution will be the most likely option if Congress wishes to avoid a government shutdown. A continuing resolution enacted before the end of September could give lawmakers several additional months to begin budget negotiations. The Senate has 15 legislative days remaining before current budget authority expires, while the House has only ten days in session.

Lawmakers Question HHS' Preparedness for Influenza

A bipartisan group of House Energy and Commerce Committee members have **written** to Secretary of the U.S. Department of Health and Human Services (HHS) Sylvia Mathews Burwell questioning whether her department is prepared for the coming flu season. "The mismatched seasonal influenza vaccine and the high death rate among the elderly and other high-risk populations in the U.S. during the 2014-2015 influenza season highlight the need for an improved response, including making seasonal influenza vaccines more effective and promptly available," the letter says. The policy makers request that HHS provide additional information on lessons learned from the 2014-2015 influenza season and

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what preparations are being made for 2015-2016 season. The letter is signed by Chairman Fred Upton (R-Mich.), Ranking Member Frank Pallone, Jr. (D-N.J.), Chairman of the Subcommittee on Oversight and Investigations Tim Murphy (R-Pa.), and Ranking Member Diana DeGette (D-Colo.).

AMA Releases Opioid Use Recommendations

The American Medical Association's (AMA) Task Force to Reduce Opioid Abuse has released the first of several new national recommendations regarding the abuse of opioid medications. The AMA encourages physicians to register for and make use of prescription drug monitoring programs (PDMPs), noting that these state-based programs also need more funding and modernization. The AMA will ramp up efforts to educate providers on evidenced-based prescribing through a new website with information on PDMPs and an awareness campaign dealing with the steps prescribers can take to counter the opioid abuse epidemic.

National Academy of Medicine Launches New Priorities Initiative

The National Academy of Medicine (formerly known as the Institute of Medicine) has a new initiative underway to inform the administration and lawmakers about what priorities they should explore while considering health care reform. The Vital Directions for Health and Health Care initiative will bring together experts in health and health care to identify areas of opportunity and national policies that are most promising for improving the quality of care, increasing access to care, and lowering the cost of care. A steering committee will meet this fall to determine the scope of the initiative and choose leaders to contribute to its work.

Medicare and Medicaid News

Ways and Means Introduce Set of Hospital Payment Bills

The House Ways and Means Committee has introduced three bills on hospital policy, as a part of its larger effort to reform the hospital payment system. Chairman Paul Ryan (R-Wis.), Health Subcommittee Chairman Kevin Brady (R-Texas), Health Subcommittee member Kenny Marchant (R-Texas), and Human Resources Subcommittee Chairman Charles Boustany (R-La.) spearheaded the legislation. H.R. 3291, the Medicare Crosswalk Code Development Act of 2015 would help translate diagnosis codes between inpatient and outpatient systems. H.R. 3292, the Medicare IME Pool Act of 2015, would give teaching hospitals lump-sum payments for Indirect Medical Education (IME) costs. H.R. 3288, the Strengthening DSH and Medicare Through Subsidy Recapture and Payment Reform Act of 2015 would begin reimbursing disproportionate share hospitals (DSH) through lump sum payments. H.R. 3288 would also increase DSH funding to those hospitals that are located in states that have not expanded their Medicaid programs under the Affordable Care Act (ACA) by recouping overpayments for subsidies under the law. These bills took into account comments received on Rep. Brady's [Hospital Improvements for Payment](#) discussion draft. Rep. Brady plans to introduce a larger package that includes these three bills later in the fall.

NIH Requests Additional Funds for Alzheimer's Research in Bypass Budget

The National Institutes of Health (NIH) released its first bypass budget last week, requesting an additional \$323 million for Alzheimer's research. This number represents the amount of money the agency estimates that it will need beyond its baseline budget in 2017 to meet the goals set by the National Plan to Address Alzheimer's Disease. The ultimate goal of the Action Plan is to effectively treat and prevent Alzheimer's and related dementias by 2025. The submission of this professional judgment budget proposal is subject to review from the U.S. Department of Health and Human Services (HHS), the White House, and Congress, but final approval of the request will come from congressional appropriators. Further increasing NIH funding would likely require a lifting of the budget caps above sequestration levels. It is estimated that the number of Alzheimer's cases will triple by 2050 due to the aging population and a lack of effective treatments.

Upcoming Congressional Meetings and Hearings

Senate Committee on Health, Education, Labor and Pensions: executive session to consider legislation including S. 1893, the Mental Health Awareness and Improvement Act of 2015, S. 481, the Improving Regulatory Transparency for New Medical Therapies Act, and Dr. Karen DeSalvo to be Assistant Secretary for Health, Department of Health and Human Services; 10:00 a.m., 430 Dirksen Bldg.; August 6

Health Legislation Recently Introduced

H.R. 3215 (FETAL TISSUE), to prohibit any person from soliciting or knowingly acquiring, receiving, or accepting a donation of human fetal tissue for any purpose other than disposal of the tissue if the donation affects interstate commerce and the tissue will be or is obtained pursuant to an induced abortion; LAMBORN; to the House Committee on Energy and Commerce; July 27

H.R. 3216 (VA), to amend title 38, United States Code, to clarify the emergency hospital care furnished by the Secretary of Veterans Affairs to certain veterans; NEWHOUSE; to the House Committee on Veterans' Affairs; July 27

H.R. 3220 (MEDICARE), to establish a smart card pilot program under the Medicare program; ROSKAM; jointly, to the committees on Ways and Means and Energy and Commerce; July 27

H.R.3225 (RURAL HEALTH), to amend titles XVIII and XIX of the Social Security Act to provide for enhanced payments to rural health care providers under the Medicare and Medicaid programs, and for other purposes; GRAVES; jointly, to the committee on Energy and Commerce, Ways and Means, and the Budget; July 27

H.R.3229 (REHABILITATION), to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories; ZELDIN; jointly, to the committees on Energy and Commerce and Ways and Means; July 27

S.1871 (MEDICARE), to establish a smart card pilot program under the Medicare program; KIRK; to the Committee on Finance; July 27

H.R. 3241 (PPACA), to amend title I of the Patient Protection and Affordable Care Act to authorize the establishment of, and provide support for, State-based universal health care systems that provide comprehensive health benefits to State residents, and for other purposes; MCDERMOTT; jointly, to the committees on Energy and Commerce, Ways and Means, Oversight and Government Reform, Armed Services, and Education and the Workforce; July 28

H.R. 3242 (LIQUID NICOTINE), to require special packaging for liquid nicotine containers, and for other purposes; BROOKS; to the Committee on Energy and Commerce; July 28

Health Legislation Recently Introduced cont.

H.R. 3244 (CARE MANAGEMENT), to amend title XVIII of the Social Security Act to establish a pilot program to improve care for the most costly Medicare fee-for-service beneficiaries through the use of comprehensive and effective care management while reducing costs to the Federal Government for these beneficiaries, and for other purposes; MCMORRIS RODGERS; jointly, to the committees on Ways and Means and Energy and Commerce; July 28

H.R. 3250 (DEXTROMETHORPHAN), to amend the Federal Food, Drug, and Cosmetic Act to prevent the abuse of dextromethorphan, and for other purposes; JOHNSON; to the Committee on Energy and Commerce; July 28

H.R. 3251 (ADVANCE CARE PLANNING), to amend title XVIII of the Social Security Act to exclude coverage of advance care planning services under the Medicare program; KING; jointly, to the committees on Ways and Means and Energy and Commerce; July 28

H.R. 3261 (PRESCRIPTION DRUGS), to amend part D of title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; SCHAKOWSKY; jointly, to the committee on Energy and Commerce and Ways and Means; July 28

H.Res. 390 (HEPATITIS), recognizing July 28, 2015, as "World Hepatitis Day"; HONDA; to the Committee on Energy and Commerce; July 28

S. 1878 (PRIORITY REVIEW), to extend the pediatric priority review voucher program; CASEY; to the Committee on Health, Education, Labor, and Pensions; July 28

S. 1880 (VA), to amend the Internal Revenue Code of 1986 to prevent veterans from being disqualified from contributing to health savings accounts by reason of receiving medical care for service-connected disabilities under programs administered by the Department of Veterans Affairs; ROBERTS; to the Committee on Finance; July 28

H.R.3284 (MESOTHELIOMA), to amend the Public Health Service Act to provide for the establishment of a mesothelioma patient registry, and for other purposes; KATKO; to the House Committee on Energy and Commerce; July 29

H.R.3285 (HEALTH DISPARITIES), to provide for a study by the Institute of Medicine on health disparities, to direct the Secretary of Health and Human Services to develop guidelines on reducing health disparities, and for other purposes; PASCARELL; jointly, to the committees on Energy and Commerce and Ways and Means; July 29

H.R.3288 (DSH), to amend title XVIII of the Social Security Act to change the method of determining disproportionate share hospital (DSH) payments under the Medicare program, and for other purposes; MARCHANT; to the House Committee on Ways and Means; July 29

H.R. 3291 (BILLING CODES), to amend title XVIII of the Social Security Act to develop a crosswalk between HCPCS and MS-DRG codes for similar hospital services; RYAN; jointly, to the committees on Ways and Means and Energy and Commerce; July 29

H.R. 3292 (IME), to amend title XVIII of the Social Security Act to revise Medicare payment for indirect medical education (IME) costs in teaching hospitals; BRADY; to the House Committee on Ways and Means; July 29

H.R. 3298 (POST-ACUTE CARE), to amend title XVIII of the Social Security Act to provide for value-based purchasing of post-acute care services under the Medicare program, and for other purposes; BRADY; jointly, to the committees on Ways and Means and Energy and Commerce; July 29

H.R. 3299 (PHSA), to amend the Public Health Service Act to ensure preparedness for chemical, radiological, biological, and nuclear threats, and for other purposes; BROOKS; to the House Committee on Energy and Commerce; July 29

H.R. 3308 (MEDICARE), to expand Medicare coverage to include eyeglasses, hearing aids, and dental care; GRAYSON; jointly, to the committees on Energy and Commerce and Ways and Means; July 29

Health Legislation Recently Introduced cont.

H.R. 3309 (MEANINGFUL USE), to amend titles XVIII and XIX of the Social Security Act to improve the electronic health records meaningful use programs under the Medicare and Medicaid programs, and for other purposes; ELLMERS; jointly, to the committees on Energy and Commerce and Ways and Means; July 29

H.R. 3320 (VA), to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts with administrative contractors for the processing of claims for hospital care and medical services furnished in non-Department of Veterans Affairs facilities; BOUSTANY; to the House Committee on Veterans' Affairs; July 29

H.R. 3323 (PHSA), to amend title XXVII of the Public Health Service Act to improve health care coverage under vision and dental plans, and for other purposes; CARTER; to the House Committee on Energy and Commerce; July 29

H.R. 3339 (MAMMOGRAPHY), to amend title XVIII of the Social Security Act to protect coverage for screening mammography; ELLMERS; jointly, to the committees on Energy and Commerce and Ways and Means; July 29

H.R. 3347 (RENAL MEDULLARY CARCINOMA), to amend title XIX of the Social Security Act to provide incentives for education on the risk of renal medullary carcinoma in individuals who are receiving medical assistance under such title and who have Sickle Cell Disease; GREEN; to the House Committee on Energy and Commerce; July 29

H.R.3352 (PPACA), to amend the Patient Protection and Affordable Care Act and the Internal Revenue Code of 1986 to provide greater flexibility with respect to waivers granted to States, and for other purposes; HULTGREN; jointly, to the committees on Energy and Commerce and Ways and Means; July 29

H.R.3355 (SCOPE OF PRACTICE), to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs; JENKINS; jointly, to the committees on Energy and Commerce and Ways and Means; July 29

H.R.3356 (SNF), to amend titles XVIII and XIX of the Social Security Act with respect to the qualification of the director of food services of a Medicare skilled nursing facility or a Medicaid nursing facility; JENKINS; jointly, to the committees on Ways and Means and Energy and Commerce; July 29

H.R.3365 (VA), to improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to severely wounded, ill, or injured members of the Armed Forces, veterans, and their spouses or partners, and for other purposes; LARSEN; jointly, to the committees on Veterans' Affairs and Armed Services; July 29

H.R. 3381 (CANCER), to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; MCCAUL; to the House Committee on Energy and Commerce; July 29

H.R. 3396 (HIV/AIDS), to address the dramatic increase of HIV/AIDS in minority communities; RANGEL; to the House Committee on Energy and Commerce; July 29

H.R. 3404 (HSA), to amend the Internal Revenue Code of 1986 to allow tax free distributions from health savings accounts for fitness facility membership and classes; SALMON; to the House Committee on Ways and Means; July 29

H.R. 3414 (VA), to improve the certification and licensing of employees and medical laboratories of the Department of Veterans Affairs that furnish prosthetic and orthotic services, and for other purposes; STIVERS; to the House Committee on Veterans' Affairs; July 29

H.R. 3422 (VA), to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish credentialing requirements for medical vendors; WALORSKI; to the House Committee on Veterans' Affairs; July 29

H.R. 3423 (VA), to amend title 38, United States Code, and the Agent Orange Act of 1991 to extend the certain authorities of the Secretary of Veterans Affairs regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides; WALZ; to the House Committee on Veterans' Affairs; July 29

Health Legislation Recently Introduced cont.

H.R. 3429 (FETAL TISSUE), to amend title IV of the Public Health Service Act to prohibit sale or transactions relating to human fetal tissue; YODER; to the House Committee on Energy and Commerce; July 29

H.Res. 392 (PPACA), expressing the sense of the House of Representatives that the enactment of the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, violated article I, section 7 of the United States Constitution because it was a bill for raising revenue that did not originate in the House of Representatives; FRANKS; to the House Committee on Ways and Means; July 29

H.Res. 397 (EMPLOYER COVERAGE), expressing the sense of the House of Representatives regarding preserving the rights of employers and employees regarding coverage through association health plans; HERRERA BEUTLER; jointly, to the committees on Education and the Workforce and Energy and Commerce; July 29

H.Res. 398 (RURAL HOSPITALS), recognizing that access to hospitals and other health care providers for patients in rural areas of the United States is essential to the survival and success of communities in the United States; JENKINS; to the House Committee on Energy and Commerce; July 29

H.RES.400 (MEDICARE/MEDICAID), commemorating 50 years since the creation of the Medicare and Medicaid Programs; PALLONE; jointly, to the committees on Energy and Commerce and Ways and Means; July 29

S.1883 (CANCER), to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; REED; to the Committee on Health, Education, Labor, and Pensions; July 29

S.1884 (PRESCRIPTION DRUGS), to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program; DURBIN; to the Committee on Finance; July 29

S. 1893 (MENTAL HEALTH), to reauthorize and improve programs related to mental health and substance use disorders; ALEXANDER; to the Committee on Health, Education, Labor, and Pensions; July 29

S. 1903 (HEALTH DISPARITIES), to provide for a study by the National Academy of Medicine on health disparities, to direct the Secretary of Health and Human Services to develop guidelines on reducing health disparities, and for other purposes; BOOKER; to the Committee on Health, Education, Labor, and Pensions; July 30

S. 1906 (ORPHAN DRUGS), to clarify the exclusion of orphan drug sales from the calculation of the annual fee on branded prescription pharmaceutical manufacturers and importers, and for other purposes; MENENDEZ; to the Committee on Finance; July 30

S. 1906 (PRESCRIPTION DRUG ABUSE), to amend title XVIII of the Social Security Act to establish programs to prevent prescription drug abuse under the Medicare program, and for other purposes; TOOMEY; to the Committee on Finance; July 30