



## Health Policy Briefing

September 11, 2017

### HELP Charts Ambitious Plan for ACA Fix

Leadership on the Senate Health, Education, Labor, and Pensions (HELP) Committee hope to reach a deal on a bipartisan bill to stabilize the individual health insurance market by the end of this week. They hope to garner the support of at least 25-30 senators within the next 10 days, which will be difficult given the reluctance of Republicans to support Obamacare spending so recently after attempting to repeal the law. Ranking Member Patty Murray (D-Wash.) and panel Democrats are pushing for multi-year funding of cost-sharing reduction (CSR) payments and a commitment to strengthen markets for the long-term, while Committee Republicans have only agreed to fund the CSR payments for a single year. Chairman Lamar Alexander (R-Tenn.) has signaled that Democrats will have to agree to additional Affordable Care Act (ACA) reforms in exchange for the CSR funds. Republicans strongly support the expansion of 1332 waivers, which allow states to opt out of certain Obamacare requirements. Lawmakers face a tight timeline for passage of legislation. Insurers must make their final decision about whether to participate in the 2018 marketplace by September 27. Another roadblock to passage is the lack of a must-pass bill to which a market stabilization measure can be attached. Congress quickly approved a government funding, debt limit, and Hurricane Harvey aid package last week.

### *Cassidy/Graham Make One Last Push for Health Care Reconciliation*

Sen. Bill Cassidy (R-La.) plans to introduce legislation today that would convert a large portion of funding for the Affordable Care Act (ACA) into block grants for states while repealing the individual and employer mandates. The plan, which Cassidy will introduce with Sen. Lindsey Graham (R-S.C.), has been endorsed by the White House. Sen. John McCain (R-Ariz.), a critical no vote in the failed Obamacare repeal effort, has said that he supports the concept of the Cassidy/Graham legislation. Sen. Cassidy is also planning to meet with Sen. Lisa Murkowski (R-Alaska), who also voted against the skinny repeal bill in July. The chances of bill passage, however, are slim, given that the reconciliation procedure which would allow it to pass

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the Senate with a simple majority is set to expire at the end of the month, and a score from the Congressional Budget Office (CBO) could take up to two weeks. It is also unclear whether Senate leadership even intends to return to the health care debate in the near future, given their full agenda for the coming weeks.

### ***Energy and Commerce Continues 340B Investigation***

Leadership of the House Energy and Commerce Committee have sent a **series** of letters to covered entities participating in the 340B Drug Pricing Program as a means to broaden their understanding of how program savings are calculated and used. Committee Chairman Greg Walden (R-Ore.) and Oversight and Investigations Subcommittee Chairman Tim Murphy (R-Pa.) are interested in determining whether and how entities pass program savings on to help patients.

### ***Congress Passes Short-Term Debt Ceiling, Government Funding Agreement***

Congress successfully passed legislation last week which funds the government through December 8, increases the federal borrowing limit, and provides disaster recovery aid for communities affected by Hurricane Harvey. The bill is the result of a deal reached between President Trump and Congressional Democrats. The Senate passed the agreement with 80 votes, and 17 Republicans voting in opposition. The House passed the package by a vote of 316-90, with all opposition coming from Republican members. Congress was required to pass a spending bill in order to avoid a government shutdown by the end of the fiscal year (FY), September 30, and the country was expected to hit the debt limit on September 29.

### ***HHS Appropriations Bill Advances Out of Committee***

The Senate Appropriations Committee advanced its Labor-HHS-Education spending bill by a vote of 30-1 last week. Sen. James Lankford (R-Okla.) was the only Committee member to vote in opposition. The legislation provides \$164.1 billion in discretionary funding, \$3 billion above fiscal year (FY) 2017 spending levels and \$8.1 billion more than the funding included in the House appropriations bill. The U.S. Department of Health and Human Services (HHS) would receive \$79.4 billion in appropriations, \$1.7 billion above FY 2017 levels and \$2.2 billion more than that included in the House bill. The National Institutes of Health (NIH) would receive \$36.1 billion, a \$2 billion increase over current spending levels and \$900 million more than the House bill. The bill also includes a Democratic provision that prohibits reducing the federal cap on indirect costs in research grants. The Trump Administration had intended to cap these administrative costs tied to research grants at 10 percent. The legislation does not include any new funding to implement the Affordable Care Act (ACA).

### ***Lawmakers Request Information on Parity Website***

Massachusetts Democrats Senator Elizabeth Warren and Representative Joe Kennedy have written to Secretary of the U.S. Department of Health and Human Services (HHS) Tom Price to request a status update on the **Mental Health and Addiction Insurance Help Consumer Portal**. The website was created in 2016 to improve insurance compliance with mental health parity laws. It was intended to be a resource for consumers facing mental health coverage issues to file a complaint or submit an appeal if coverage was denied.

### ***Bipartisan Request for Social Determinants of Health Commission***

Sens. Sherrod Brown (D-Ohio) and Bill Cassidy (R-La.) have written to the U.S. Department of Health and Human Services (HHS) calling for an increased focus on the social determinants of health outcomes. “We struggle to address health disparities that divide us by race, socioeconomic status, and geography, and our public health outcomes are stagnant,” the write. The lawmakers warn that persistent disparities are not being addressed by the current delivery system, and ask the Department to convene a commission of diverse experts to examine the problem.

### ***Finance Committee Advances Two Nominees***

The Senate Finance Committee unanimously advanced the nominations of two individuals to serve in the U.S. Department of Health and Human Services (HHS): Matthew Bassett to be an Assistant Secretary for Legislation and Robert Charrow to serve as General Counsel. Chairman Orrin Hatch (R-Utah) expressed his hopes that the full Senate will act quickly on their nominations.

### ***Tuesday Group Co-Chair to Retire***

Co-Chair of the centrist House GOP Tuesday Group Charlie Dent (R-Pa.) announced that he would not be seeking reelection for an eighth term in the House of Representatives. Rep. Dent has been an outspoken critic of the Republican plan to repeal and replace the Affordable Care Act (ACA). State representative Justin Simmons had recently announced plans to challenge Dent in the Republican primary. Dent is one of a handful of Republicans from potential swing districts who have announced their retirement, along with Reps. Dave Reichert (R-Wash.) and Ileana Ros-Lehtinen (R-Fla.).

### ***Most Opioid Misuse Stems From Prescription Drugs***

According to a new [report](#) from the U.S. Department of Health and Human Services (HHS), nearly 12 million Americans misused opioids in 2016. The government survey found that the majority of misuse occurred with prescription painkillers rather than heroin. Less than a quarter of those who misused opioids sought treatment for addiction.

## **Recently Introduced Health Legislation**

***S.1764 (introduced by Sen. Cory A. Booker): A bill to extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana; Judiciary***

***H.Res.503 (introduced by Rep. Lynn Jenkins): Recognizing the importance of cancer program accreditation in ensuring comprehensive, high-quality, patient-centered cancer care; Energy and Commerce***

***H.Res.506 (introduced by rep. David B. McKinley): Expressing support for designation of the month of September as “Rheumatic Disease Awareness Month”, in recognition of the costs imposed by rheumatic diseases, the need for increased medical research, and the quality care provided by trained rheumatologists; Energy and Commerce***

## **Upcoming Congressional Hearings and Meetings**

***Senate Health, Education, Labor, and Pensions Committee hearing on Stabilizing Premiums and Helping Individuals in the Individual Insurance Market for 2018: State Flexibility; 10:00 a.m., 930 Dirksen Bldg.; September 12***

***Senate Finance Committee hearing on Health Care: Issues Impacting Cost and Coverage; 10:00 a.m., 215 Dirksen Bldg.; September 12***

***House Energy and Commerce Health Subcommittee hearing on Modernizing the FDA’s Regulation of Over-the-Counter Drugs; 10:15 a.m., 2322 Rayburn Bldg.; September 13***

***Senate Health, Education, Labor, and Pensions Committee hearing on Stabilizing Premiums and Helping Individuals in the Individual Insurance Market for 2018: Health Care Stakeholders; 10:00 a.m., 930 Dirksen Bldg.; September 14***

***House Energy and Commerce Health Subcommittee hearing on Supporting Tomorrow’s Health Providers: Examining Workforce Programs Under the Public Health Service Act; 10:00 a.m., 2123 Rayburn Bldg.; September 14***