



Health Policy Briefing

April 16, 2018

Paul Ryan Won't Run for Re-Election in 2018

House Speaker Paul Ryan (R-Wis.) has announced that he will not seek re-election in the November midterms. He will serve the remainder of his term and retire from Congress in January, stating his desire to spend more time with his family. While no one has publically declared a bid for the post, Ryan has endorsed Majority Leader Kevin McCarthy (R-Calif.), who is next in line for the top GOP leadership position, to succeed him. House Whip Steve Scalise (R-La.) has given assurances that he won't run against McCarthy for the position, but he is seen as a likely candidate should McCarthy fail to get sufficient support. Rep. Jim Jordan (R-Ohio), co-founder of the conservative House Freedom Caucus, has also expressed an interest in the position. While Jordan would likely fall short of having enough support to become the next speaker or minority leader, his candidacy would allow the Freedom Caucus to leverage their roughly 30 votes with the next GOP leader. The leadership election is currently expected to take place in late November, following the midterm elections.

Latest News on Efforts to Combat the Opioid Crisis

A National Institutes of Health (NIH) working group has submitted its recommendations to the Advisory Committee to the Director on a framework to manage the NIH's public-private research collaboration on the opioid epidemic. The partnership between the NIH and dozens of pharmaceutical manufacturers aims to develop new non-addictive painkillers, addiction treatments, and overdose prevention measures. The Ethical Considerations for Industry Partnership on Research to Help End the Opioid Crisis **draft report** recommends that federal funds alone be used to support the partnership to eliminate the perception of bias. Should private sector funding be used to help finance the partnership, the working group suggests that certain guardrails be put in place. For instance, funding should be received upfront so as to ensure independent NIH decision-making and without preconditions. Additionally, the NIH should not accept money from companies involved in opioid litigation. The working group recommends that defendant companies also be excluded from partnership governance. Should the NIH accept money from a company that later comes under scrutiny for its role in the opioid crisis, a process should be in place to return the funds to the extent possible. NIH

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Director Francis Collins must now decide whether he agrees with working group's recommendations.

In related news, the House Ways and Means Committee has released a bipartisan **white paper** containing proposals aimed at combating the opioid epidemic. The white paper discusses increasing access to medication-assisted treatment (MAT) and modernizing reimbursement and quality measures for pain treatment options. It also outlines tools to prevent overprescribing and abuse, such as a Part D lock-in program, limiting prescriptions, improved data tracking, and provider and patient education. The white paper is the result of comments from 110 stakeholders provided in response to the committee's request for information on how Congress and the Administration can prevent and treat opioid abuse and dependence in the Medicare program.

In other related news, Facebook has taken steps to remove illegal online pharmacy ads. The action was taken in response to questions raised by Rep. David McKinley (R-W.V.) during a congressional hearing with Facebook CEO Mark Zuckerberg. Rep. McKinley referenced specific ads he had seen selling opioids without a prescription on the website. Facebook has since removed the ads.

Ways and Means Convenes Second Red Tape Roundtable

House Ways and Means Health Subcommittee Chairman Peter Roskam (R-Ill.) convened the second in a series of roundtables for the Medicare Red Tape Relief Project last week. During the first roundtable discussion, lawmakers spoke with physicians about the regulatory burden of the Medicare program. This time, hospitals were invited to discuss with the subcommittee how current Medicare regulations are hindering their ability to improve care for beneficiaries. Panelists spoke about the impact of regulations on rural and underserved communities, as well as the promise of telehealth to improve care for this population. The conversation also touched on the restrictions surrounding physician-owned hospitals.

President, McCarthy Consider Omnibus Claw Back

President Trump and Minority Leader Kevin McCarthy (R-Calif.) are reportedly working together on a rescission package that would claw back spending from the \$1.3 trillion omnibus bill passed by Congress last month. Republicans have faced backlash from their conservative base over the size of the recent spending bill. The move would involve use of the Budget Act of 1974, which allows the president to propose that Congress rescind certain budget authority. Lawmakers then have 45 days to pass a law codifying the cuts. While the law would prevent a filibuster, it is still unlikely that the plan could garner the 50 votes necessary to pass the Senate. The White House proposal to rollback the budget is expected to be released by the Administration around May 1 and would likely cut anywhere from \$30 to \$60 billion from the omnibus legislation.

President Signs Executive Order on Safety Net Programs

President Trump has signed an executive order telling the U.S. Department of Health and Human Services (HHS) and other federal agencies to increase state flexibility to create or strengthen work requirements in safety net programs, including Medicaid. The order also orders agencies to conduct a review of existing regulations to ensure people receiving public assistance are being pushed into employment programs. The order aims to restore "independence and dignity to millions of Americans." Steven Wagner, Acting Assistant Secretary of HHS' Administration for Children and Families, has stated that HHS will announce new policy guidance and research in the coming months.

CBO Releases Latest Budget and Economic Outlook

The Congressional Budget Office (CBO) **estimates** that the federal deficit will rise to \$804 billion this year, a \$139 billion increase over 2017. The deficit is then projected to reach \$981 billion, 5.4 percent of gross domestic product (GDP), in 2019. The Budget and Economic Outlook report attributes the deficit increase to GOP tax cuts and the \$1.3 trillion bipartisan spending package passed by Congress last month. The report also estimates that entitlement program spending will increase from 10.2 percent of GDP this year to 12.6 percent of GDP in 10 years. According to CBO's analysis, the aging population and growth in health care costs are responsible for this increase in spending. The number of people over age 65 is projected to grow by more than one-third over the next decade. CBO expects that Medicare and Medicaid alone will cost the nation \$16 trillion during that time.

Shelby Formally Selected as Appropriations Chairman

Sen. Richard Shelby (R-Ala.) was official chosen as chairman of the Senate Appropriations Committee last week. Former Committee Chairman Thad Cochran retired earlier this month due to ongoing health issues. Sen. Cindy Hyde-Smith (R-Miss.) will begin serving on the Committee in the seat left vacant as a result of Cochran's retirement.

HHS Staff Changes

Valerie Huber has been promoted to senior adviser to the Assistant Secretary for Health. The Office of the Assistant Secretary oversees the 12 core public health offices at the U.S. Department of Health and Human Services (HHS). Huber is a prominent abstinence education advocate at the Department, and had previously served as the office's chief of staff. She is also the Acting Deputy Assistant Secretary for Population Affairs, and will remain in that role until a replacement is named.

Upcoming Congressional Meetings and Markups

House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies FY 2019 Members Day Hearing; 10:00 a.m., 2358-C Rayburn Bldg.; April 17

House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies hearing on FY 2019 Budget - Food and Drug Administration; 1:30 p.m., 2362-A Rayburn Bldg.; April 17

House Veterans' Affairs Health Subcommittee health legislative hearing; 2:30 p.m., 334 Cannon Bldg.; April 17

House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies hearing on FY 2019 Budget Health and Human Services Biodefense Activities; 10:00 a.m., 2358-C Rayburn Bldg.; April 18

Senate Finance Committee hearing "Tackling Opioid and Substance Use Disorders in Medicare, Medicaid, and Human Services Programs;" 10:00 a.m., 215 Dirksen Bldg.; April 19

Senate Appropriations Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies hearings to examine proposed budget estimates and justification for fiscal year 2019 for the Department of Health and Human Services; 10:00 AM, 124 Dirksen Bldg.; April 19

House Armed Services Subcommittee on Military Personnel hearing "Military Health System Reform: Pain Management, Opioids Prescription Management and Reporting Transparency;" 10:30 a.m., 2212 Rayburn Bldg.; April 19

House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies FY 2019 Public Witnesses Hearing; 10:00 a.m., 2358-C Rayburn Bldg.; April 26

House Energy and Commerce Oversight and Investigations Subcommittee hearing with the leadership of drug distributors in regards to alleged pill dumping in West Virginia; time and place TBD; May 8

Recently Introduced Health Legislation

S.2635 — A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to modify the offenses relating to fentanyl, and for other purposes; Sponsor: Sen. Kennedy, John [R-LA]; Committees: Senate – Judiciary

H.R. 5453 (introduced by Rep. Clarke): A bill to amend the Public Health Service Act, in relation to requiring adrenoleukodystrophy screening of newborns; Energy and Commerce.

H.R. 5455 (introduced by Rep. DeLauro): A bill to prioritize funding for the National Institutes of Health to discover treatments and cures, to maintain global leadership in medical innovation, and to restore the purchasing power which the National Institutes of Health had after the historic doubling campaign that ended in fiscal year 2003; Budget.

H.R. 5456 (introduced by Rep. DeLauro): A bill to amend the Public Health Service Act to authorize grants to health centers to expand access to evidence-based substance abuse treatment services; Energy and Commerce.

H.R. 5457 (introduced by Rep. Engel): A bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives; Energy and Commerce, Ways and Means.

H.R. 5459 (introduced by Rep. Hill): A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to modify the offenses relating to fentanyl, and for other purposes; Judiciary, Energy and Commerce, Oversight and Government Reform.

H. Res. 812 (introduced by Rep. Paulsen): A resolution supporting quality of life for prostate cancer patients; Energy and Commerce, Ways and Means, Veterans' Affairs.

S. 2636 (introduced by Sen. Collins): A bill to require the Secretary of Health and Human Services to establish a community action opioid response grant program; Health, Education, Labor, and Pensions.

S. 2637 (introduced by Sen. Stabenow): A bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives; Finance.

H.Res.818 — Recognizing “Black Maternal Health Week” to bring national attention to the maternal health care crisis in the Black community and the importance of reducing the rate of maternal mortality and morbidity among Black women; Sponsor: Rep. Adams, Alma S. [D-NC-12]; Committees: House - Energy and Commerce

H.Res.819 — Recognizing the 110th anniversary of the American Association for Cancer Research, the world's first and largest professional organization dedicated to the conquest of cancer; Sponsor: Rep. Brady, Robert A. [D-PA-1]; Committees: House - Energy and Commerce

H.R.5466 — To exempt Social Security, Medicare, and Medicaid from any Federal balanced budget requirement, and for other purposes; Sponsor: Rep. Deutch, Theodore E. [D-FL-22]; Committees: House – Budget

H.R.5473 — To direct the Secretary of Health and Human Services to update or issue one or more guidances addressing alternative methods for data collection on opioid sparing and inclusion of such data in product labeling, and for other purposes; Sponsor: Rep. Comstock, Barbara [R-VA-10]; Committees: House - Energy and Commerce

H.R.5477 — To amend title XIX of the Social Security Act to provide for a demonstration project to increase substance use provider capacity under the Medicaid program; Sponsor: Rep. O'Halleran, Tom [D-AZ-1]; Committees: House - Energy and Commerce

S.Res.459 — A resolution recognizing “Black Maternal Health Week” to bring national attention to the maternal health care crisis in the Black community and the importance of reducing the rate of maternal mortality and morbidity among Black women; Sponsor: Sen. Harris, Kamala D. [D-CA]; Senate - Health, Education, Labor, and Pensions

S.2645 — A bill to establish a demonstration program under which the Drug Enforcement Administration provides grants to certain States to enable those States to increase participation in drug take-back programs; Sponsor: Sen. Ernst, Joni [R-IA]; Committees: Senate - Judiciary

S.2646 — A bill to establish a pilot program administered by the Secretary of Labor, in collaboration with the Secretary of Health and Human Services, to award competitive grants to counties (or other equivalent entities) and Tribal entities to administer combined workforce training and drug addiction treatment and recovery programs, and for other purposes; Sponsor: Sen. Brown, Sherrod [D-OH]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.5482 — To direct the Assistant Secretary of Defense for Health Affairs to develop a plan for countering emerging and deliberate infectious disease threats, and for other purposes; Sponsor: Rep. Bacon, Don [R-NE-2]

H.R.5483 — To impose a deadline for the promulgation of interim final regulations in accordance with section 311(h) of the Controlled Substances Act (21 U.S.C. 831(h)) specifying the circumstances in which a special registration may be issued to a practitioner to engage in the practice of telemedicine, and for other purposes; Sponsor: Rep. Carter, Earl L. “Buddy” [R-GA-1]; Committees: House - Energy and Commerce, Judiciary

H.R.5491 — To provide loans and grants to qualified agricultural associations to assist in the establishment of agricultural association health plans; Sponsor: Rep. Fortenberry, Jeff [R-NE-1]; Committees: House - Agriculture

H.R.5492 — To amend the Public Health Service Act to address the use of opioids and substance use disorders with respect to pregnant women and babies, and for other purposes; Sponsor: Rep. Guthrie, Brett [R-KY-2]; Committees: House - Energy and Commerce

H.R.5493 — To amend the Internal Revenue Code of 1986 to exclude from income discharge of medical indebtedness; Sponsor: Rep. Johnson, Sam [R-TX-3]; Committees: House - Ways and Means

H.R.5498 — 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.R.5500 — To direct the Secretary of Veterans Affairs to conduct outreach to veterans regarding the effect of delayed payments of claims for emergency medical care furnished by non-Department of Veterans Affairs medical providers by the Office of Community Care and to direct the Secretary to submit to Congress an annual report regarding such delayed payments; Sponsor: Rep. Rouzer, David [R-NC-7]; Committees: House - Veterans’ Affairs

S.Res.462 — A resolution supporting the goals and ideals of National Public Health Week; Sponsor: Sen. Udall, Tom [D-NM]; Committees: Senate - Health, Education, Labor, and Pensions

S.2656 — A bill to require the Secretary of Veterans Affairs to report biennially on actions taken to address areas of concerns that led to the inclusion of veterans health care in the High Risk List of the Government Accountability Office, and for other purposes; Sponsor: Sen. Young, Todd C. [R-IN]; Committees: Senate - Veterans’ Affairs

S.2657 — A bill to amend title V of the Public Health Service Act to establish a grant program to create peer support recovery networks, and for other purposes; Sponsor: Sen. Collins, Susan M. [R-ME]; Committees: Senate - Health, Education, Labor, and Pensions

S.2658 — A bill to amend the Public Health Service Act to provide for systematic data collection, analysis, and epidemiological research regarding neonatal abstinence syndrome; Sponsor: Sen. Nelson, Bill [D-FL]; Committees: Senate - Health, Education, Labor, and Pensions

S.2659 — A bill to amend the Controlled Substances Act to authorize employees of hospice programs to handle controlled substances in the residences of certain hospice patients to assist in disposal of those controlled substances; Sponsor: Sen. Collins, Susan M. [R-ME]; Committees: Senate – Judiciary

S.2661 — A bill to amend the Controlled Substances Act to allow hospice providers to dispose of leftover prescription medications, and for other purposes; Sponsor: Sen. Warren, Elizabeth [D-MA]; Committees: Senate – Judiciary

S.2665 — A bill to require guidance on how the Food and Drug Administration will consider claims of opioid sparing and on the conditions under which the Food and Drug Administration will consider misuse and abuse of drugs in making certain determinations of safety; Sponsor: Sen. Young, Todd C. [R-IN]; Committees: Senate - Health, Education, Labor, and Pensions

S.2668 — A bill to require a pilot program on the earning by special operations forces medics of credits towards a physician assistant degree; Sponsor: Sen. Burr, Richard [R-NC]; Committees: Senate - Armed Services