



# Health Policy Briefing

April 5, 2021

## White House Releases Part One of Infrastructure Proposal

The White House released the first portion of its infrastructure and jobs plan last week. Dubbed the “American Jobs Plan,” the \$2.25 trillion proposal focused on broad infrastructure projects but contained a few, targeted health care provisions, including expanding access to long-term care (LTC) services by investing \$400 billion over the next eight years in Medicaid home- and community-based care (HCBC). The plan also calls for addressing the issue of low wages across the LTC industry. It would extend the Money Follows the Person demonstration project, and expand the ability of home care workers to collectively bargain. The plan calls for approximately \$18 billion to upgrade VA hospitals. Another \$30 billion would be spent over the next four years on preventing the next pandemic, through investments in the Strategic National Stockpile (SNS), development of tests, treatments, and prototype vaccines for emerging diseases, improving vaccine production technology, strengthening the public health infrastructure, and pandemic response workforce training. The plan would be offset by a variety of tax changes, including increasing the corporate tax rate to 28 percent as well as a new global minimum tax to attempt to curtail the ability of multinational corporations to greatly reduce what they owe the U.S. government.

The second half of the economic recovery plan, which will be unveiled in the coming weeks, is expected to contain additional health care-related spending. Democratic lawmakers are pushing the administration to include a variety of health care reforms, including mandatory spending on public health, the creation of a public health insurance option, a reduction in the Medicare eligibility age, an expansion of Medicare benefits, and measures to reduce drug pricing. It remains unclear whether the White House will decide to pursue such major reforms through this package, which is expected to be moved via the budget reconciliation process. House Speaker Nancy Pelosi (D-Calif.) has said that her goal is to pass the infrastructure legislation by July 4.

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### ***Biden “Skinny” Budget May Be Released This Week***

The much-anticipated fiscal year 2022 Biden budget may be released this week. Previously, the White House announced that it would be released last Thursday, but several reports noted that the Pentagon and the White House budget office have been at odds over the first defense budget under Biden. The disagreement may be at least partly to blame for delays in releasing the budget outline that was widely expected last week.

### ***Lawmakers Look to Undo Sunset Rule***

Reps. Raja Krishnamoorthi (D-Ill.) and Anna Eshoo (D-Calif.) have introduced H.J.Res.37, a resolution of disapproval of a Trump-era regulation at the U.S. Department of Health and Human Services (HHS) known as the SUNSET Rule. The regulation would cause existing health regulations to expire if they are not reviewed by HHS every 10 years. The resolution of disapproval currently has no Senate companion. The effective date of the rule was recently delayed by the Biden administration until 2022 to allow a lawsuit against the regulation to proceed.

### ***Democrats Comment on NIST Bayh-Dole Regulation***

A group of Democratic lawmakers led by House Ways and Means Health Subcommittee Chair Lloyd Doggett (D-Texas) has [submitted](#) a public comment on a Trump-era proposed rule from the National Institute of Standards and Technologies (NIST) to revoke the federal government’s authority under the Bayh-Dole Act to protect the public from unreasonable prices on taxpayer-funded inventions. The comments argue that the regulation would reverse the federal government’s ability to prevent price-gouging on prescription drugs. “The NIST proposal is a grave misjudgment and would likely exacerbate the already exorbitant cost of prescription medicines,” the lawmakers state. They encourage NIST to instead “pursue measures to support access to medicines and fiscal responsibility, such as a requirement of reasonable pricing clauses in all federal funding contracts.”

### ***GAO Releases New Report on Remdesivir Development and Pricing***

The Government Accountability Office (GAO) has released a [report](#) finding that the federal government spent at least \$162 million between 2013 and 2020 on preclinical studies and clinical trials for antiviral drug Remdesivir, the first Food and Drug Administration (FDA)-approved treatment for COVID-19. The contributions did not result in government patent rights, however, because the research did not generate new inventions, the GAO concludes. The report was requested by House Oversight Committee Chairwoman Carolyn Maloney (D-N.Y.) and Sen. Debbie Stabenow (D-Mich.) to increase the understanding of how taxpayer funded research is being used to develop new drugs and vaccines. Following the report’s release, the lawmakers criticized manufacturer Gilead Sciences Inc. for “charging an unconscionable price for a drug developed with millions in taxpayer-funded research.” Remdesivir costs \$3,120 for a five-day course. The two lawmakers called for more transparency around federal spending supporting drug development.

### ***White House to Accelerate Vaccine Distribution***

The White House plans to more than double the number of pharmacy sites offering COVID-19 vaccines in the coming weeks. The administration’s goal is to ensure that 90% of adults will be eligible for the vaccine, and that 90% of the country have access to a vaccine within five miles of where they live, by April 19. The number of mass vaccination sites will also be increased, from 21 sites to 33 sites. Additionally, the administration announced that the government will provide nearly \$100 million in funding to support at-risk adults and those with disabilities in accessing the vaccine.

### ***CMS to Hold Claims Pending Sequester Moratorium Extension***

The Centers for Medicare and Medicaid Services (CMS) announced that it has instructed Medicare Administrative Contractors (MACs) to hold all claims with dates of service on or after April 1, 2021 in anticipation of Congress acting to extend the 2% Medicare sequester suspension in light of the ongoing coronavirus pandemic. The move aims to minimize the number of claims that MACs must reprocess if the suspension is extended. The current sequester moratorium ended on April 1. The House of Representatives will not take up a Senate-passed bill to extend the sequester moratorium until 2022 before the chamber returns from recess the week of April 13.

### ***GAO Appoints SAPCDAC Members***

The Government Accountability Office (GAO) announced the appointment of six members to the State All Payer Claims Database Advisory Committee (SAPCDAC). The newly appointed members are Niall Brennan, Cheryl Damberg, Emma Hoo, Frederick Isasi, Mike Kapsa, and Josephine Porter. The committee is required to provide recommendations to the Secretary of Labor within 180 days, as required under the *No Surprises Act*, enacted as a part of the *Consolidated Appropriations Act of 2021*.

### ***Hart Health Strategies COVID-19 Resources***

Hart Health Strategies Inc. continues to update the following resources related to the coronavirus pandemic. Please remember to clear your cache to ensure you download the most recent documents.

- [Disaster Primer](#)
- [Federal Relief Overview](#)
- [Health Care Workers on the Front Lines](#)
- [Hospice and Palliative Care](#)
- [Nursing Resources](#)
- [Personal Protective Equipment](#)
- [Physician Provisions](#)
- [Re-Opening America](#)
- [Small Business Resources](#)
- [Small Business - Paycheck Protection Program](#)
- [State Resources](#)
- [Tax Provisions](#)
- [Telehealth Overview](#)
- [Testing](#)
- [Vaccines](#)

## Recently Introduced Health Legislation

*H.Res.280 — Expressing the sense of the House of Representatives that decades of policies rooted in socialism have stifled United States domestic pharmaceutical drug manufacturing and left the United States exposed to the hostile actions and unfair trade practices of the People's Republic of China; Sponsor: Rep. Jackson, Ronny [R-TX-13]; Committees: House - Ways and Means; Foreign Affairs; Energy and Commerce*

*H.R.2185 — To amend title XIX and XXI of the Social Security Act to provide coverage of comprehensive tobacco cessation services under such titles, and for other purposes; Sponsor: Rep. Blunt Rochester, Lisa [D-DE-At Large]; Committees: House - Energy and Commerce*

*H.R.2193 — To direct the Occupational Safety and Health Administration to issue an occupational safety and health standard to protect workers from heat-related injuries and illnesses; Sponsor: Rep. Chu, Judy [D-CA-27]; Committees: House - Education and Labor*

*H.R.2209 — To amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances; Sponsor: Rep. Fitzgerald, Scott [R-WI-5]; Committees: House - Energy and Commerce; Judiciary*

*H.R.2210 — To ensure that a fair percentage of Federal cancer research funds are dedicated to pediatric cancer research; Sponsor: Rep. Fitzpatrick, Brian K. [R-PA-1]; Committees: House - Energy and Commerce*

*H.R.2212 — To establish a commission to review certain regulatory obstacles to preparedness for, response to, and recovery from the COVID-19 pandemic and other pandemics, and for other purposes; Sponsor: Rep. Foxx, Virginia [R-NC-5]; Committees: House - Oversight and Reform; Rules*

*H.R.2216 — To provide women with increased access to preventive and life-saving cancer screening; Sponsor: Rep. Gomez, Jimmy [D-CA-34]; Committees: House - Energy and Commerce*

*H.R.2217 — To amend title XIX of the Social Security Act to treat each territory as one of the 50 States for purposes of calculating the Federal medical assistance percentage under the Medicaid program; Sponsor: Resident Commissioner Gonzalez-Colon, Jenniffer [R-PR-At Large]; Committees: House - Energy and Commerce*

*H.R.2227 — To extend the life of the Minuteman III and redirect savings from development of the new ground-based strategic deterrent program toward the development of a universal coronavirus vaccine, and for other purposes; Sponsor: Rep. Khanna, Ro [D-CA-17]; Committees: House - Armed Services; Appropriations*

*H.R.2228 — To allow for payment of outpatient critical access hospital services furnished through telehealth under the Medicare program; Sponsor: Rep. Kildee, Daniel T. [D-MI-5]; Committees: House - Energy and Commerce; Ways and Means*

*H.R.2255 — To enhance our Nation's nurse and physician workforce during the COVID-19 crisis by recapturing unused immigrant visas; Sponsor: Rep. Schneider, Bradley Scott [D-IL-10]; Committees: House - Judiciary*

*H.R.2256 — To amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes; Sponsor: Rep. Sewell, Terri A. [D-AL-7]; Committees: House - Ways and Means; Energy and Commerce*

*H.R.2259 — To establish the Office of Supply Chain Preparedness within the Department of Commerce to manage the partnership of the United States with private industry and State and local governments with respect to the manufacturing of critical resources, and for other purposes; Sponsor: Rep. Stevens, Haley M. [D-MI-11]; Committees: House - Energy and Commerce*

*H.R.2264 — To require parity in the coverage of mental health and substance use disorder services provided to enrollees in private insurance plans, whether such services are provided in-person or through telehealth; Sponsor: Rep. Trone, David J. [D-MD-6]; Committees: House - Energy and Commerce; Ways and Means; Education and Labor*

*H.J.Res.37 — Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Health and Human Services relating to “Securing Updated and Necessary Statutory Evaluations Timely”; Sponsor: Rep. Krishnamoorthi, Raja [D-IL-8]; Committees: House - Energy and Commerce*

*H.R.2274 — To amend the Higher Education Act of 1965 to improve education opportunities for physician assistants, and for other purposes; Sponsor: Rep. Bass, Karen [D-CA-37]; Committees: House - Education and Labor*

*H.R.2279 — To establish the Office of Manufacturing and Industrial Innovation Policy and strategic national manufacturing policy for the United States, to provide manufacturing and industrial perspective and advice to the President, to provide for a comprehensive survey and cross administration management of efforts to ensure global leadership in manufacturing critical to the long-term economic health and national security of the United States, and for other purposes; Sponsor: Rep. Kaptur, Marcy [D-OH-9]; Committees: House - Energy and Commerce; Science, Space, and Technology; Financial Services*

*H.Res.290 — Expressing the sense of the House of Representatives that blood donation policies in the United States should be equitable and based on science; Sponsor: Rep. Schiff, Adam B. [D-CA-28]; Committees: House - Energy and Commerce*

*H.R.2295 — To amend title VII of the Public Health Service Act to provide for a loan repayment program for the HIV clinical and dental workforce, and for other purposes; Sponsor: Rep. Blunt Rochester, Lisa [D-DE-At Large]; Committees: House - Energy and Commerce*

*H.R.2297 — To amend title XIX of the Social Security Act to provide coverage and payment under title XIX of the Social Security Act for services furnished to individuals who are patients in institutions for mental diseases during the COVID-19 emergency period and 180-days thereafter, and for other purposes; Sponsor: Rep. Boyle, Brendan F. [D-PA-2]; Committees: House - Energy and Commerce*

*H.R.2312 — To provide for the use of peer support, peer mentoring, and career coaching in demonstration projects conducted under the health profession opportunity grant program under section 2008 of the Social Security Act; Sponsor: Rep. Evans, Dwight [D-PA-3]; Committees: House - Ways and Means*

*H.R.2316 — To reduce the salary of the Director of the National Institute of Allergy and Infectious Diseases, to provide for an audit of the correspondence, financial statements, and policy memoranda within the Office of the Director during the COVID-19 outbreak, and for other purposes; Sponsor: Rep. Greene, Marjorie Taylor [R-GA-14]; Committees: House - Energy and Commerce*

*H.R.2319 — To direct the Secretary of Health and Human Services to require long term care facilities to report certain information relating to COVID-19 cases and deaths; Sponsor: Rep. Horsford, Steven [D-NV-4]; Committees: House - Ways and Means; Energy and Commerce*

*H.R.2328 — To amend title XIX of the Social Security Act to prohibit payments under the Medicaid program for conversion therapy, and for other purposes; Sponsor: Rep. Maloney, Sean Patrick [D-NY-18]; Committees: House - Energy and Commerce*

*H.R.2344 — To require the use of prescription drug monitoring programs; Sponsor: Rep. Ryan, Tim [D-OH-13]; Committees: House - Energy and Commerce*

***H.R.2347 — To amend title XIX of the Social Security Act to ensure adequate access to vaccines under the Medicaid program and the Vaccines for Children program, and for other purposes; Sponsor: Rep. Schrier, Kim [D-WA-8]; Committees: House - Energy and Commerce***

***H.R.2352 — To amend title V of the Public Health Service Act; Sponsor: Rep. Trone, David J. [D-MD-6]; Committees: House - Energy and Commerce***