



Health Policy Briefing

May 4, 2020

Senate to Return Today with New Routines for Safety

According to Senate Majority Leader Mitch McConnell (R-Ky.), the Senate will return to session today to work on the next phase of coronavirus relief, with a focus on expanding and strengthening protections against lawsuits that stem from reopening the economy. The chamber’s routines will be modified to maintain the safety of members while conducting business in person. Staff are being encouraged to telework as much as possible, and senators and aides are being asked to wear masks at all times. The number of senators on the floor during votes will be limited, and hearings will only take place in rooms large enough for those present to be appropriately spaced out.

According to the Capitol’s attending physician, the chamber will not have access to rapid COVID-19 testing, and there will only be enough tests available to screen staff and lawmakers who are ill. Leader McConnell and House Speaker Nancy Pelosi (D-Calif.) issued a joint statement over the weekend rejecting the White House’s offer of rapid coronavirus testing for lawmakers, saying that such resources would be better utilized by front line facilities.

The House of Representatives will not be returning to Washington this week as originally planned, following advice from the Capitol physician regarding the risk for the spread of COVID-19 to lawmakers, staff, and others given the continuing increase in cases in the Washington, D.C. area. Majority Leader Steny Hoyer (D-Md.) sent a [letter](#) to the House Chief Administrative Officer and attending physician asking for guidance on how to safely reopen the U.S. House and Capitol building. Hoyer asks for detailed plans that consider the provision of supplies to disinfect surfaces and a phased approach permitting limited staff to return first in each office. He

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also expresses support for rules changes that allow the use of virtual platforms to conduct all legislative activities. Speaker Pelosi hopes to bring the House back in mid-May – possibly the week of May 11, depending on when the CARES 2 bill is ready for consideration.

Despite a recent suggestion that states consider declaring bankruptcy rather than depend on aid from the federal government, McConnell indicated last week that he is open to the inclusion of relief for state and local governments in the next stimulus bill if Congress also limits the liability of health care workers, business owners, and employees from lawsuits as the economy begins to reopen. Majority Leader Steny Hoyer (D-Md.) has said that the merits of liability protections for businesses have not yet been discussed amongst Democrats.

Lawmakers Release Cures 2.0 Concept Paper

Reps. Diana DeGette (D-Colo.) and Fred Upton (R-Mich.) have released a [concept paper](#) outlining their priorities for Cures 2.0, the follow-up legislation to the **21st Century Cures Act**, the landmark biomedical innovation legislation signed into law in 2016. The concept paper includes six major themes for Cures 2.0:

- Improving pandemic surveillance and testing capabilities, commercializing antimicrobial resistance products, and expanding vaccine education and surveillance;
- Creating educational and training programs for caregivers;
- Increasing diversity in clinical trials;
- Empowering patients' decision-making with better health literacy and access to health information;
- Modernizing the Food and Drug Administration (FDA) by providing grants for innovative clinical trial design and patient-focused drug development to improve science in these areas; and
- Finding ways for the Centers for Medicare and Medicaid Services (CMS) to keep pace with technological and scientific advances such as potentially curative therapies that have one time administration costs that can reach millions.

The lawmakers plan to deploy the same process used in the formation of 21st Century Cures by soliciting feedback from stakeholders during the drafting stages. The concept paper itself was informed by nearly 500 stakeholder comments. DeGette and Upton are seeking feedback as soon as possible on the public health and clinical trials provisions. They will introduce Cures 2.0 sometime this year, though they also said they plan to push leadership to include provisions related to pandemics and clinical trials in the next COVID-19 response legislation.

Lawmakers Urging Support for Medical Researchers

A bipartisan group of more than 160 lawmakers are pushing for the inclusion of aid for scientific and medical researchers in the next virus relief package. Their proposal would provide \$26 billion in funding to supplement research grants and contracts, provide emergency relief, and fund additional graduate student and post doc opportunities for up to two years in an effort to support researchers whose work has been slowed down or stopped due to the pandemic. The [letter](#) to House leadership was spearheaded by Reps. Diana DeGette (D-Colo.) and Fred Upton (R-Mich.).

House and Senate Democrats Seek Aid for Mental Health Providers

A bicameral group of 76 Democrats are pressing congressional leadership to include emergency funding for mental health in the next coronavirus stimulus package. Their [letter](#) calls for at least \$38.5 billion for behavioral health organizations, with special consideration given to organizations enrolled in Medicaid or providing care to underserved populations. The lawmakers argue that many such organizations are at risk of closure as a result of the pandemic, while the number of Americans dealing with mental illness will only continue to grow because of the emotional and economic repercussions of the coronavirus.

Lawmakers Explore Potential of Serological Testing

House Oversight Subcommittee on Consumer Policy Chair Raja Krishnamoorthi (D-Ill.) has sent a letter to the Food and Drug Administration (FDA) [urging](#) the agency to comply with his panel's investigation into the deployment of coronavirus serological testing. Meanwhile, House Ways and Means Health Subcommittee Chair Lloyd Doggett (D-Texas) is [calling](#) for the agency to immediately require validation data for serological tests and to remove tests that do not comply from the market. House Appropriations Labor-Health and Human Services-Education Subcommittee Chair Rosa DeLauro (D-Ore.) has also indicated that she will examine the issue of serological testing during hearings this year.

The House Committee on Science, Space, and Technology Subcommittee on Investigations and Oversight held a teleconference last week with Dr. Florian Krammer, Professor at the Icahn School of Medicine at Mount Sinai; Dr. Elizabeth McNally, Professor and Director at the Center for Genetic Medicine at Northwestern University Feinberg School of Medicine; and Dr. Denise Toney, Director at the Department of General Services Division of Consolidated Laboratory Services, State Laboratory for the Commonwealth of Virginia on the topic of serology testing for COVID-19. The panel discussed the potential of serological tests to protect essential workers and to prioritize individuals when a vaccine for the coronavirus is available. The FDA's policies for developing and distributing tests was also discussed, as was the need for quality standards.

Lawmakers Consider COVID Contact Tracing, Privacy Concerns

House Energy and Commerce Chair Frank Pallone (D-N.J.), Health Subcommittee Chair Anna Eshoo (D-Calif.), and Oversight Subcommittee Chair Diana DeGette (D-Colo.) have [written](#) to U.S. Department of Health and Human Services (HHS) Secretary Alex Azar urging the administration to develop a national contact tracing strategy for COVID-19 and to increase the country's tracing capacity. They questioned whether any member of the White House coronavirus task force was responsible for spearheading tracing efforts. The letter also asks about whether the administration is considering using any digital contact tracing tools or technology.

Sen. Roger Wicker (R-Miss.) plans to introduce legislation that would require technology companies like Apple and Google to provide an opt-out requirement for apps to collect individual's health or location data as a part of their work to track the spread of the virus. The ***COVID-19 Consumer Data Protection Act*** would also require companies to explain how personal information will be handled, to whom it will be transferred, and how long it will be retained. Companies are currently at work on an app project that would allow public health agencies to trace the spread of the virus – using the location of people who have tested positive for COVID-19 to alert others who have come in contact with them about possible exposure. Wicker's bill would allow consumers to opt out of the app and require transparency reports from companies on their efforts to maintain privacy standards and establish security measures to protect or delete personally identifying information. Sens. John Thune (R-S.D.), Jerry Moran (R-Kan.), and Marsha Blackburn (R-Tenn.) have signed on to the bill.

Thompson Inquires on COVID Health Disparities

House Homeland Security Chair Bennie Thompson (D-Miss.) has sent a [letter](#) to the HHS Office of Inspector General (OIG) about health care disparities in the administration's response to COVID-19. He asks the HHS OIG to explore past and present efforts to eliminate racial, ethnic, and socioeconomic health disparities. He also asks the OIG to consider recommendations to support the recovery of communities disproportionately affected by the pandemic.

Fauci Will Not Testify Before House Panel This Week

The White House is blocking National Institute of Allergy and Infectious Diseases (NIAID) Director Anthony Fauci from testifying before the House Appropriations Labor-Health and Human Services-Education Subcommittee this week. The panel is holding a hearing on May 6 regarding the nation's response to the coronavirus. A spokesperson for the administration stated that it would be "counterproductive" to have individuals involved in efforts to expedite vaccine development and safely reopen the nation appear before a congressional hearing.

House Foreign Affairs Panel to Launch Inquiry on WHO Funding

House Foreign Affairs Committee Chair Eliot Engel (D-N.Y.) announced that he is launching an inquiry into the administration's decision to withhold funding from the World Health Organization (WHO). Rep. Engel characterizes the move as a "political distraction from the administration's own response to the coronavirus global pandemic." He is [requesting](#) that Secretary of State Mike Pompeo provide him with records related the decision to halt WHO funding.

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.

- [COVID-19 Testing](#)
- [Disaster Primer](#)
- [Federal Relief Overview](#)
- [Health Care Workers on the Front Lines](#)
- [Hospice and Palliative Care](#)
- [Nursing Resources](#)
- [Personal Protective Equipment](#)
- [Physician Provisions](#)
- [Small Business Resources](#)
- [Small Business - Paycheck Protection Program](#)
- [Small Business – PPP FAQ](#)
- [State Resources](#)
- [Tax Provisions](#)
- [Telehealth Overview](#)
- [Timeline for Implementation](#)

Upcoming Congressional Hearings and Markups

House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies hearing on COVID-19 Response; 10:00 a.m., 2359 Rayburn Bldg.; May 6

Senate Homeland Security & Governmental Affairs Committee roundtable "COVID-19: How New Information Should Drive Policy;" 2:00 p.m., video conference; May 6

Senate Commerce, Science, and Transportation hearing "to examine the state of the aviation industry, focusing on the impact of the COVID-19 pandemic;" 2:30 p.m., 106 Dirksen Bldg.; May 6

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing "to examine new tests for COVID-19;" 10:00 a.m., 106 Dirksen Bldg.; May 7

Recently Introduced Health Legislation

H.R.6616 — To amend title XIX of the Social Security Act to allow States to provide coverage under the Medicaid program for vaccines and treatment for COVID-19 for uninsured individuals without the imposition of cost sharing requirements, and for other purposes; Sponsor: Rep. Cardenas, Tony [D-CA-29]; Committees: House - Energy and Commerce

H.R.6618 — To direct the Secretary of Health and Human Services to establish a database to facilitate the provision of health care services by a volunteer at a Federal or State agency during the COVID-19 public health emergency, and for other purposes; Sponsor: Rep. Crow, Jason [D-CO-6]; Committees: House - Energy and Commerce

H.R.6620 — To authorize grants to address substance use during COVID-19; Sponsor: Rep. Kuster, Ann M. [D-NH-2]; Committees: House - Energy and Commerce

H.R.6624 — To support supply chain innovation and multilateral security, and for other purposes; Sponsor: Rep. Pallone, Frank, Jr. [D-NJ-6]; Committees: House - Energy and Commerce

H.R.6631 — To direct the Secretary of Labor to establish an interagency task force on worker protection from COVID-19, and for other purposes; Sponsor: Rep. Stevens, Haley M. [D-MI-11]; Committees: House - Education and Labor

H.R.6634 — To amend title XI of the Social Security Act to ensure the extension of the telehealth waiver authority of the Secretary of Health and Human Services to physical therapists, occupational therapists, speech language-pathologists, and certain other providers; Sponsor: Rep. Axne, Cynthia [D-IA-3]; Committees: House - Energy and Commerce; Ways and Means

H.R.6637 — To improve the health of minority individuals, and for other purposes; Sponsor: Rep. Garcia, Jesus G. “Chuy” [D-IL-4]; Committees: House - Energy and Commerce; Agriculture; Oversight and Reform; Ways and Means; Education and Labor; Judiciary; Budget; Veterans’ Affairs; Natural Resources; Armed Services; Homeland Security

H.R.6638 — To increase the annual funding for the Chronic Disease Prevention and Health Promotion Fund, the National Institute on Minority Health and Health Disparities, and the Offices of Minority Health within the Office of the Secretary of Health and Human Services, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, the Centers for Medicare & Medicaid Services, the Food and Drug Administration, the Health Resources and Services Administration, and the Substance Abuse and Mental Health Services Administration to enable the United States and State departments of public health to better combat disparities that have emerged during the COVID-19 crisis and beyond, and for other purposes; Sponsor: Rep. Hayes, Jahana [D-CT-5]; Committees: House - Energy and Commerce

H.R.6640 — To amend title XVIII of the Social Security Act to provide coverage for COVID-19 at no cost sharing under the medicare advantage program, and for other purposes; Sponsor: Rep. Mucarsel-Powell, Debbie [D-FL-26]; Committees: House - Ways and Means; Energy and Commerce

H.R.6641 — To establish the Commission on the Strategic National Stockpile, and for other purposes; Sponsor: Rep. Neguse, Joe [D-CO-2]; Committees: House - Energy and Commerce

H.R.6644 — To require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for services furnished via telehealth if such services would be covered if furnished in-person during the COVID-19 emergency; Sponsor: Rep. Schrier, Kim [D-WA-8]; Committees: House - Energy and Commerce; Ways and Means; Education and Labor

H.R.6645 — To direct the Secretary of Health and Human Services, acting through the Director of the National Institute of Mental Health, to conduct or support research on the mental health consequences of SARS-CoV-2 or COVID-19, and for other purposes; Sponsor: Rep. Tonko, Paul [D-NY-20]; Committees: House - Energy and Commerce