

HHS Health and Election Outlook for 2016



Health Policy Briefing

February 1, 2016

To assist your planning for the remainder of the 114th Congress, Hart Health Strategies Inc. put together a document providing an overview of key health issues and an overview of the national election. It also includes a timeline of key deadlines and activities related to health policy and the upcoming election. The document also includes our summary of the implementation of the Medicare and CHIP Reauthorization Act of 2015 (MACRA), which provides additional detail beyond 2016. The Health and Election Outlook for 2016 can be found as an appendix to this week's newsletter.

Cancer Moonshot Task Force Appointed

Last week, President Obama released a **memo** officially launching a task force to advance the goals of the cancer moonshot initiative. Membership of the White House Cancer Moonshot Task Force includes the departments of Defense, Commerce, Health and Human Services, Energy, and Veterans Affairs, the Office of Management and Budget, the National Economic Council, the Domestic Policy Council, the Office of Science and Technology Policy, the Food and Drug Administration, the National Cancer Institute, the National Institutes of Health (NIH), and the National Science Foundation. The President specified that funding for the effort to find a cure for cancer will come from the NIH. The Vice President will appoint an executive director to coordinate the work of the Task Force. The first meeting of the task force will be held today, and the task force's final recommendations will be released by December 31.

House Democrats Hold Annual Retreat

While the blizzard that hit the D.C. area last weekend forced the House to remain out of session last week, the chamber's Democratic members still gathered in Baltimore for their annual policy retreat. During the retreat, House Democrats discussed legislative strategy for the coming year. The theme of the conference was "united for opportunity." The Vice President gave a keynote address during the conference, and spoke to members about the cancer task force he will be leading. Earlier in the week, President Obama and Biden met with both House Minority Leader Nancy Pelosi (D-Calif.) and Senate Minority Leader Harry Reid (D-Nev.) to discuss priorities for the remainder of the 114th Congress, including the funding of Democratic appropriations measures and an effort to curb opioid use.

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CDC Quells Zika Concerns, But Warns Against Travel

The Centers for Disease Control and Prevention (CDC) has stated that a large outbreak of the Zika virus in the United States is unlikely, but has warned women who are or may become pregnant to avoid travelling in the affected areas. The Zika virus is a mosquito-borne illness that can result in life-threatening birth defects in unborn babies. The disease causes only mild symptoms similar to those of dengue fever in adults who are not pregnant. More than 23 countries have reported cases of Zika, and the virus has been most prominent in Central and South America. The United States has recorded approximately a dozen cases, all stemming from people who travelled abroad. There has not yet been a case of a mosquito transmitting Zika within the continental U.S. Based on health officials' experience with other viruses transmitted by mosquito bite, the prevalence of Zika in the U.S. is expected to be limited. This is the result of the country's widespread use of air conditioning and window screens, as well as a less dense population when compared to the areas experiencing larger outbreaks. The White House has begun an effort to communicate the risks of the disease, looking to quell fears that Zika is a similar threat as the recent Ebola epidemic. The administration has called for more research on diagnostic testing for Zika, vaccines, and therapies. The CDC explained that it is working to investigate the link between Zika and microcephaly, brain injuries and other rare neurological disorders in newborn babies born to women infected with the virus during pregnancy. The National Institutes of Health (NIH) will also be pursuing research. Some lawmakers have expressed additional concerns for the thousands of people planning to travel to Brazil this year for the summer Olympics, which begin on August 5. Brazil has reported thousands of cases of Zika, and hundreds of cases of birth defects associated with the virus. Appropriations Committee member Sen. Jeanne Shaheen (D-N.H.) has written a [letter](#) to three cabinet secretaries asking what additional funds and legal authorities are necessary to combat the spread of Zika. The World Health Organization (WHO) called an emergency meeting to evaluate the spread of Zika. The CDC noted that it will continue to monitor the situation and remain vigilant.

Study Released on Malpractice Claims

The New England Journal of Medicine has released a new [analysis](#) of the prevalence and characteristics of physicians prone to malpractice claims. The study analyzed 66,426 claims paid against 54,099 physicians between 2005 and 2014, and found that approximately one percent of physicians accounted for 32 percent of paid claims. Among those physicians with a paid claim, 84 percent incurred only one in the time period examined, 16 percent had at least two paid claims, and four percent had at least three paid claims. The analysis found that a physician's risk for recurrence increased with the number of previously paid claims.

FDA News

Additional Hold on Califf Nomination Announced

Democratic presidential candidate Bernard Sanders (I-Vt.) announced that he would be placing a hold on the nomination of Dr. Robert Califf for Commissioner of the Food and Drug Administration (FDA) last week. Sanders has repeatedly voiced his opposition to the nomination due to Califf's ties to the pharmaceutical industry. Califf, a cardiologist, conducted research while at Duke University that received funding from drug manufacturers. During his nomination hearing, Califf raised issues with Sen. Sanders' support for importing cheaper prescription drugs from Canada. Sen. Edward Markey (D-Mass.) had previously announced that he would place a hold on Califf until he commits to overhauling the FDA process for the approval of opioid painkillers. Sanders noted that he shares Markey's concerns about the opioid abuse epidemic. Sen. Lisa Murkowski (R-Alaska) also placed a hold on the nomination due to concerns stemming from the FDA's treatment of genetically modified salmon. Senate rules would allow Majority Leader Mitch McConnell (R-Ky.) to force a vote on Califf's nomination. He is expected to have enough support for full Senate confirmation if there is a vote, but no announcements on timing for such vote have been made.

Upcoming Congressional Meetings and Hearings

POSTPONED: 1/26 – House Energy and Commerce Health Subcommittee hearing: “Examining Medicaid and CHIP’s Federal Medical Assistance Percentage;” 10:00 a.m., 2322 Rayburn Bldg.

Senate Special Aging Committee field hearing: “Fighting Against a Growing Epidemic: Opioid Misuse and Abuse Among Older Americans;” 10:30 a.m., Loudon County Government Center, 1 Harrison Street, S.E., Leesburg, Va.; February 1

House Veterans’ Affairs Health Subcommittee: hearing on “Choice Consolidation: Evaluating Eligibility Requirements for Care in the Community;” 10:00 a.m., 334 Cannon Bldg.; February 2

Senate Budget Committee hearing: “Spending on Unauthorized Programs;” a list of witnesses can be found [here](#); 10:00 a.m., 608 Dirksen Bldg.; February 3

House Oversight and Government Reform Committee hearing: “Developments in the Prescription Drug Market: Oversight;” 9:00 a.m., 2154 Rayburn Bldg.; February 4

House Budget Committee hearing: “The Congressional Budget Office’s Budget and Economic Outlook;” witness: Mr. Keith Hall, CBO Director, 9:30 a.m., 210 Cannon Bldg.; February 4

House Energy and Commerce Health Subcommittee hearing on “Examining Implementation of the Biologics Price Competition and Innovation Act;” 10:00 a.m., 2123 Rayburn Bldg.; February 4

Senate Finance Committee hearing on the nominations of Mary Wakefield to be deputy secretary of the Health and Human Services Department; Andrew Eanes to be deputy commissioner of Social Security; Elizabeth Copeland to be a judge of the U.S. Tax Court; and Vik Stoll to be a judge of the U.S. Tax Court; 10:00 a.m., 215 Dirksen Bldg.; February 4

Senate Health, Education, Labor and Pensions Committee markup: S.1622, the “FDA Device Accountability Act of 2015”; S.2030, the “Advancing Targeted Therapies for Rare Diseases Act of 2015”; S.849, the “Advancing Research for Neurological Diseases Act of 2015”; S.2014, the “Next Generation Researchers Act”; S.800, the “Enhancing the Stature and Visibility of Medical Rehabilitation Research at the NIH Act”; and legislation regarding health IT and FDA regulation of duodenoscopes; time TBA; 430 Dirksen Bldg.; February 9

House Veterans’ Affairs Health Subcommittee: hearing on “Choice Consolidation: Improving VA Community Care Billing and Reimbursement;” 10:00 a.m., 334 Cannon Bldg.; February 11

Senate Health, Education, Labor and Pensions Committee executive session on the innovation agenda; time and place TBA; March 9

Senate Health, Education, Labor and Pensions Committee final markup on innovation agenda; time and place TBA; April 6

Introduced Health Legislation

S. 2467 (introduced by Sen. Whitehouse): A bill to reduce health care-associated infections and improve antibiotic stewardship through enhanced data collection and reporting, the implementation of State-based quality improvement efforts, and improvements in provider education in patient safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions; January 27

H.R.4396 (introduced by Rep. Frank Pallone, Jr.): A bill to support a comprehensive public health response to the heroin and prescription drug abuse crisis; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; January 28