



Health Policy Briefing

April 19, 2021

Medicare Sequester Moratorium Extended

Last week, the House of Representatives cleared legislation to delay Medicare sequestration cuts for an additional nine months. The House voted 384 to 38 to pass H.R. 1868, which had previously passed the Senate on March 25; the President signed the bill on April 14. The law suspends, through Dec. 31, Medicare sequestration that would reduce provider payments by 2% annually as required by the 2011 **Budget Control Act**. The cuts were initially scheduled to take effect at the end of last month, but the Centers for Medicare and Medicaid Services (CMS) has been holding claims given the expected moratorium extension.

House Passes Slate of Health Bills

The House of Representatives passed a slate of health care-related bills last week under suspension of the rules. Bills advanced by the chamber include:

- **FASTER Act of 2021** (S.578), which would add sesame to the Food and Drug Administration's (FDA) list of major food allergens beginning in 2023. The bill was previously passed by the Senate in March.
- **John Lewis NIMHD Research Endowment Revitalization Act** of 2021 (H.R.189), which would permit the National Institute on Minority Health and Health Disparities (NIMHD) to provide research endowments to current and former centers of excellence at minority academic institutions.
- **TRANSPLANT Act of 2021** (H.R.941), which would reauthorize stem cell programs at the U.S. Department of Health and Human Services (HHS) through fiscal year (FY) 2026.
- **Advancing Education on Biosimilars Act of 2021** (S.164), which would direct HHS to create a central website for educational materials on biosimilars. The bill was passed by the Senate in March.
- S. 415, which would narrow the criteria for a drug to receive exclusivity as a new chemical entity. The bill was passed by the Senate in March.
- **Debarment Enforcement of Bad Actor Registrants (DEBAR) Act of 2021** (H.R.1002), which would give the Drug Enforcement Administration (DEA) the authority to prohibit any person from registering to manufacture or dispense controlled substances if the individual has a history of suspended registrations.

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- ***Ensuring Compliance Against Drug Diversion Act of 2021*** (H.R. 1899), which would require the DEA to terminate a person's registration to manufacture or dispense controlled substances if they die, terminate their business, or surrender the registration.

The House also passed the ***Workplace Violence Prevention for Health Care and Social Service Workers Act*** (H.R. 1195) by a vote of 254-166. The legislation would require the Department of Labor to issue a rule requiring health care and social service employers to implement workplace violence prevention plans, defining workplace violence as any act or threat of force against an employee that could result in a physical injury, psychological trauma, or stress.

Ways and Means Ranking Member Brady Announces Retirement

Rep. Kevin Brady (R-Texas), Ranking Member of the House Ways and Means Committee, has announced that he will not seek reelection next year. Brady has served in the House since 1997 and has served as the top Republican on Ways and Means since 2015. He cited the GOP internal rule term limiting members to six consecutive years of committee leadership as a factor in his decision. Rep. Devin Nunes (R-Calif.) is the next most senior member of the committee, but he would have to step down from his position as ranking member of the House Intelligence Committee should he wish to lead Ways and Means. Brady's Houston-area district is not expected to become competitive for Democrats in the 2022 midterm elections.

E&C Leaders Encourage Enforcement of Hospital Transparency Rule

Bipartisan leadership of the House Energy and Commerce Committee have sent a [letter](#) to the U.S. Department of Health and Human Services (HHS) expressing concerns about the implementation of the Trump administration's Hospital Price Transparency Final Rule. The lawmakers cite reports of hospitals failing to comply with the new regulation, which went into effect on Jan. 1, 2021, and urge HHS "to revisit its enforcement tools, including the amount of the civil penalty, and to conduct regular audits of hospitals for compliance." Under the regulation, hospitals are required to make public a machine-readable file listing all standard charges for items and services and to publish charges for the hospital's 300 most shoppable services in a consumer-friendly format. The letter to HHS Secretary Xavier Becerra was signed by Chair Frank Pallone (D-N.J.), Ranking Member Cathy McMorris Rodgers (R-Wash.), Health Subcommittee Chair Anna Eshoo (D-Calif.), and Health Subcommittee Ranking Member Brett Guthrie (R-Ky.).

President Biden to Address Congress April 28

President Joe Biden has accepted House Speaker Nancy Pelosi's (D-Calif.) invitation to address a joint session of Congress on April 28. The speech will fall right before the President's 100th day in office. The address will be held in the chamber of the House of Representatives, and House and Senate members are expected to attend. According to administration officials, however, other logistics for the address – including COVID-19 testing requirements and who will attend in person – have yet to be determined.

ACIP to Reconvene This Week Amidst Pause on J&J Vaccine

The Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP) met last week to consider the details surrounding reports that six people who received Johnson & Johnson's COVID-19 vaccine a type of blood clot called cerebral venous sinus thrombosis (CVST) in combination with low levels of blood platelets (thrombocytopenia). The meeting followed a statement from regulators earlier in the week that recommended a pause to the use of the shot. ACIP decided not to vote on a recommendation for how to proceed, instead deciding to gather more data to evaluate the shot's safety. The panel is tentatively scheduled to meet on Friday, April 23 from 11 am to 5 pm to continue consideration of the Johnson & Johnson vaccine.

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](#)
- [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](#)

Upcoming Congressional Hearings and Markups

Senate Appropriations Subcommittee on Department of Defense hearing to examine the Defense Health Program; 9:30 a.m., April 20

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing “COVID-19 Recovery: Supporting Workers and Modernizing the Workforce Through Quality Education, Training, and Employment Opportunities;” 10:00 a.m., April 20

Senate Judiciary Committee hearing “Improving Access and Inclusivity in the Patent System: Unleashing America’s Economic Engine;” 2:30 p.m., April 20

House Veterans’ Affairs Subcommittee on Oversight and Investigations legislative hearing including the following bills: H.R. 2082, VA Supply Chain Resiliency Act; and a Discussion Draft -To direct the Secretary of Veterans Affairs to submit to Congress a plan for expending Coronavirus pandemic funding made available to the Department of Veterans Affairs; 10:00 a.m., April 21

House Ways and Means Committee hearing “In Their Own Words: Paid Leave, Child Care, and An Economy That Failed Women;” 12:00 p.m., April 21

Senate HELP Committee hearing to examine protecting U.S. biomedical research, focusing on efforts to prevent undue foreign influence; 10:00 a.m., April 22

Senate Commerce, Science, and Transportation Committee nomination hearing for Eric S. Lander to be Director of the Office of Science and Technology Policy; 10:00 a.m., April 29

Recently Introduced Health Legislation

S.1067 — A bill to amend title XXVII of the Public Health Service Act to prohibit group health plans and health insurance issuers offering group or individual health insurance coverage from imposing cost-sharing requirements or treatment limitations with respect to diagnostic examinations for breast cancer that are less favorable than such requirements with respect to screening examinations for breast cancer; Sponsor: Sen. Blunt, Roy [R-MO]; Committees: Senate - Health, Education, Labor, and Pensions

S.1069 — A bill to establish the National Institute of Manufacturing, and for other purposes; Sponsor: Sen. Peters, Gary C. [D-MI]; Committees: Senate - Commerce, Science, and Transportation

H.R.2441 — To direct the Secretary of Veterans Affairs to expand the Rural Access Network for Growth Enhancement Program of the Department of Veterans Affairs, and to direct the Comptroller General of the United States to conduct a study to assess certain mental health care resources of the Department of Veterans Affairs available to veterans who live in rural areas; Sponsor: Rep. Axne, Cynthia [D-IA-3]; Committees: House - Veterans' Affairs

H.R.2448 — To amend title XIX of the Social Security Act to prohibit the Secretary of Health and Human Services from treating any Medicaid-related funds recovered from one or more pharmaceutical companies or drug distributors with respect to opioid litigation as an overpayment under such title, and for other purposes; Sponsor: Rep. McKinley, David B. [R-WV-1]; Committees: House - Energy and Commerce

H.R.2454 — To amend title XVIII to strengthen ambulance services furnished under part B of the Medicare program; Sponsor: Rep. Sewell, Terri A. [D-AL-7]; Committees: House - Energy and Commerce; Ways and Means

H.R.2455 — To amend the IMPACT Act of 2014 to reset data collection and the development of a payment system technical prototype for post-acute care providers under the Medicare program to take into account the effects of COVID-19; Sponsor: Rep. Sewell, Terri A. [D-AL-7]; Committees: House - Ways and Means; Energy and Commerce

S.Res.151 — A resolution calling on the President and the Secretary of Health and Human Services to take action to lower prescription drug costs; Sponsor: Sen. Merkley, Jeff [D-OR]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.153 — A resolution recognizing the week of April 11 through April 17, 2021, as “Black Maternal Health Week” to bring national attention to the maternal health crisis in the United States and the importance of reducing maternal mortality and morbidity among Black women and birthing persons; Sponsor: Sen. Booker, Cory A. [D-NJ]; Committees: Senate - Health, Education, Labor, and Pensions

S.1089 — A bill to direct the Government Accountability Office to evaluate appropriate coverage of assistive technologies provided to patients who experience amputation or live with limb difference; Sponsor: Sen. Blackburn, Marsha [R-TN]; Committees: Senate - Health, Education, Labor, and Pensions

S.1099 — A bill to amend title XIX of the Social Security Act to make permanent the protections under Medicaid for recipients of home and community-based services against spousal impoverishment; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Finance

H.Res.304 — Recognizing the designation of the week of April 11 through April 17, 2021, as “Black Maternal Health Week” to bring national attention to the maternal health crisis in the United States and the importance of reducing maternal mortality and morbidity among Black women and birthing persons; Sponsor: Rep. Adams, Alma S. [D-NC-12]; Committees: House - Energy and Commerce; Financial Services; Transportation and Infrastructure; Education and Labor; Judiciary; Natural Resources; Agriculture; Veterans' Affairs

H.R.2461 — To direct the Government Accountability Office to evaluate appropriate coverage of assistive technologies provided to patients who experience amputation or live with limb difference; Sponsor: Rep. Butterfield, G. K. [D-NC-1]; Committees: House - Energy and Commerce; Ways and Means; Veterans' Affairs

H.R.2464 — To amend title XVIII of the Social Security Act to expand eligibility for low-income subsidies under part D of the Medicare program; Sponsor: Rep. Craig, Angie [D-MN-2]; Committees: House - Energy and Commerce; Ways and Means

H.R.2465 — To allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families; Sponsor: Rep. DeLauro, Rosa L. [D-CT-3]; Committees: House - Education and Labor; House Administration; Oversight and Reform

H.R.2484 — To amend title XXVII of the Public Health Service Act and title XVIII of the Social Security Act to require pharmacies to disclose any differential between the cost of a prescription drug based on whether certain individuals use prescription drug coverage to acquire such drug, and for other purposes; Sponsor: Rep. Porter, Katie [D-CA-45]; Committees: House - Energy and Commerce; Ways and Means

H.R.2487 — To prohibit the use of Federal funds to implement any COVID-19 vaccine passport system, and for other purposes; Sponsor: Rep. Rosendale Sr., Matthew M. [R-MT-At Large]; Committees: House - Oversight and Reform; Energy and Commerce

S.1114 — A bill to increase vaccination rates among pregnant women enrolled in Medicaid or CHIP, and for other purposes; Sponsor: Sen. Hassan, Margaret Wood [D-NH]; Committees: Senate - Finance

S.1117 — A bill to amend title XIX of the Social Security Act to require Medicaid coverage of approved vaccines for pregnant women; Sponsor: Sen. Cassidy, Bill [R-LA]; Committees: Senate - Finance

S.1123 — A bill to preserve non-interference under the Medicare part D Prescription Drug Benefit program; Sponsor: Sen. Blackburn, Marsha [R-TN]; Committees: Senate - Finance

S.1125 — A bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes; Sponsor: Sen. Stabenow, Debbie [D-MI]; Committees: Senate - Finance

H.R.2503 — To direct the Secretary of Health and Human Services to establish an interagency council on social determinants of health, and for other purposes; Sponsor: Rep. Bustos, Cheri [D-IL-17]; Committees: House - Energy and Commerce

H.R.2517 — To recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes; Sponsor: Rep. Higgins, Brian [D-NY-26]; Committees: House - Energy and Commerce; Ways and Means

H.R.2521 — To require the Secretary of Veterans Affairs to establish a pilot program to furnish doula services to veterans; Sponsor: Rep. Lawrence, Brenda L. [D-MI-14]; Committees: House - Veterans' Affairs

H.R.2523 — To amend the American Rescue Plan Act of 2021 to improve the COVID-19 Veteran Rapid Retraining Assistance program, to make certain technical corrections to the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, and for other purposes; Sponsor: Rep. Levin, Mike [D-CA-49]; Committees: House - Veterans' Affairs; Budget

H.R.2524 — To direct the Federal Communications Commission to establish a program to make grants to States to inform Medicaid enrollees, SNAP participants, and low-income residents of potential eligibility for the Lifeline program of the Commission; Sponsor: Rep. Maloney, Sean Patrick [D-NY-18]; Committees: House - Energy and Commerce

H.R.2529 — To amend the Public Health Service Act to provide for a behavioral and mental health outreach and education strategy to reduce stigma associated with mental health among the Hispanic and Latino population, and for other purposes; Sponsor: Rep. Napolitano, Grace F. [D-CA-32]; Committees: House - Energy and Commerce

H.R.2537 — To amend the Fair Debt Collection Practices Act to provide a timetable for the collection of medical debt by debt collectors, to amend the Fair Credit Reporting Act to prohibit consumer reporting agencies from issuing consumer reports containing information about debts related to medically necessary procedures, and for other purposes; Sponsor: Rep. Tlaib, Rashida [D-MI-13]; Committees: House - Financial Services

H.R.2545 — To amend title 38, United States Code, to clarify the role of doctors of podiatric medicine in the Department of Veterans Affairs, and for other purposes; Sponsor: Rep. Wenstrup, Brad R. [R-OH-2]; Committees: House - Veterans' Affairs

S.Res.162 — A resolution designating April 14, 2021, as "National Assistive Technology Awareness Day"; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.1132 — A bill to establish a cap on out-of-pocket costs for insulin; Sponsor: Sen. Kennedy, John [R-LA]; Committees: Senate - Health, Education, Labor, and Pensions

S.1133 — A bill to direct the Director of the National Institutes of Health, in consultation with the Director of the National Heart, Lung, and Blood Institute, to establish a program to support or conduct research on valvular heart disease, and for other purposes; Sponsor: Sen. McConnell, Mitch [R-KY]; Committees: Senate - Health, Education, Labor, and Pensions

S.1140 — A bill to amend the Small Business Act to alter the maximum amount of a second draw loan under Paycheck Protection Program, and for other purposes; Sponsor: Sen. King, Angus S., Jr. [I-ME]; Committees: Senate - Small Business and Entrepreneurship

S.1162 — A bill to improve access to the Program of All-Inclusive Care for the Elderly, and for other purposes; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Finance

S.1165 — A bill to amend the national service laws to prioritize national service programs and projects that are directly related to the response to and recovery from the COVID-19 public health emergency, and for other purposes; Sponsor: Sen. Coons, Christopher A. [D-DE]; Committees: Senate - Finance

S.1176 — A bill to establish a grant program to support the manufacture and stockpiling of essential generic antibiotic drugs; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions

S.1180 — A bill to provide for the establishment of Medicare part E public health plans, and for other purposes; Sponsor: Sen. Merkley, Jeff [D-OR]; Committees: Senate - Finance

S.1183 — A bill to allow veterans to use, possess, or transport medical marijuana and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by a State or Indian Tribe, and for other purposes; Sponsor: Sen. Schatz, Brian [D-HI]; Committees: Senate - Judiciary

S.1190 — A bill to amend title XIX of the Social Security Act to provide enhanced Federal matching payments for direct support worker training programs, and for other purposes; Sponsor: Sen. King, Angus S., Jr. [I-ME]; Committees: Senate – Finance

S.1192 — A bill to amend subtitle A of title XX of the Social Security Act to authorize direct support worker career advancement demonstration projects, and for other purposes; Sponsor: Sen. King, Angus S., Jr. [I-ME]; Committees: Senate – Finance

S.1195 — A bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families; Sponsor: Sen. Murray, Patty [D-WA]; Committees: Senate - Health, Education, Labor, and Pensions

S.1196 — A bill to amend subtitle A of title XX of the Social Security Act to fund additional projects that focus on competency-based training for personal or home care aides, and for other purposes; Sponsor: Sen. King, Angus S., Jr. [I-ME]; Committees: Senate – Finance

H.R.2555 — To amend the Child Nutrition Act of 1966 to establish a grant program to provide grants to local agencies and clinics to improve the health of mothers and infants, and for other purposes; Sponsor: Rep. Adams, Alma S. [D-NC-12]; Committees: House - Education and Labor

H.R.2556 — To support States in their work to end preventable morbidity and mortality in maternity care by using evidence-based quality improvement to protect the health of mothers during pregnancy, childbirth, and in the postpartum period and to reduce neonatal and infant mortality, to eliminate racial disparities in maternal health outcomes, and for other purposes; Sponsor: Rep. Adams, Alma S. [D-NC-12]; Committees: House - Energy and Commerce

H.R.2565 — To amend the Federal Food, Drug, and Cosmetic Act to allow manufacturers and sponsors of a drug to use alternative testing methods to animal testing to investigate the safety and effectiveness of a drug, and for other purposes; Sponsor: Rep. Buchanan, Vern [R-FL-16]; Committees: House - Energy and Commerce

H.R.2587 — To improve the ability of veterans with medical training to assist the United States in response to national emergencies, and for other purposes; Sponsor: Rep. Lamb, Conor [D-PA-17]; Committees: House - Veterans' Affairs

H.R.2588 — To allow veterans to use, possess, or transport medical marijuana and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by a State or Indian Tribe, and for other purposes; Sponsor: Rep. Lee, Barbara [D-CA-13]; Committees: House - Energy and Commerce; Judiciary; Veterans' Affairs

H.R.2591 — To direct the Secretary of Veterans Affairs to ensure that certain medical facilities of the Department of Veterans Affairs have physical locations for the disposal of controlled substances medications; Sponsor: Rep. Miller-Meeks, Mariannette [R-IA-2]; Committees: House - Veterans' Affairs

H.R.2594 — To amend title XVIII of the Social Security Act to eliminate the coinsurance requirement for certain colorectal cancer screening tests furnished under the Medicare program; Sponsor: Rep. Payne, Donald M., Jr. [D-NJ-10]; Committees: House - Energy and Commerce; Ways and Means

H.R.2598 — To amend title XVIII, XIX, and XXI of the Social Security Act and title XXVII of the Public Health Service Act to expand access to maternal health care, and for other purposes; Sponsor: Rep. Pressley, Ayanna [D-MA-7]; Committees: House - Energy and Commerce; Ways and Means; Education and Labor

H.R.2608 — To amend title XVIII of the Social Security Act to ensure equal access of Medicare beneficiaries to community pharmacies in underserved areas as network pharmacies under Medicare prescription drug coverage, and for other purposes; Sponsor: Rep. Welch, Peter [D-VT-At Large]; Committees: House - Energy and Commerce; Ways and Means