



Health Policy Briefing

March 4, 2019

Jayapal Introduces “Medicare for All” Bill

House Progressive Caucus co-chair Pramila Jayapal (D-Wash.) formally introduced her “Medicare for All” legislation last week. The 120-page *Medicare for All Act of 2019* (H.R. 1384) would replace almost all private and employer-sponsored health insurance with a government-run health insurance system within two years. Every American would get an expanded array of health care for life, including long-term care. The bill does not detail how the overhaul would be financed. Jayapal has said that she plans to release a separate list of potential pay-fors. The legislation is an expansion on previously-introduced versions of Medicare for All. It currently has 107 Democratic cosponsors, and Jayapal hopes to garner the support of at least 40 more House Democrats.

Jayapal has received assurances from House leadership that the Budget and Rules committees will hold hearings on the bill. While he has supported similar measures in the past, House Budget Committee Chairman John Yarmuth (D-Ky.) has expressed reservations regarding Jayapal’s new legislation. He does not believe H.R. 1384 is comparable to the current Medicare system, given the elimination of private insurance and cost-sharing. He stated that his panel plans to hold a hearing on all measures that would expand the Medicare program, possibly in June. While Speaker of the House Nancy Pelosi (D-Calif.) supports hearings on the legislation, she has also expressed some skepticism about the proposal, specifically regarding the cost of the bill. Pelosi has made recent remarks in favor of a government-run public option, rather than a full-scale single-payer health care system.

More centrist House Democrats, who have not signed on to the Medicare for All bill, would prefer to focus on improving the current health care system, including passing incremental changes to expand coverage and exploring the formation of an option for government-run insurance. The

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moderate New Democrat Coalition, a caucus of 101 lawmakers, [asked](#) the leadership of the House Energy and Commerce, Ways and Means, and Education and Workforce committees to prioritize stabilization of the Affordable Care Act (ACA) and the individual health insurance marketplace. The coalition urged their colleagues to bring down costs for consumers through the creation of a dedicated reinsurance program, additional premium assistance, more options for individuals nearing Medicare eligibility age, and reform of bidding areas to encourage competition. The lawmakers also expressed support for legislation (H.R. 5155) that would create state innovation grants that allow states the flexibility to experiment with new initiatives such as auto-enrollment or regional exchanges.

April 2 Policy Summit on America's Healthcare Cost Crisis

Healthcare and business leaders, patient advocates, and policy experts will convene in Washington, DC on April 2nd to explore the impact of high healthcare costs on individuals, businesses, the economy, and the state of public health. Participants will map out immediate and long-term policy recommendations supporting improved healthcare quality and lower costs, including for prescription drugs. “**High Costs, Broken Promises: West Health’s 2019 Healthcare Costs Innovation Summit**” will feature the unveiling of results from a new national survey from Gallup and the West Health Institute on how skyrocketing healthcare costs are impacting the daily lives of Americans. Participants will hear from keynote Andy Slavitt, former Acting Administrator for the Centers for Medicare & Medicaid Services, and speakers from Humana, Walmart, and Intermountain Healthcare. Former Governor of Ohio, John Kasich and former Secretaries of the U.S. Department of Health and Human Services (HHS) Mike Leavitt, Sylvia Mathews Burwell and Kathleen Sebelius will also share their perspectives. For more information and to register for this free public event, visit www.hcidc.org.

House Passes Health Care Fraud, Poison Control Measures

The House of Representatives passed two pieces of healthcare-related legislation last week. H.R. 525, the ***Strengthening the Healthcare Fraud Prevention Task Force Act of 2019***, would codify a public-private partnership responsible for identifying and preventing health care fraud through data and information sharing. The Healthcare Fraud Prevention Partnership (HFPP) is currently operated by the Centers for Medicare and Medicaid Services (CMS) and provides a forum for the federal government, state agencies, law enforcement, private health insurance plans, and health care and fraud associations to share successful anti-fraud practices. H.R. 501, the ***Poison Center Network Enhancement Act of 2019***, would reauthorize the national network of Poison Control Centers. Both bills passed by voice vote.

Senators Comment on Insulin and FDA Biosimilars Guidance

A bipartisan group of senators have written to the Food and Drug Administration (FDA) regarding the pace of approvals for generic insulin products. The lawmakers requested that the agency amend a 2018 agency guidance that was meant to ease the approval pathway for biosimilar products. The letter expressed concern that while the guidance will bring new insulin options onto the market in 2020, it could delay the introduction of insulin generics in the short-term. The letter was signed by Sens. Dick Durbin (D-Ill.), Kevin Cramer (R-N.D.), Bill Cassidy (R-La.), and Tina Smith (D-Minn.).

Pallone Requests Details on HIV/AIDS Initiative

House Energy and Commerce Committee Chairman Frank Pallone (D-N.J.) is [asking](#) the administration for more details on its plan to end the HIV/AIDS epidemic by 2030. Pallone seeks clarification regarding how existing Trump Administration policies, such as proposed budget cuts to federal HIV/AIDS programs, a proposed rule that could impact access to HIV medication, Medicaid waivers, and recent changes to the Title X abortion funding, might impact the initiative to end HIV in the U.S. The letter also requests a briefing from HHS Secretary Alex Azar. Pallone requested a response from HHS by March 11.

Lawmakers Push for Delay of Health Insurance Tax (HIT)

A bipartisan group of freshman senators have [written](#) to Senate Majority Leader Mitch McConnell (R-Ky.), Minority Leader Chuck Schumer (D-N.Y.), Senate Finance Chairman Chuck Grassley (R-Iowa), and Ranking Member Ron Wyden (D-Ore.) urging the chamber to take up legislation to delay the health insurance tax (HIT) beyond 2020. The lawmakers expressed concerns about the potential impact of the HIT on seniors and small businesses. The letter was signed by freshman senators Krysten Sinema (D-Ariz.), Kevin Cramer (R-N.D.), Marsha Blackburn (R-Tenn.), Mike Braun (R-Ind.), Martha McSally (R-Ariz.), Mitt Romney (R-Utah), and Jacky Rosen (D-Nev.). Additionally, legislation was introduced last week to delay the tax until after 2021. H.R. 1398 was introduced in the House by Reps. Ami Bera (D-Calif.), Josh Gottheimer (D-N.J.), Jackie Walorski (R-Ind.), and Kenny Marchant (R-Texas) and S. 172 has been introduced in the Senate.

Ensuring Lasting Smiles Reintroduced

Sens. Tammy Baldwin (D-Wis.), Joni Ernst (R-Iowa), Sherrod Brown (D-Ohio), and Lisa Murkowski (R-Alaska) have reintroduced bipartisan legislation to ensure health insurance for the treatment of individuals born with congenital anomalies or birth defects, such as cleft lip and palate, skeletal and maxillofacial abnormalities, facial paralysis, microtia, hypodontia, and craniosynostosis. The ***Ensuring Lasting Smiles Act*** (ELSA) would close a coverage gap that occurs when health plans deny claims for oral or dental-related procedures deeming them cosmetic in nature or covered under a separate dental plan. Bipartisan companion legislation has been introduced in the House by Reps. Collin Peterson (D-Minn.) and Denver Riggleman (R-Va.).

Upcoming Congressional Hearings and Meetings

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing “Vaccines Save Lives: What is Driving Preventable Disease Outbreaks?” 10:00 a.m., 430 Dirksen Bldg.; March 5

House Energy and Commerce Committee hearing “Strengthening Our Health Care System: Legislation to Lower Consumer Costs and Expand Access;” 10:00 a.m., 2123 Rayburn Bldg.; March 6

Senate Special Committee on Aging hearing “The Complex Web of Prescription Drug Prices, Part I: Patients Struggling with Risking Costs;” 9:30 a.m., 138 Dirksen Bldg.; March 6

House Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies hearing “Electronic Health Record Modernization and Information Technology Oversight;” 10:00 a.m., 2362-B Rayburn Bldg.; March 6

Senate Finance Committee hearing “Not Forgotten: Protecting Americans From Abuse and Neglect in Nursing Homes;” 10:15 a.m., 215 Dirksen Bldg.; March 6

Senate Special Committee on Aging hearing “The Complex Web of Prescription Drug Prices, Part II: Untangling the Web and Paths Forward;” 10:00 a.m., 138 Dirksen Bldg.; March 7

House Ways and Means Health Subcommittee hearing “Promoting Competition to Lower Medicare Drug Prices;” 10:00 a.m., 1100 Longworth Bldg.; March 7

House Committee on Oversight and Reform hearing “Trump Administration’s Response to the Drug Crisis;” 10:00 a.m., 2154 Rayburn Bldg.; March 7

House Appropriations Subcommittee on the Departments of Labor, Health and Human Services, Education, and Related Agencies hearing “Addressing the Public Health Emergency of Gun Violence;” 10:30 a.m., 2358-C Rayburn Bldg.; March 7

House Judiciary Subcommittee on Antitrust, Commercial, and Administrative Law hearing “Diagnosing the Problem: Exploring the Effects of Consolidation and Anticompetitive Conduct in Health Care Markets;” 2:00 p.m., 2141 Rayburn Bldg.; March 7

Senate Appropriations Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies hearing to examine the Ebola outbreak in the Democratic Republic of the Congo and other emerging health threats; 10:00 a.m., 124 Dirksen Bldg.; March 14

Recently Introduced Health Legislation

H.R.1309 — To direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan, and for other purposes; Sponsor: Rep. Courtney, Joe [D-CT-2]; Committees: House - Education and Labor, Energy and Commerce, Ways and Means

H.R.1323 — To amend title XVIII of the Social Security Act to extend the floor on the area wage index under the inpatient prospective payment system to certain sole community hospitals and to amend the Public Health Service Act to provide eligibility for certain sole community hospitals to discounted drug prices under the 340B drug pricing program; Sponsor: Rep. Peterson, Collin C. [D-MN-7]; Committees: House - Energy and Commerce, Ways and Means

H.Res.146 — Recognizing the seriousness of polycystic ovary syndrome (PCOS) and expressing support for the designation of the month of September 2019 as “PCOS Awareness Month”; Sponsor: Rep. Scott, David [D-GA-13]; Committees: House - Energy and Commerce

H.R.1329 — To amend title XIX of the Social Security Act to allow for medical assistance under Medicaid for inmates during the 30-day period preceding release from a public institution; Sponsor: Rep. Tonko, Paul [D-NY-20]; Committees: House - Energy and Commerce

H.R.1332 — To address the high costs of health care services, prescription drugs, and health insurance coverage in the United States, and for other purposes; Sponsor: Rep. Westerman, Bruce [R-AR-4]; Committees: House - Energy and Commerce, Ways and Means, Judiciary, Oversight and Reform, Education and Labor, Rules, Budget, Armed Services, House Administration

H.R.1344 — To prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and for other purposes; Sponsor: Rep. Doggett, Lloyd [D-TX-35]; Committees: House - Ways and Means, Energy and Commerce, Judiciary

H.R.1345 — To amend titles XVI, XVIII, XIX, and XXI of the Social Security Act to remove limitations on Medicaid, Medicare, SSI, and CHIP benefits for persons in custody pending disposition of charges; Sponsor: Rep. Hastings, Alcee L. [D-FL-20]; Committees: House - Energy and Commerce, Ways and Means

H.R.1346 — To amend title XVIII of the Social Security Act to provide for an option for individuals who are ages 50 to 64 to buy into Medicare, to provide for health insurance market stabilization, and for other purposes; Sponsor: Rep. Higgins, Brian [D-NY-26]; Committees: House - Energy and Commerce, Ways and Means

H.R.1354 — To amend titles XVIII and XIX of the Social Security Act to make improvements to the treatment of the United States territories under the Medicare and Medicaid programs, and for other purposes; Sponsor: Rep. Plaskett, Stacey E. [D-VI-At Large]; Committees: House - Energy and Commerce, Ways and Means

S.558 — A bill to amend the Public Health Service Act to authorize a program on children and the media within the National Institutes of Health to study the health and developmental effects of technology on infants, children, and adolescents; Sponsor: Sen. Markey, Edward J. [D-MA]; Committees: Senate - Health, Education, Labor, and Pensions

S.560 — A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a congenital anomaly or birth defect; Sponsor: Sen. Baldwin, Tammy [D-WI]; Committees: Senate - Health, Education, Labor, and Pensions

S.562 — A bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; Sponsor: Sen. Duckworth, Tammy [D-IL]; Committees: Senate - Finance

S.570 — A bill to conduct or support further comprehensive research for the creation of a universal influenza vaccine; Sponsor: Sen. Markey, Edward J. [D-MA]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.1358 — To amend title XVIII of the Social Security Act to establish rules for payment for graduate medical education (GME) costs for hospitals that establish a new medical residency training program after hosting resident rotators for short durations; Sponsor: Rep. Kind, Ron [D-WI-3]; Committees: House - Ways and Means, Energy and Commerce

H.R.1362 — To amend the Federal Food, Drug, and Cosmetic Act to allow, during a lapse in appropriations, acceptance of certain device submissions and registrations with the corresponding fees made available for obligation and expenditure for the process for the review of device applications, and for other purposes; Sponsor: Rep. Emmer, Tom [R-MN-6]; Committees: House - Energy and Commerce

H.R.1366 — To amend the Internal Revenue Code of 1986 to provide the opportunity for responsible health savings to all American families; Sponsor: Rep. Stivers, Steve [R-OH-15]; Committees: House - Ways and Means

H.R.1367 — To amend the Public Health Service Act to authorize a program on children and the media within the National Institute of Health to study the health and developmental effects of technology on infants, children, and adolescents; Sponsor: Rep. Raskin, Jamie [D-MD-8]; Committees: House - Energy and Commerce

H.R.1370 — To amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; Sponsor: Rep. Chu, Judy [D-CA-27]; Committees: House - Energy and Commerce, Ways and Means

H.R.1371 — To conduct or support further comprehensive research for the creation of a universal influenza vaccine; Sponsor: Rep. DeLauro, Rosa L. [D-CT-3]; Committees: House - Energy and Commerce

H.R.1375 — To amend title XVIII of the Social Security Act to provide for transparency of Medicare secondary payer reporting information, and for other purposes; Sponsor: Rep. Kind, Ron [D-WI-3]; Committees: House - Ways and Means, Energy and Commerce

H.R.1379 — To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a congenital anomaly or birth defect; Sponsor: Rep. Peterson, Collin C. [D-MN-7]; Committees: House - Energy and Commerce, Ways and Means, Education and Labor

H.R.1384 — To establish an improved Medicare for All national health insurance program; Sponsor: Rep. Jayapal, Pramila [D-WA-7]; Committees: House - Energy and Commerce, Ways and Means, Education and Labor, Rules, Oversight and Reform, Armed Services

H.R.1385 — To amend the Patient Protection and Affordable Care Act to preserve the option of States to implement health care marketplaces, and for other purposes; Sponsor: Rep. Kim, Andy [D-NJ-3]; Committees: House - Energy and Commerce

H.R.1386 — To amend the Patient Protection and Affordable Care Act to provide for additional requirements with respect to the navigator program, and for other purposes; Sponsor: Rep. Castor, Kathy [D-FL-14]; Committees: House - Energy and Commerce

H.R.1390 — To amend titles XVIII and XIX of the Social Security Act to promote the ability of individuals entitled to benefits under part A or enrolled under part B of the Medicare program and individuals enrolled under a State plan under the Medicaid program to access their personal medical claim data, including their providers, prescriptions, tests, and diagnoses, through a mobile health record application of the individual's choosing, and for other purposes; Sponsor: Rep. Brooks, Susan W. [R-IN-5]; Committees: House - Energy and Commerce, Ways and Means

H.R.1393 — To amend title XVIII of the Social Security Act to provide for coverage of dental, vision, and hearing care under the Medicare program; Sponsor: Rep. Doggett, Lloyd [D-TX-35]; Committees: House - Energy and Commerce, Ways and Means

H.R.1394 — To amend title XVIII of the Social Security Act to provide for certain reforms with respect to medicare supplemental health insurance policies; Sponsor: Rep. Doggett, Lloyd [D-TX-35]; Committees: House - Ways and Means, Energy and Commerce

H.R.1395 — To amend the Elementary and Secondary Education Act of 1965 to improve mental health services for students, and for other purposes; Sponsor: Rep. Roe, David P. [R-TN-1]; Committees: House - Education and Labor

H.R.1398 — To delay the reimposition of the annual fee on health insurance providers until after 2021; Sponsor: Rep. Bera, Ami [D-CA-7]; Committees: House - Ways and Means, Energy and Commerce

H.R.1407 — To amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits for individuals with amyotrophic lateral sclerosis (ALS); Sponsor: Rep. Moulton, Seth [D-MA-6]; Committees: House - Ways and Means

H.R.1409 — To promote transparency in health care pricing, and for other purposes; Sponsor: Rep. Perlmutter, Ed [D-CO-7]; Committees: House - Energy and Commerce, Ways and Means, Oversight and Reform

S.Res.83 — A resolution designating February 2019 as “American Heart Month” and February 1, 2019, as “National Wear Red Day”; Sponsor: Sen. Hirono, Mazie K. [D-HI]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.578 — A bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis; Sponsor: Sen. Whitehouse, Sheldon [D-RI]; Committees: Senate - Finance

S.585 — A bill to amend title XIX of the Social Security Act to provide the same level of Federal matching assistance for every State that chooses to expand Medicaid coverage to newly eligible individuals, regardless of when such expansion takes place; Sponsor: Sen. Warner, Mark R. [D-VA]; Committees: Senate - Finance

S.586 — A bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services; Sponsor: Sen. Roberts, Pat [R-KS]; Committees: Senate – Finance

S.588 — A bill to require State agencies to use Federal tax return information to verify income eligibility for Medicaid, the Temporary Assistance for Needy Families program, and the Supplemental Nutrition Assistance Program; Sponsor: Sen. Kennedy, John [R-LA]; Committees: Senate - Finance

H.Res.161 — Expressing support for the designation of the last day of February each year, as “Rare Disease Day”; Sponsor: Rep. Carson, Andre [D-IN-7]; Committees: House - Energy and Commerce

H.Res.166 — Expressing support for designation of March 3, 2019, as National Triple-Negative Breast Cancer Day; Sponsor: Rep. Morelle, Joseph D. [D-NY-25]; Committees: House - Oversight and Reform

H.Res.167 — Recognizing the rise of cardiovascular disease as the world’s leading cause of preventable death and disability and as the global public health crisis of our generation and supporting the recognition of February 2019 as “American Heart Month”; Sponsor: Rep. Smith, Christopher H. [R-NJ-4]; Committees: House - Foreign Affairs, Energy and Commerce

H.R.1418 — To restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers; Sponsor: Rep. DeFazio, Peter A. [D-OR-4]; Committees: House – Judiciary

H.R.1419 — To amend the Patient Protection and Affordable Care Act to establish a public health insurance option; Sponsor: Rep. DeFazio, Peter A. [D-OR-4]; Committees: House - Energy and Commerce

H.R.1425 — To amend the Patient Protection and Affordable Care Act to provide for a Improve Health Insurance Affordability Fund to provide for certain reinsurance payments to lower premiums in the individual health insurance market; Sponsor: Rep. Craig, Angie [D-MN-2]; Committees: House - Energy and Commerce

H.R.1447 — To amend title XIX of the Social Security Act to equalize the Federal medical assistance percentage applicable to certain individuals in the expansion population of the Patient Protection and Affordable Care Act; Sponsor: Rep. Grothman, Glenn [R-WI-6]; Committees: House - Energy and Commerce

H.R.1478 — To amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of affordable and safe insulin by wholesale distributors, pharmacies, and individuals; Sponsor: Rep. Welch, Peter [D-VT-At Large]; Committees: House - Energy and Commerce

S.Res.90 — A resolution designating February 28, 2019, as “Rare Disease Day”; Sponsor: Sen. Brown, Sherrod [D-OH]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.594 — A bill to amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program; Sponsor: Sen. Cassidy, Bill [R-LA]; Committees: Senate – Finance

S.595 — A bill to amend title XVIII of the Social Security Act to provide for the coordination of programs to prevent and treat obesity, and for other purposes; Sponsor: Sen. Cassidy, Bill [R-LA]; Committees: Senate – Finance

S.596 — A bill to amend title XVIII of the Social Security Act to provide for direct payment to physician assistants under the Medicare program for certain services furnished by such physician assistants; Sponsor: Sen. Barrasso, John [R-WY]; Committees: Senate – Finance

S.606 — A bill to improve oversight and evaluation of the mental health and suicide prevention media outreach campaigns of the Department of Veterans Affairs, and for other purposes; Sponsor: Sen. Blumenthal, Richard [D-CT]; Committees: Senate - Veterans' Affairs

S.618 — A bill to amend title XVIII of the Social Security Act to encourage Medicare beneficiaries to voluntarily adopt advance directives guiding the medical care they receive; Sponsor: Sen. Coons, Christopher A. [D-DE]; Committees: Senate - Finance

S.629 — A bill to require the Secretary of Veterans Affairs to review the processes and requirements of the Department of Veterans Affairs for scheduling appointments for health care and conducting consultations under the laws administered by the Secretary, and for other purposes; Sponsor: Sen. Tester, Jon [D-MT]; Committees: Senate - Veterans' Affairs

S.637 — A bill to prohibit price gouging in the sale of drugs; Sponsor: Sen. Blumenthal, Richard [D-CT]; Committees: Senate - Health, Education, Labor, and Pensions