



Health Policy Briefing

July 6, 2020

PPP Application Deadline Extended

On Saturday, the President signed a bill that had passed the House and Senate earlier in the week to extend the application deadline for the Paycheck Protection Program (PPP) last week. The bill includes no substantive policy changes to the PPP beyond the date extension to August 8. While the program technically closed to new applications on June 30, participating banks should be able to start processing applications again. Approximately \$130 billion remains in unspent money under the PPP. Lawmakers are still negotiating what adjustments should be made to the program in the next phase of pandemic relief.

House to Continue Allowing Proxy Voting Procedures

House Speaker Nancy Pelosi (D-Calif.) has extended the chamber’s emergency procedures that permit lawmakers to cast floor votes and votes in committee markups remotely by proxy through mid-August. The initial 45-day period provided for under H.Res. 965, which was adopted in May, was drawing to a close, and Pelosi’s decision will extend proxy-voting procedures through August 18. In her announcement Pelosi referenced a notification from the Sergeant at Arms that the public health emergency due to the coronavirus situation remains in effect.

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House Passes Bill to Strengthen ACA

The U.S. House of Representatives passed legislation (H.R. 1425) last week to strengthen Affordable Care Act (ACA) subsidies, incentivize states to adopt Medicaid programs, and lower the cost of prescription drugs last week. The ***Patient Protection and Affordable Care Enhancement Act*** passed by a vote of 234-179. The bill would expand tax credits for coverage on the exchange and cap premium charges at 8.5 percent of an individual's income. It would permanently extend federal funding for the Children's Health Insurance Program (CHIP), allow states to cover children whose family income exceeds eligibility thresholds, and block the White House from implementing its expansion of short-term, limited-duration health plans. The legislation provides \$10 billion for an "Improve Health Insurance Availability Fund" to support states in setting up reinsurance programs or providing financial assistance to people in the individual market and \$200 million to states looking to establish their own insurance exchanges. It would also allow individuals living in the U.S. under the Deferred Action for Childhood Arrivals (DACA) program to access subsidized insurance plans. The cost of these measures would be offset by a provision to allow the government to negotiate the price of certain pharmaceuticals, as proposed in H.R. 3, the ***Lower Drug Costs Now Act***. The bill combines legislation (H.R. 987 and H.R. 3) that previously passed the House but was never taken up by the Senate and that the President has threatened to veto.

Senate Passes E-Cig Legislation

The Senate passed legislation (S. 1253) by unanimous consent last week that aims to prevent the online sale of e-cigarettes to minors. The ***Preventing Online Sales of E-Cigarettes to Children Act*** would apply to e-cigarettes the same regulations that are already in place for cigarettes and smokeless tobacco – requiring retailers to verify the age of customers for all purchases, an adult with ID to be present for delivery, appropriate labeling of shipping packages, and compliance with state and local tax requirements. The measure is similar to legislation (H.R. 3942) previously passed by the House of Representatives in November.

Pallone Investigates Potential COVID-19 Test Price Gouging

House Energy and Commerce Committee Chair Frank Pallone (D-N.J.) has [written](#) to a group of 11 COVID-19 test makers requesting billing information regarding what patients are being charged for their coronavirus tests. His panel has received reports of bills that range from \$300 to \$6,000. Medicare currently pays \$100 per diagnostic test. Pallone requests information on the billing of issuers and individuals for all items and services related to diagnostic testing for the detection of COVID-19, and for items and services related to serological testing used to detect antibodies against COVID-19 by July 10.

E&C Leaders Probe Role of CDC Within Trump Administration

House Energy and Commerce Committee Chair Frank Pallone (D-N.J.) and Oversight Subcommittee Chair Diana DeGette (D-Colo.) have [written](#) to the U.S. Department of Health and Human Services (HHS) to voice concerns about how the Trump administration is incorporating the Centers for Disease Control and Prevention (CDC) into its response to the coronavirus pandemic. The letter cites reports about how the White House has silenced the public health agency or overlooked its scientific advice since the outbreak of COVID-19 began. "It is clear that CDC is being positioned as a scapegoat for the Administration's own COVID-19 pandemic response failures," the lawmakers state. The letter requests a response from Secretary Azar by July 15.

Congress Aims for Next Stimulus by August Recess

Negotiations on the next round of virus relief are ongoing and are expected to begin in earnest when the Senate returns from recess on July 20. There is a general consensus among Republicans that the next piece of coronavirus legislation should prioritize COVID-19 testing and vaccine research and address expanded unemployment benefits (which expire at the end of July). Sen. Roy Blunt (R-Mo.) is taking the lead on drafting the proposal for the health care aspects of the bill. Sen. John Cornyn (R-Texas) is drafting liability limits for the legislation, which are expected to be released later this month. Cornyn's provisions would allow employers to pick which government guidelines they follow in order to be protected against lawsuits if their employees or customers contract the virus. There is not yet agreement from Republicans around the President's desire for more direct payments to Americans. Senate Republicans have indicated that they are willing to spend approximately \$1 trillion total on an additional stimulus plan. Senate Majority Whip John Thune (R-S.D.) stated that work on the next stimulus package should be complete by the August recess, saying that "if we need to move and we need to act, we will."

Senate Finance Drug Pricing Bill Stalled

The Senate Finance Committee's bipartisan drug pricing legislation remains stalled, despite a push from Chairman Chuck Grassley (R-Iowa) in recent weeks to drum up support for the bill. In a Wall Street Journal op-ed last week, Grassley accuses Democrats of having left the negotiating table on S. 2543, the ***Prescription Drug Pricing Reduction Act***, at the direction of party leadership as a part of an election year strategy. Ranking Member Ron Wyden (D-Ore.) responded that Republican reluctance to support the legislation is to blame for the bill never receiving a vote on the floor. Grassley plans to reintroduce the bill with or without Democratic support and is calling on his colleagues to include the measure in the next coronavirus relief package. He is asking Senate leadership to allow debate on the bill and urging President Trump to help mobilize support for the issue.

Orgs Request Guidelines on Facial Covering Requirements

The U.S. Chamber of Commerce, the National Retail Foundation, the Business Roundtable, and other trade organizations have written to the Trump administration urging the White House to issue guidelines on facial covering requirements. "Absent stronger measures to prevent transmission, communities across America risk another round of shutdowns, broad restrictions on non-essential activities, and irreparable economic harm," the letter states. The groups argue that the choice to impose a facial covering mandate should reside with state and local governments, but that guidelines would aid in coordinating rules and lessening public confusion. The groups go so far as to state that particularly in areas with growing community spread, "voluntary guidance on masks is insufficient to protect the public health." The trade groups also push for liability protections for businesses and non-profits that refuse entry or services to an individual who is not complying with face covering requirements. The President suggested last week that while helpful, facial coverings need not be required.

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](#)
- [Re-Opening America](#)
- [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 State, Foreign Operations, and Related Programs markup of FY 2021 State, Foreign Operations, and Related Programs; 4:00 p.m., 2118 Rayburn Bldg.; July 6

House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies markup of FY 2021 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; 6:00 p.m., 2118 Rayburn Bldg.; July 6

House Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies markup of FY 2021 Military Construction, Veteran Affairs, and Related Agencies; 8:00 p.m., 2118 Rayburn Bldg.; July 6

House Appropriations Subcommittee on Department of Homeland Security markup of FY 2021 Homeland Security; 9:00 a.m., 2118 Rayburn Bldg.; July 7

House Education and Labor Subcommittee on Higher Education and Workforce Investment hearing “A Major Test: Examining the Impact of COVID-19 on the Future of Higher Education;” 12:00 p.m., WEBEX; July 7

House Homeland Security Committee hearing “Examining the National Response to the Worsening Coronavirus Pandemic;” 12:00 p.m., location TBA; July 8

House Financial Services Committee hearing “Task Force on Artificial Intelligence: Exposure Notification and Contact Tracing: How AI Helps Localities Reopen Safely and Researchers Find a Cure;” 12:00 p.m., location TBA; July 8

House Budget Committee hearing “Fueling American Innovation and Recovery: The Federal Role in Research and Development;” 1:00 p.m., WEBEX; July 8

House Homeland Security Subcommittee on Emergency Preparedness, Response, and Recovery hearing “Pandemic Response: Confronting the Unequal Impacts of COVID-19;” 12:00 p.m., location TBA; July 10

Recently Introduced Health Legislation

- H.R.7391 — To amend title XVIII of the Social Security Act to remove certain geographic and originating site restrictions on the furnishing of telehealth services under the Medicare program; Sponsor: Rep. Sherrill, Mikie [D-NJ-11]; Committees: House - Financial Services*
- H.Res.1030 — Supporting the goals and ideals of National Public Health Week; Sponsor: Rep. Roybal-Allard, Lucille [D-CA-40]; Committees: House - Energy and Commerce*
- S.4093 — A bill to amend the Public Health Service Act to provide for the establishment or operation of a center to be known as the Emergency Mental Health and Substance Use Training and Technical Assistance Center; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions*
- S.Res.638 — A resolution expressing the sense of the Senate that the Department of Justice should defend the Patient Protection and Affordable Care Act (Public Law 111-148 Stat. 119) and halt its efforts to repeal, sabotage, or undermine health care protections for millions of people in the United States in the midst of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19); Sponsor: Sen. Tester, Jon [D-MT]; Committees: Senate - Judiciary*
- S.4103 — A bill to amend title XVIII of the Social Security Act to increase the use of telehealth for substance use disorder treatment, and for other purposes; Sponsor: Sen. Portman, Rob [R-OH]; Committees: Senate - Health, Education, Labor, and Pensions*
- S.4106 — A bill to amend the Public Health Service Act to provide for hospital and insurer price transparency; Sponsor: Sen. Braun, Mike [R-IN]; Committees: Senate - Health, Education, Labor, and Pensions*
- S.4108 — A bill to amend title XIX of the Social Security Act to increase Federal support to State Medicaid programs during economic downturns, and for other purposes; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Finance*
- S.4118 — A bill to require the President to appoint a Special Presidential Envoy for Pandemic Preparedness and Response, who shall develop and implement a diplomatic strategy to prepare for, detect, respond to, and recover from pandemics and other global outbreaks of infectious disease, and for other purposes; Sponsor: Sen. Harris, Kamala D. [D-CA]; Committees: Senate - Foreign Relations*
- H.Res.1040 — Supporting the designation of July 2020 as Uterine Fibroids Awareness Month; Sponsor: Rep. Scott, David [D-GA-13]; Committees: House - Energy and Commerce*
- H.R.7441 — To expedite hiring by the Department of Veterans Affairs of medical department personnel separating from the Armed Forces, and for other purposes; Sponsor: Rep. Brooks, Susan W. [R-IN-5]; Committees: House - Veterans' Affairs; Armed Services*
- H.R.7455 — To amend title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to make adjustments to payment rates for skilled nursing facilities under the Medicare program to account for certain unique circumstances; Sponsor: Rep. Gabbard, Tulsi [D-HI-2]; Committees: House - Ways and Means; Education and Labor*
- H.R.7463 — To require States to meet assisted living facility reporting requirements to qualify for future COVID-19 response funds; Sponsor: Rep. Maloney, Carolyn B. [D-NY-12]; Committees: House - Ways and Means; Energy and Commerce*

H.R.7469 — To establish an advisory commission regarding eligibility for health care furnished by the Secretary of Veterans Affairs; Sponsor: Rep. Roe, David P. [R-TN-1]; Committees: House - Veterans' Affairs

H.R.7470 — To amend the Public Health Service Act to help build a stronger health care workforce; Sponsor: Rep. Ruiz, Raul [D-CA-36]; Committees: House - Ways and Means; Energy and Commerce

H.R.7474 — To direct the Secretary of Defense to issue guidance for the review of suicide events involving members of the Armed Forces, and for other purposes; Sponsor: Rep. Trahan, Lori [D-MA-3]; Committees: House - Armed Services

H.R.7475 — To amend title 5, United States Code, to provide that the period of a nationwide pandemic is a special enrollment period under the Federal Employees Health Benefits Program, and for other purposes; Sponsor: Rep. Vela, Filemon [D-TX-34]; Committees: House - Oversight and Reform

S.4124 — A bill to expedite hiring by the Department of Veterans Affairs of medical department personnel separating from the Armed Forces, and for other purposes; Sponsor: Sen. Braun, Mike [R-IN]; Committees: Senate - Veterans' Affairs

S.4134 — A bill to establish a demonstration project to increase access to biosimilar products under the Medicare program; Sponsor: Sen. Cornyn, John [R-TX]; Committees: Senate - Finance

S.4137 — A bill to amend title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to make adjustments to payment rates for skilled nursing facilities under the Medicare program to account for certain unique circumstances; Sponsor: Sen. Schatz, Brian [D-HI]; Committees: Senate - Finance

S.4149 — A bill to amend title 38, United States Code, to remove the limitation on reimbursement for emergency treatment of amounts owed to a third party for which the veteran is responsible under a health-plan contract; Sponsor: Sen. Blumenthal, Richard [D-CT]; Committees: Senate - Veterans' Affairs