



Health Policy Briefing

October 15, 2018

Senate Recesses, Congress to Return After November Midterm Elections

The Senate adjourned on Thursday and is not scheduled to return until November 13. This gives senators up for re-election more than three weeks to campaign before the midterm elections on November 6. Lawmakers reached a deal on dozens of the President’s nominees before leaving town. During the lame-duck session, legislators hope to tackle the farm bill, expiring tax breaks, criminal justice reform, reauthorization of the Violence Against Women Act, and the Jobs Act 3.0. Short-term funding for several federal agencies, including the Food and Drug Administration and the Department of Homeland Security, expires on December 7. One key remaining topic will be the amount of funds for the construction of a wall along the U.S.-Mexico border. The lame-duck agenda also includes a vote on recommendations from the Joint Select Committee on Budget and Appropriations Reform.

Senate Rejects Effort to Overturn Insurance Regulation

Senate Democrats failed to reverse a regulation from the Trump administration that will expand the availability of short-term, limited duration health plans that do not have to comply with consumer protections of the Affordable Care Act (ACA). Democrats had attempted to use the Congressional Review Act, which allows for regulations to be overturned with a simple majority. Sen. Tammy Baldwin (D-Wis.) sponsored the resolution (S.J.Res. 63) and obtained the 49 signatures necessary to file a discharge petition and force a vote. The resolution was rejected by a 50-50 vote, with Sen. Susan Collins (R-Maine) voting with Democrats in support of overturning the short-term insurance plan regulation. Democrats characterize the plans as junk insurance because they are not required to cover pre-existing conditions or follow other ACA regulations. The administration and congressional Republicans argue that the rule, which became effective earlier this month, expands access to less expensive insurance coverage options.

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Lawmakers Request CMS Guidance on Use of Prior Authorization in MA

More than 100 members of the House of Representatives have written to Seema Verma, Administrator of the Centers for Medicare and Medicaid Services (CMS), asking the agency to issue guidance dissuading Medicare Advantage (MA) plans from using prior authorization. The letter was signed by 55 Republicans and 48 Democrats. The lawmakers warn CMS that burdensome and often unnecessary prior authorization requirements may be preventing beneficiaries from receiving the care they need. They urge CMS to increase transparency around utilization management practices, streamline the prior authorization process, and report on CMS' oversight of prior authorization in MA.

W&M Launches Maternal Mortality Investigation

The House Ways and Means Committee has launched an investigation into the rising rates of maternal mortality in the United States. Each year in the U.S., between 700 and 900 women die from mostly preventable complications related to pregnancy. While maternal mortality and morbidity rates are declining in other industrialized nations, they are dramatically increasing in the U.S. The Committee aims to understand the cause of such deaths, and how Congress, federal agencies, states, and hospitals can act to prevent maternal mortality and reverse current trends.

In related news, a bipartisan group of senators have written to Secretary of the U.S. Department of Health and Human Services (HHS) Alex Azar requesting that the administration increase its focus on reducing maternal deaths in the U.S. The lawmakers ask HHS to review existing data and provide recommendations for reducing maternal mortality and improving health outcomes for mothers and children. They also ask for additional details about what HHS is already doing to reduce maternal mortality rates, specifically in the Medicaid and Children's Health Insurance Program (CHIP). The letter was led by Sens. Tom Carper (D-Del.), Bill Nelson (D-Fla.), Tim Scott (R-S.C.), and Shelley Moore Capito (R-W.Va.).

Senate Passes 9/11 Responder Legislation

The Senate passed H.R. 3834, the 9/11 Heroes Medal of Valor Act of 2017, by unanimous consent last week. The bill would allow members of public safety agencies who died of work-related health conditions in response to the 9/11 attacks to be eligible for the Presidential 9/11 Heroes Medal of Valor. The measure was passed by the House in September and will now be sent to the President for his signature.

Grassley Asks FTC to Assess Hospital, Insurer Contracts

Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) has [written](#) to the Federal Trade Commission (FTC) asking them to examine potentially anti-competitive practices by hospitals and insurers. Grassley cites a report alleging that insurers and hospital systems enter into restrictive contracts deliberately designed to prevent access to lower cost-care. "If true," Grassley writes, "these practices undermine Congress's efforts to lower the cost of, and increase access to, health care for millions across the country." He urges the FTC to assess how prevalent the use of such contractual provisions is, whether there is anticompetitive use of such provisions, and whether consolidation in the health care marketplace has increased the impact of such provisions on competition. He requests a response by the end of the month.

Murray Requests Surgeon General Action on STDs

Ranking Member of the Senate Health, Education, Labor, and Pensions (HELP) Committee Patty Murray (D-Wash.) has **written** to Surgeon General Jerome Adams urging him to raise awareness about the increasing rate of sexually transmitted diseases (STDs). “In light of the alarming increase in STDs across the country,” Murray writes, “policy makers, health care professionals, and public health officials must do more to prioritize prevention, respond to the increase, and modify current practices, as necessary, to better address this challenge and to ensure that everyone has an equal chance to live a healthy and fulfilled life.” A recent report from the Centers for Disease Control and Prevention (CDC) found that after years of steady declines, there were 2.3 million confirmed cases of chlamydia, gonorrhea, and syphilis in 2017 -- a nine percent increase over 2016. Murray encourages the Surgeon General to engage the relevant federal agencies and to focus on the use of evidence-based strategies and prevention among high-risk populations for contracting STDs. She also requests a briefing from the Surgeon General before November 15.

Recently Introduced Health Legislation

H.R.7035 — To provide for a National Strategy To Increase Life Expectancy, and for other purposes; Sponsor: Rep. Wasserman Schultz, Debbie [D-FL-23]; Committees: House - Energy and Commerce

H.R.7038 — To improve the health outcomes in communities through community-relevant health information and new health supporting incentives and programs funded without further appropriations; Sponsor: Rep. Fortenberry, Jeff [R-NE-1]; Committees: House - Energy and Commerce

H.R.7046 — To amend title 18, United States Code, to limit the ability to assess a fee for health care services for prisoners, and for other purposes; Sponsor: Rep. Norton, Eleanor Holmes [D-DC-At Large]; Committees: House - Judiciary

S.Res.670 — A resolution recognizing the tenth anniversary of the enactment of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; Sponsor: Sen. Klobuchar, Amy [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions

S.3560 — A bill to allow individuals to choose to opt out of the Medicare part A benefit; Sponsor: Sen. Cruz, Ted [R-TX]; Committees: Senate - Finance

H.R.7051 — To abolish the Agency for Toxic Substances and Disease Registry, and for other purposes; Sponsor: Rep. Biggs, Andy [R-AZ-5]; Committees: House - Energy and Commerce

S.3565 — A bill to amend title XI of the Social Security Act to include additional covered recipients for transparency reports required of manufacturers of opioids; Sponsor: Sen. McCaskill, Claire [D-MO]; Committees: Senate - Finance

S.3568 — A bill to amend the Social Security Act and Public Health Service Act to improve obstetric care in rural areas; Sponsor: Sen. Heitkamp, Heidi [D-ND]; Committees: Senate - Health, Education, Labor, and Pensions

S.3592 — A bill to amend the Public Health Service Act to prevent surprise medical billing practices, and for other purposes; Sponsor: Sen. Hassan, Margaret Wood [D-NH]; Committees: Senate - Health, Education, Labor, and Pensions

S.3594 — A bill to provide for the issuance of a Stamp Out Elder Abuse Semipostal Stamp; Sponsor: Sen. Collins, Susan M. [R-ME]; Committees: Senate - Homeland Security and Governmental Affairs

S.3599 — A bill to amend title XVIII of the Social Security Act to codify and permanently extend the Medicare hospital wage index imputed rural floor; Sponsor: Sen. Menendez, Robert [D-NJ]; Committees: Senate - Finance

S.3602 — A bill to amend the Public Health Service Act to reauthorize school-based health centers, and for other purposes; Sponsor: Sen. Stabenow, Debbie [D-MI]; Committees: Senate - Health, Education, Labor, and Pensions

S.3608 — A bill to provide grants for local care corps programs; Sponsor: Sen. Udall, Tom [D-NM]; Committees: Senate - Health, Education, Labor, and Pensions