



Health Policy Briefing

January 27, 2020

Lawmakers Briefed on Coronavirus Outbreak

Areas in central China are experiencing an outbreak of a new SARS-like coronavirus that can cause sometimes fatal pneumonia. The outbreak was first identified in Wuhan in early December. Since then, cases have been reported in South Korea, Thailand, and Japan. There have been 1,372 confirmed cases of the virus in total, and 41 deaths. China has shut down travel to and from cities around Wuhan. The World Health Organization (WHO) has confirmed that the virus can be passed from human to human, not just from animal to human.

As of Sunday afternoon, five cases have been confirmed in the United States, all people who recently traveled to China. More cases are expected to emerge in the coming weeks. The State Department and the Centers for Disease Control and Prevention (CDC) have issued a travel advisory, warning U.S. citizens against taking unnecessary trips to the affected areas of China. Airport checkpoints have already been set up in Atlanta, Chicago, New York, San Francisco, and Los Angeles to screen passengers coming from China.

Lawmakers and congressional staff have been briefed by the CDC, the U.S. Department of Health and Human Services (HHS), and State Department officials about the situation. Lawmakers have called on China to be fully transparent about the virus outbreak, and some have raised concerns about whether China is doing enough to prevent its spread. Senate Health, Education, Labor, and Pensions (HELP) Committee Chairman Lamar Alexander (R-Tenn.), who also serves on the Senate Appropriations Committee, has said that Congress is prepared to provide whatever funding is necessary for agencies to

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combat the virus.

Rep. Debbie Dingell (D-Mich.) has written to CDC Director Robert Redfield to express her concerns with the spread of the coronavirus. “Given the spread of this virus, as well as indications that human-to-human transmission is occurring, it is imperative that Congress and the American people be kept up-to-date on the latest steps that CDC is taking in light of these developments,” the letter states. New Jersey senators Cory Booker (D) and Robert Menendez (D) have [called](#) on Redfield and Secretary of State Mike Pompeo to send supplemental resources to U.S. airports that screen passengers daily from affected countries.

NH Delegation Requests Continued Opioid Response Grant Funding

Sens. Jeanne Shaheen (D-N.H.) and Maggie Hassan (D-N.H.) and Reps. Anne Kuster (D-N.H.) and Chris Pappas (D-N.H.) are [asking](#) the Trump administration to continue funding for the state opioid response (SOR) grant program in the President’s fiscal year (FY) 2021 budget proposal. They request at least \$1.5 billion be allocated for the program in the coming year, in line with the amount provided in FY 2019 and 2020. They also request that the administration support continued flexibility for the use of the SOR grants so that states can address the full range of substance use disorders (SUD).

Democrats Urge WH to Reconsider Flavored Nicotine Policy

More than 50 House lawmakers have signed a [letter](#) calling on the Trump administration to ban the sale of all flavored nicotine products. In a letter to HHS Secretary Alex Azar, Energy and Commerce Subcommittee on Oversight Chair Diana DeGette (D-Colo.) and colleagues request that the newly released guidance regarding e-cigarettes be revised “to ban the sale of the often kid-friendly flavored nicotine products that have attracted an increased number of adolescents to begin vaping.” Chairman of the House Oversight Subcommittee on Economic and Consumer Policy Raja Krishnamoorthi (D-Ill.) is asserting that the Food and Drug Administration (FDA) is unprepared to determine whether teenagers are switching to menthol e-cigarettes in response to the Administration’s flavored vape ban. In a [letter](#) to FDA Administrator Stephen Hahn, Krishnamoorthi asks how the administration plans to monitor rates of youth vaping. He also asks for a commitment that the FDA remove menthol e-cigarettes from the market if teen use begins to increase.

Supreme Court Will Not Hear Expedited ACA Appeal

The U.S. Supreme Court has declined a request from the House of Representatives and a group of mostly Democratic states to consider their petition for an expedited review of the current Affordable Care Act (ACA) lawsuit. A federal appeals court struck down the ACA’s individual mandate last month, while skirting the question of the law’s overall constitutionality. The decision keeps the ACA in effect for the time being, while remanding the case back to a federal judge in Texas to determine how much of the rest of the law, if any, is also unconstitutional. The high court’s latest decision most likely means that the fate of the 2010 health care law will not be decided until after the 2020 presidential election.

Democrats File Amicus Brief in Public Charge Case

Speaker Nancy Pelosi (D-Calif.) led House Democrats in the filing of an amicus brief with the 4th Circuit Court of Appeals in Richmond asserting that the Department of Homeland Security (DHS) does not have the authority to redefine who is considered a public charge. The Trump administration recently issued a regulation that would link an immigrant’s legal status to the chance of them using public benefits, like the Medicaid program. Any immigrant who receives at least one designated public program for more than 12 months within any three-year period would be considered a public charge and be more likely to be denied a green card. The brief urges the court to uphold a nationwide injunction blocking the rule.

CMS to Announce Medicaid Changes This Week

The White House is expected to announce an overhaul of the Medicaid program this week. The administration's proposed changes would provide states with additional flexibility to shift some program funding to block grants. The plan would encourage states to apply for Section 1115 waivers to allow them to cap spending on Medicaid patients who joined the program under the ACA's coverage expansion. The changes will be unveiled during a HHS event scheduled for Thursday titled "Transforming Medicaid: A New Opportunity for Better Health." While Centers for Medicare and Medicaid Services (CMS) Administrator Seema Verma has previously discussed the potential for block grants to restrain Medicaid spending and improve program outcomes, administration officials have acknowledged that they expect the block grant policy to be challenged in court.

FDA Working to Address Agency Workforce Shortages

The FDA is trying to appeal to prospective employees' sense of mission to improve the agency's chronic staffing problems. In a recent interview with *Politico*, Principal Deputy Commissioner Amy Abernethy explained that the FDA wants young physicians and scientists to know that their time spent at the agency will be an important contribution to the country, and that they can expect to learn new skills on the job. The FDA saw a net gain of 135 employees in fiscal year (FY) 2019 – hiring 1,637 individuals while losing 1,502. This is a slight improvement over FY 2018, when 1,685 people joined the FDA and 1,586 left. The time it takes to bring a new hire on board has also improved thanks to authorities contained in the 21st Century Cures Act – onboarding now takes an average of 42 days, down from the previous length of more than a year.

Former CA Congressman Pete Stark Dies at 88

Former Rep. Pete Stark (D-Calif.) has passed away at the age of 88. During his 40-year career in Congress, Stark served as the chairman of the Ways and Means Subcommittee on Health. He was involved in drafting numerous major health care laws, including the ACA, the Consolidated Omnibus Budget Reconciliation Act (COBRA), and the Emergency Medical Treatment and Labor Act (EMTALA). Also, he was a key supporter of repeal of the Independent Payment Advisory Board (IPAB). Rep. Stark sponsored the initial antikick-back legislation now known as the Stark Law, which prohibits physician self-referral.

BCBS to Form Civica Rx Subsidiary

A group of 18 Blue Cross Blue Shield (BCBS) health insurer organizations will create a new nonprofit drug company with the goal of lowering the costs of generics and combating drug shortages. The company will target treatments that currently have high prices and a lack of competition on the market. The insurers will spend \$55 million to create a new subsidiary of Civica Rx, a nonprofit generic manufacturer founded in 2018 by a group of hospitals. While Civica Rx has focused on manufacturing drugs that are administered in hospitals, the new subsidiary will focus on products sold behind the pharmacy counter. The first drugs are expected to become available in 2022.

ACP Endorses Medicare-for-All

The American College of Physicians (ACP) announced its endorsement of a "Medicare-for-All" health care system last week. In an *Annals of Internal Medicine* policy paper, the organization representing medical internists also detailed its own recommendations for transitioning to a single payer or public option with the goal of achieving universal coverage. ACP is the largest medical specialty society to announce its support of "Medicare-for-All." It previously backed a narrower public option approach, but has shifted its position in response to the nation's high cost of care and the number of patients that remain uninsured or underinsured. The ACP's recommendations will be circulated among health care stakeholders including hospitals, insurers, and pharmaceutical companies for feedback.

Upcoming Congressional Hearings and Markups

House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security hearing “Fentanyl Analogues: Perspectives on Classwide Scheduling;” 10:00 a.m., 2141 Rayburn Bldg.; January 28

House Ways and Means Committee hearing “Legislative Proposals for Paid Family and Medical Leave;” 10:00 a.m., 1100 Longworth Bldg.; January 28

House Natural Resources Subcommittee on Energy and Mineral Resources hearing “The Importance of Public Disclosure Requirements for Protecting Human Health, the Climate, and the Environment;” 10:00 a.m., 1334 Longworth Bldg.; January 28

House Education and Labor Subcommittee on Health, Employment, Labor, and Pensions and Subcommittee on Workforce Protections joint hearing “Expecting More: Addressing America’s Maternal and Infant Health Crisis;” 10:15 a.m., 2175 Rayburn Bldg.; January 28

House Energy and Commerce Health Subcommittee hearing “Improving Safety and Transparency in America’s Food and Drugs;” 10:00 a.m., 2322 Rayburn Bldg.; January 29

House Veterans’ Affairs Committee hearing “Caring for Veterans in Crisis: Ensuring a Comprehensive Health System Approach;” 10:00 a.m., 210 Capitol Bldg.; January 29

House Foreign Affairs Committee hearing “Unique Challenges Women Face in Global Health;” 10:00 a.m., 2172 Rayburn Bldg.; February 5

Recently Introduced Health Legislation

H.R.5654 — To amend the Public Health Service Act to authorize grants to institutions of higher education for the establishment of schools of medicine (or branch campuses) in underserved areas, and for other purposes; Sponsor: Rep. Costa, Jim [D-CA-16]; Committees: House - Energy and Commerce

H.R.5663 — To amend the Federal Food, Drug, and Cosmetic Act to give authority to the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to destroy counterfeit devices; Sponsor: Rep. Guthrie, Brett [R-KY-2]; Committees: House - Energy and Commerce

S.Res.479 — A resolution designating January 23, 2020, as “Maternal Health Awareness Day”; Sponsor: Sen. Booker, Cory A. [D-NJ]; Committees: Senate - Judiciary

S.3220 — A bill to amend title XIX of the Social Security Act to clarify that the provision of home and community-based services is not prohibited in an acute care hospital, and for other purposes; Sponsor: Sen. Portman, Rob [R-OH]; Committees: Senate - Finance

S.3222 — A bill to establish a grant program relating to the prevention of student and student athlete opioid misuse; Sponsor: Sen. Shaheen, Jeanne [D-NH]; Committees: Senate - Health, Education, Labor, and Pensions

S.3224 — A bill to require the Secretary of Veterans Affairs to allow for the use of commercial institutional review boards for research, and for other purposes; Sponsor: Sen. Cassidy, Bill [R-LA]; Committees: Senate - Veterans’ Affairs