



Health Policy Briefing

March 30, 2020

The team at Hart Health Strategies would like to express our sincerest gratitude to our Medical Heroes, many of whom are subscribers to this newsletter - for your efforts in caring for the ill, finding a treatment and vaccine, working toward new and innovative testing modalities, and helping the most sick find comfort and peace. Your efforts are what will bring us to the other side of this pandemic. More than ever, Thank You!

President Signs \$2 Trillion COVID-19 Relief Bill

President Trump has signed into law the largest stimulus package in U.S. history in response to the coronavirus disease (COVID-19) pandemic. The \$2 trillion **Coronavirus Aid, Relief, and Economic Security (CARES) Act** (H.R. 748) was passed by the Senate by a vote of 96-0 on Wednesday. The House of Representatives passed the bipartisan deal by voice vote on Friday. It is the third major bill passed by Congress to address the coronavirus outbreak. The [bill](#) was the result of intense negotiations between the Trump administration and congressional leaders. It overcame a few last-minute obstacles, including opposition from several GOP senators to a jobless benefits-related provision and Rep. Thomas Massie’s (R-Ky.) attempt to force a roll call vote on the legislation at a time when the full House was unable to return to D.C.

The **CARES Act** includes \$1,200 one-time payments to Americans making up to \$75,000 per year, with an additional \$500 given to each household per child. Payments will decrease for those with incomes above \$75,000, and will not be provided to those making more than \$99,000. The legislation will provide \$500 billion in loans and other assistance for corporations, as well as states and cities, impacted by the virus; an additional \$377 billion will be provided to small businesses. Eligibility for unemployment insurance will be expanded under the law, and the maximum

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unemployment benefit will be increased by \$600 per week for four months. States will receive \$400 million in election assistance for 2020 to expand voting by mail, early voting, and online voter registration. The **CARES Act** will also allow student loan payments to be deferred for six months. Federal excise taxes for distillers that are currently using their facilities to produce certain hand sanitizers during the outbreak will be temporarily eliminated.

The rescue package largely aims to curtail the economic impact of the crisis, but it includes public health-related provisions as well. The National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) will receive an additional \$945 million to combat the virus. It provides for \$16 billion to replenish the Strategic National Stockpile (SNS), \$1 billion for additional medical supplies through the authority of the Defense Production Act (DPA), and \$3.5 billion to expand production and development of COVID-19 related vaccines and tests. It also allocates \$500 million for public health modernization. The bill will require the U.S. Department of Health and Human Services (HHS) to report on the nation's dependence on foreign countries for certain drugs and medical supplies, and mandates that providers of coronavirus diagnostic testing publish their cash price for the tests. Hospitals and health care providers will receive \$100 billion in support, though the distribution logistics of such funds are not spelled out in the legislation. **CARES** temporarily lifts the Medicare sequester, which reduces payments to providers by two percent, from May 1 through December 31, 2020. It also extends funding for several public health programs, including community health centers, through November.

The **CARES Act** includes several provisions to expand the provision of telehealth, including providing additional flexibility for telehealth services and allowing hospice providers to certify and re-certify patients through telehealth (rather than requiring face-to-face visits). It allows for patients with health savings accounts (HSAs) and high-deductible health plans to use telehealth before they meet their deductibles and expands Medicare payments for certain health centers and clinics using telehealth.

House Speaker Nancy Pelosi (D-Calif.) stated that while the focus of the third phase of COVID-19 legislation was largely on mitigating the economic fallout from the pandemic, phase four would be recovery-focused, specifically addressing job creation and infrastructure building. Democrats are also promising to include measures to strengthen the Occupational Safety and Health Administration's (OSHA) ability to protect health care providers and improve worker safety. House Democratic leadership introduced the **Take Responsibility for Workers and Families Act** (H.R. 6379) earlier in the week. The proposal would require that OSHA issue an emergency temporary rule to mandate that health care providers, fire departments, and other emergency responders institute infection-prevention programs. It would provide \$30 million to OSHA for enforcement and education actions through fiscal year (FY) 2021. Education and Labor Committee Chairman Bobby Scott (D-Va.) has also called for expanding paid sick and family and medical leave for workers and aid for student borrowers. Additionally, lawmakers are considering the expansion of coverage for health care services beyond testing for those who have contracted the virus. Republicans have signaled that they would support the inclusion of additional aid for rural providers in the fourth stimulus bill; Vice President Mike Pence has also indicated his support for an additional relief measure to support states with more resources to respond to the outbreak.

It remains unclear when lawmakers will begin considering a fourth coronavirus response package. The Senate has adjourned until April 20 amid concerns about the virus, though leadership has said that lawmakers could be reconvened on short notice.

Lawmakers Test Positive for COVID-19, Others Self-Quarantine

Rep. Mike Kelly (R-Pa.) announced that he has tested positive for COVID-19, while other members of congress have made the decision to self-quarantine after coming into contact with someone who had tested positive. Those who have begun to self-quarantine include Lizzie Fletcher (D-Texas), Seth Moulton (D-Mass.), and Josh Gottheimer (D-N.J.).

Defense Production Act Invoked for Manufacture of Ventilators

On Friday, President Trump announced that he will use the authority of the Defense Production Act (DPA) to compel General Motors to produce ventilators in response to the COVID-19 pandemic. The administration had been in the midst of negotiations with the company in an attempt to avoid using the DPA powers, but later asserted that the automaker was moving too slowly and would charge too high a price to increase the nation's supply of ventilators. The President's trade adviser Peter Navarro, who has been named the national policy coordinator for the DPA, has said that the White House is also working with Ford and General Electric (GE) on ventilator production. In addition, over the weekend, the Pentagon's logistics agency has modified an existing contract and will spend \$84.4 million to buy 8,000 ventilators from four vendors, with delivery of an initial 1,400 by early May. The companies tapped to make the devices are Zoll Medical Corp., Combat Medical Systems LLC, Hamilton Medical Inc., and VyAire Medical Inc., according to a Defense Logistics Agency spokesman.

Policymakers Consider COVID-19 Special Enrollment Period

Democrats are calling on the administration to open a national special enrollment period for the Affordable Care Act (ACA) exchanges, a decision that several states are already moving forward on. Re-opening enrollment would allow people to gain health insurance coverage prior to contracting the virus and getting sick. HHS has responded that it is evaluating the possibility of a Special Enrollment Period specifically designated for COVID-19.

President Backtracks on Tri-State Quarantine; Extends Social Distancing Guidelines

The President appears to be reconsidering the imposition of a quarantine for New York and parts of New Jersey and Connecticut to slow the spread of COVID-19. He had previously suggested the idea on Twitter on Saturday. He has instead directed the CDC to issue a travel advisory urging residents of the tri-state area to refrain from non-essential travel for 14 days.

During a news briefing Sunday evening, the President announced that the U.S. will extend its social distancing guidelines until April 30. The guidelines urge Americans to avoid groups of more than 10 and advise older people to stay home. As of Sunday evening, there were more than 137,000 cases of coronavirus in the United States, and at least 2,400 people had died.

Former Sen. Tom Coburn, MD Dies at Age 72

Former Oklahoma Senator Tom Coburn, MD passed away on Friday at the age of 72 from prostate cancer. The Republican lawmaker retired in 2014 after serving three terms in the House of Representatives and two terms in the Senate. During his time in Congress Coburn was known for taking strong stances in support of reducing the budget deficit. He graduated from University of Oklahoma Medical School in 1983 and did his family-practice residency at the University of Arkansas, delivering more than 4,000 babies over the course of his career in medicine.

Recently Introduced Health Legislation

S.3554 — A bill to provide assistance to small businesses impacted by COVID-19, and for other purposes; Sponsor: Sen. Cardin, Benjamin L. [D-MD]; Committees: Senate - Small Business and Entrepreneurship

S.3559 — A bill to provide emergency financial assistance to rural health care facilities and providers impacted by the COVID-19 emergency; Sponsor: Sen. Bennet, Michael F. [D-CO]; Committees: Senate - Finance

S.3564 — A bill to amend title XIX of the Social Security Act to require States to provide medical assistance for COVID-19 treatment services for individuals who are diagnosed with COVID-19, and for other purposes; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Finance

H.Res.906 — Calling on the President to invoke the Defense Production Act to respond to COVID-19; Sponsor: Rep. Levin, Andy [D-MI-9]; Committees: House - Financial Services

H.R.6317 — To provide for special enrollment periods during public health emergencies, coverage of services related to public health emergencies, and for other purposes; Sponsor: Rep. Doggett, Lloyd [D-TX-35]; Committees: House - Energy and Commerce; Education and Labor; Ways and Means

H.R.6324 — To amend the Small Business Act to provide no interest rate loans to small businesses and non-profit entities impacted by the coronavirus (COVID-19), and for other purposes; Sponsor: Rep. Pappas, Chris [D-NH-1]; Committees: House - Small Business

H.R.6331 — To require the Board of Governors of the Federal Reserve System to establish a credit facility to provide loans to small businesses, including small family farms, during the COVID-19 emergency; Sponsor: Rep. Beatty, Joyce [D-OH-3]; Committees: House - Financial Services

H.R.6333 — To establish a Small Business Financial Assistance Program to support small businesses during the COVID-19 emergency, and for other purposes; Sponsor: Rep. Beatty, Joyce [D-OH-3]; Committees: House - Small Business; Financial Services

H.R.6336 — To amend title XI of the Social Security Act to provide for a waiver of payment reductions under the Medicare and Medicaid programs for certain nonapproved capital expenditures undertaken by health care facilities during the COVID-19 emergency; Sponsor: Rep. Bishop, Dan [R-NC-9]; Committees: House - Energy and Commerce; Ways and Means

H.R.6338 — To waive high deductible health plan requirements for health savings accounts; Sponsor: Rep. Budd, Ted [R-NC-13]; Committees: House - Ways and Means

H.R.6341 — To establish a business stabilization guaranteed loan program and authority to establish a secondary market in the Small Business Administration, and for other purposes; Sponsor: Rep. Craig, Angie [D-MN-2]; Committees: House - Small Business

H.R.6342 — To amend the Small Business Investment Act of 1958 to provide additional assistance for small businesses affected by the COVID-19 outbreak, and for other purposes; Sponsor: Rep. Davids, Sharice [D-KS-3]; Committees: House - Small Business

H.R.6343 — To require the Administrator of the Small Business Administration to provide economic injury grants for small business concerns affected by the COVID-19 pandemic, and for other purposes; Sponsor: Rep. Espaillat, Adriano [D-NY-13]; Committees: House - Small Business

H.R.6344 — To modify the economic injury disaster loan of the Small Business Administration in response to COVID-19, and for other purposes; Sponsor: Rep. Evans, Dwight [D-PA-3]; Committees: House - Small Business

H.R.6349 — To establish grant programs for small business development centers, women's business centers, and chapters of the Service Corps of Retired Executives in response to COVID-19, and for other purposes; Sponsor: Rep. Golden, Jared F. [D-ME-2]; Committees: House - Small Business

H.R.6351 — To authorize the Secretary of Health and Human Services to administer vaccinations for COVID-19, once available, at no cost to the inoculated, in response to the COVID-19 outbreak, and for other purposes; Sponsor: Rep. Harder, Josh [D-CA-10]; Committees: House - Energy and Commerce

H.R.6361 — To provide loan and obligation payment relief for small businesses and non-profits affected by the COVID-19 emergency, and for other purposes; Sponsor: Rep. Perlmutter, Ed [D-CO-7]; Committees: House - Financial Services

H.R.6365 — To provide emergency financial assistance to rural health care facilities and providers impacted by the COVID-19 emergency; Sponsor: Rep. Roe, David P. [R-TN-1]; Committees: House - Energy and Commerce; Ways and Means; Small Business

H.R.6367 — To provide grants to small business development centers, women's business centers, and chapters of the Service Corps of Retired Executives to allow telework and create marketing materials in response to COVID-19, and for other purposes; Sponsor: Rep. Schneider, Bradley Scott [D-IL-10]; Committees: House - Small Business

H.R.6373 — To increase the amount available under the Defense Production Act of 1950 to respond to the coronavirus epidemic, and for other purposes; Sponsor: Rep. Vargas, Juan [D-CA-51]; Committees: House - Financial Services

H.R.6379 — Making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes; Sponsor: Rep. Lowey, Nita M. [D-NY-17]; Committees: House - Appropriations; Budget; Ways and Means

S.Res.550 — A resolution commending the people in the United States who are carrying out essential tasks during the unprecedented time of crisis created by the Coronavirus Disease 2019 (COVID-19); Sponsor: Sen. Perdue, David [R-GA]; Committees: Senate - Judiciary

S.3568 — A bill to require the President to use authorities under the Defense Production Act of 1950 to require emergency production of medical equipment to address the COVID-19 outbreak; Sponsor: Sen. Murphy, Christopher [D-CT]; Committees: Senate - Banking, Housing, and Urban Affairs

S.3570 — A bill to provide for the expedited procurement of equipment needed to combat COVID-19 under the Defense Production Act of 1950; Sponsor: Sen. Baldwin, Tammy [D-WI]; Committees: Senate - Banking, Housing, and Urban Affairs

S.3573 — A bill to require personal protective equipment to be included in the strategic national stockpile, and to require the Federal Government to procure such equipment from United States sources, and for other purposes; Sponsor: Sen. Scott, Rick [R-FL]; Committees: Senate - Health, Education, Labor, and Pensions

S.3574 — A bill to protect consumers from price-gouging during emergencies; Sponsor: Sen. Tillis, Thom [R-NC]; Committees: Senate - Homeland Security and Governmental Affairs

- S.3575 — *A bill to amend title 38, United States Code, to restore entitlement to rehabilitation programs for veterans affected by school closures or disapprovals, and for other purposes; Sponsor: Sen. Blumenthal, Richard [D-CT]; Committees: Senate - Veterans' Affairs*
- S.3576 — *A bill to clarify that the Federal Trade Commission Act prohibits excessive and unjustified price increases in the sale of certain products and services when an emergency or disaster results in abnormal disruptions of the market, and for other purposes; Sponsor: Sen. Klobuchar, Amy [D-MN]; Committees: Senate - Commerce, Science, and Transportation*
- S.3577 — *A bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for distilled spirits used for hand sanitizer; Sponsor: Sen. Peters, Gary C. [D-MI]; Committees: Senate - Finance*
- S.3578 — *A bill to provide oversight for the care and assistance provided to businesses under the coronavirus relief package; Sponsor: Sen. Grassley, Chuck [R-IA]; Committees: Senate - Homeland Security and Governmental Affairs*
- H.R.6383 — *To provide for research and education with respect to uterine fibroids, and for other purposes; Sponsor: Rep. Clarke, Yvette D. [D-NY-9]; Committees: House - Energy and Commerce*
- H.R.6390 — *To require the President to use authorities under the Defense Production Act of 1950 to require emergency production of medical equipment to address the COVID-19 outbreak; Sponsor: Rep. Ryan, Tim [D-OH-13]; Committees: House - Financial Services*
- H.R.6393 — *To require the Secretary of Defense to submit to Congress a report on the reliance by the Department of Defense on imports of certain pharmaceutical products made in part or in whole in certain countries, to establish postmarket reporting requirements for pharmaceuticals, and for other purposes; Sponsor: Rep. Waltz, Michael [R-FL-6]; Committees: House - Ways and Means; Armed Services; Oversight and Reform; Energy and Commerce*
- S.Res.554 — *A resolution recognizing the contributions of health care professionals during the 2020 Coronavirus pandemic; Sponsor: Sen. Cramer, Kevin [R-ND]; Committees: Senate - Health, Education, Labor, and Pensions*
- S.3580 — *A bill to require the Comptroller General of the United States to submit to Congress a report assessing the billing practices of the Department of Defense for care received under the TRICARE program and at military medical treatment facilities, and for other purposes; Sponsor: Sen. Cortez Masto, Catherine [D-NV]; Committees: Senate - Armed Services*
- S.3581 — *A bill to require the Comptroller General of the United States to submit to Congress a report assessing Federal, State, and other mental health services available to members of the reserve components of the Armed Forces, and for other purposes; Sponsor: Sen. Cortez Masto, Catherine [D-NV]; Committees: Senate - Armed Services*
- S.3582 — *A bill to amend the Internal Revenue Code of 1986 to expand eligibility for the health care tax credit to workers in certain critical industries; Sponsor: Sen. Cantwell, Maria [D-WA]; Committees: Senate - Finance*
- S.3584 — *A bill to direct the Secretary of Labor to issue an emergency temporary standard that requires certain employers to develop and implement a comprehensive infectious disease exposure control plan to protect employees in the health care sectors and other employees at elevated risk from exposure to SARS-CoV-2, and for other purposes; Sponsor: Sen. Baldwin, Tammy [D-WI]; Committees: Senate - Health, Education, Labor, and Pensions*
- S.3586 — *A bill to reduce Federal spending and fund the acquisition of unexpired personal protective equipment (including face masks) for the strategic national stockpile by terminating taxpayer financing of Presidential election campaigns; Sponsor: Sen. Ernst, Joni [R-IA]; Committees: Senate - Finance*

H.R.6396 — A bill to provide tax and regulatory relief and health care flexibility to individuals and businesses affected by the 2020 coronavirus pandemic; Sponsor: Rep. Biggs; Committees: House - Ways and Means; Education and Labor; Oversight and Reform; House Administration; Energy and Commerce; Small Business; Judiciary; Financial Services; Veterans' Affairs; Agriculture

H.R.6398 — A bill to provide for the expedited procurement of equipment needed to combat COVID-19 under the Defense Production Act of 1950; Sponsor: Rep. Crow; Committees: House - Financial Services; Transportation and Infrastructure

H.R.6399 — A bill to amend the Defense Production Act of 1950 to ensure the supply of certain medical articles essential to national defense, and for other purposes; Sponsor: Rep. Hill; Committees: House - Financial Services

H.R.6406 — A bill to require personal protective equipment to be included in the strategic national stockpile, and to require the Federal Government to procure such equipment from United States sources, and for other purposes; Sponsor: Rep. Yoho; Committees: House - Energy and Commerce; Oversight and Reform; Transportation and Infrastructure