



Health Policy Briefing

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WH Rescission Proposal to Be Smaller Than Originally Expected

The Trump Administration has decided to request no more than \$25 billion in its forthcoming rescission package, according to Rep. Tom Cole (R-Okla.), chairman of the House Appropriations Labor/HHS Subcommittee. This is less than the amount originally anticipated since package of cuts to fall in the range of \$30 to \$60 billion. While some of the funding will be pulled from the most recent omnibus spending deal, the White House is also expected to rescind unspent funding from prior years. The package could be just the first of several claw backs to come from the Trump administration this year and is expected to be released after lawmakers return from a week-long recess on May 7. Office of Management and Budget (OMB) Director Mick Mulvaney hopes the House will vote on the proposal before July.

VA Nominee Withdraws from Consideration

Navy Rear Admiral Ronny Jackson has withdrawn his name from consideration as the President’s pick to lead the Department of Veterans Affairs (VA). The decision followed a report from the New York Times on allegations that Jackson allowed drugs to be overprescribed, drank excessively, and oversaw a hostile work environment. Jackson maintains that the allegations are “false and fabricated.” The Senate Veterans’ Affairs Committee had indefinitely postponed his confirmation hearing after concerns were raised about his background and qualifications. The White House defended their nominee, citing his record of bipartisan service and “strong, decisive leadership,” and left the decision to withdraw the nomination to Jackson. President Trump has stated that he has a new nominee in mind with more political experience, but has declined to say who it is. Former House Veterans Affairs Committee Chairman Jeff Miller’s name has been floated; Miller helped design the VA Choice program during

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his time in Congress. President and CEO of Ascension Anthony Tersigni is also among those being considered to lead the department. Dr. Jackson will not return to his role as the president's personal physician. Rather, Dr. Sean Conley, a naval officer, will continue to serve as the White House physician after he took over the position last month.

GAO Releases Report on Synthetic Opioids

The Government Accountability Office has released a new **report** recommending that federal agencies strengthen their efforts to assess and thwart the distribution of synthetic opioids. The report acknowledges that many departments have ongoing efforts to seize illicit synthetic opioids but do not monitor the outcomes of their actions. According to the report, "only one of the five strategies we reviewed included outcome, or results-oriented measures – largely due to agency perceptions that designing such measures posed challenges." The GAO also examined obstacles to overdose data sharing between federal law enforcement agencies and the public health sector. The report states "embarking on a concerted effort, led by the Office of National Drug Control Policy (ONDCP), to examine and address data related concerns will enhance agencies' efforts to continue to understand and respond to the opioid epidemic." The agency issued six recommendations to Customs and Border Protection (CBP), ONDCP, the Department of Justice (DOJ), and the Drug Enforcement Administration (DEA) aimed at combating the rise of synthetic opioids.

HHS Releases Cures Parity Action Plan

The U.S. Department of Health and Human Services (HHS) has released the **Mental Health and Substance Use Disorder Parity Action Plan**. The plan was required under statute by the 21st Century Cures Act, and outlines recent and forthcoming actions from HHS, the Department of Labor, and the Department of Treasury to implement the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and is based on feedback received from stakeholders last year. MHPAEA requires that employment-based group health plans and health insurance issuers that choose to provide mental health and substance use disorder benefits must cover it in parity with medical and surgical benefits. The Action Plan aligns with HHS' five-pillar strategy to address the opioid crisis.

HELP Advances Opioid Crisis Package

The Senate Health, Education, Labor, and Pensions (HELP) Committee unanimously advanced S. 2680, the Opioid Crisis Response Act of 2018 last week. The legislation includes more than 40 bipartisan proposals from 38 different senators. The bill reauthorizes a grant program to increase access to addiction treatment created by the 21st Century Cures Act for an additional three years and makes changes to the funding formula to prioritize states most affected by the opioid epidemic. The legislation also creates new grants for the establishment of comprehensive opioid recovery centers to provide medication-assisted treatment (MAT) and related services and will allow the National Institutes of Health (NIH) additional flexibility in conducting opioid-related research. The bill will also make it easier for providers to prescribe smaller packs of painkillers for limited duration and includes provisions to increase detection of illegal drugs at the border. During the markup, Chairman Lamar Alexander (R-Tenn.) stated his hopes that the bill will be considered by the full Senate this summer.

E&C Subcommittee Considers 60+ Opioid Bills

The House Energy and Commerce Health Subcommittee has advanced 57 bills focused on combating the opioid crisis. Not all measures were passed with bipartisan support, and Democratic members voiced concern that the committee was moving too quickly on too many bills that had not yet been fully vetted by staff, stakeholders, and the appropriate agencies. Republican leadership responded that many of the bills were left in discussion draft form in order to continue work on getting the technical details correct. Thirty-five bills were passed by voice vote, 13 were passed en bloc, and nine bills passed by individual roll call vote. Subcommittee Chairman Michael Burgess (R-Texas) adjourned the hearing without considering six bills that were originally included in the markup notice but stated his intention to continue working on the legislation. Full committee markup of the bills is expected to take place within the next several weeks. Chairman Greg Walden (R-Ore.) has repeatedly stated that he hopes the House will take up the opioid legislation by Memorial Day weekend. During the markup, the subcommittee also advanced legislation to reauthorize the Animal Drug User Fee Act (ADUFA) and the Animal Generic Drug User Fee Act (AGDUFA).

Opioid Declaration Renewed

The Trump Administration has renewed the public health emergency declaration for the opioid crisis, effective April 24. The opioid epidemic was first declared a national public health emergency in October. The 90-day designation was renewed again in January. The declaration gives federal agencies the authority to more quickly hire treatment specialists and reallocate resources to respond to the crisis.

Trump Formally Nominates Drug Czar

The White House has officially nominated Jim Carroll to serve as director of the Office of National Drug Control Policy (ONDCP). Carroll was picked as the acting director and deputy director of the office in February. Carroll is a career lawyer who also served in the George W. Bush administration.

Carter Introduces 340B Transparency Bill

Rep. Buddy Carter (R-Ga.) has introduced legislation that would require hospitals participating in the 340B drug discount program to report on how much outpatient care they provide to low-income patients. The 340B Optimization Act (H.R. 5598) is one of several bills introduced this Congress to increase transparency in the drug discount program. 340B covers outpatient drugs but only counts inpatient care for participant eligibility. Rep. Carter stated that the Energy and Commerce Committee plans to address the issue of 340B reform this year.

HELP to Consider Maternal Mortality Measure Next Month

The Senate Health, Education, Labor, and Pensions (HELP) Committee plans to vote on a bipartisan bill next month to address the nation's increasing maternal mortality rate, according to Ranking Member Patty Murray (D-Wash.). The Committee will mark up the Maternal Health Accountability Act (S. 1112) sponsored by Sens. Shelley Moore Capito (R-W. Va.) and Heidi Heitkamp (D-N.D.) to support state efforts to track and investigate pregnancy-related deaths and prevent future deaths from occurring. It is not clear when the Energy and Commerce Committee will consider the House version of the bill (H.R. 1318), sponsored by Rep. Jaime Herrera Beutler (R-Wash.).

Marijuana Research Gains Support of Judiciary Chairman

House Judiciary Committee Chairman Bob Goodlatte (R-Va.) has signed on to bipartisan legislation to ease restrictions around medical marijuana research. The Medical Cannabis Research Act (H.R. 5634) is sponsored by Rep. Matt Gaetz (R-Fla.), who has reportedly received assurances from the Chairman that a committee vote will be held on the bill this year. House Speaker Paul Ryan (R-Wis.) has not yet committed to scheduling a floor vote. The Drug Enforcement Administration (DEA) has signaled that it is willing to expand efforts to research medicinal uses of the drug, however, despite the fact that Attorney General Jeff Sessions is a strong critic of marijuana use.

Meehan Announces Retirement, Effective Immediately

Rep. Patrick Meehan (R-Pa.) announced on Friday that he would resign from Congress, effective immediately. Meehan had already announced that he planned to retire from Congress following allegations of sexual misconduct. He stated that he did not want to put staff or taxpayers through the rigors of an Ethics Committee investigation. Meehan was a former member of the Ethics Committee. Under state law, the Pennsylvania Governor will call a special election no earlier than 60 days from the date of Meehan's resignation. Candidates will be chosen by the political parties during a nominating convention.

PAHPA Draft Open for Comment

The Senate Health, Education, Labor, and Pensions (HELP) Committee has released a draft bill to reauthorize federal bioterrorism and pandemic countermeasure programs through fiscal year (FY) 2023. The **Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 discussion draft** was written by Sens. Richard Burr (R-N.C.), Robert Casey (D-Pa.), Lamar Alexander (R-Tenn.), and Patty Murray (D-Wash.). Current authority for the Pandemic and All-Hazards Preparedness Act (PAHPA) expires on September 30, 2018. In addition to reauthorization of funding for the nation's public health preparedness and response framework, the discussion draft considers lessons learned from recent public health emergencies. The committee will accept feedback on the draft to PAHPA2018@help.senate.gov through May 4.

Senators Question Native American Medicaid Work Requirements

A bipartisan group of senators has **written** to HHS Secretary Alex Azar to express concerns about efforts to institute work requirements for Native Americans covered by the Medicaid program. The administration has rejected the tribes' request to be exempted from new Medicaid work rules being implemented in several states. The tribes cite their status as a separate government. HHS has stated that such an exemption would constitute an illegal racial preference. Ten senators, led by Sens. Tom Udall (D-N.M.) and Lisa Murkowski (R-Alaska), argue that there is longstanding legal precedent recognizing "the unique legal status of Indian tribes and their members under federal law, the U.S. Constitution, treaties, and the federal trust relationship." They request that the administration share further details explaining why Native Americans would be subject to Medicaid work requirements.

House Appropriators Plan Series of Minibuses

Republican appropriators in the House plan to bring small packages of spending bills to the floor, rather than attempt to move 12 individual appropriations measures or a single omnibus package. According to Reps. David Joyce (R-Ohio), Tom Cole (R-Okla.), and Ken Calvert (R-Calif.), non-controversial measures, like Military Construction-VA, Energy and Water, and Legislative Branch, will be considered first. The House Budget Committee also plans to release and mark up a budget resolution. A draft document was circulated among some committee members last week. The measure balances the budget within 10 years and calls for significant cuts to mandatory programs. Both the House and the Senate have already missed the formal April 15 deadline to agree upon a budget resolution.

GOP Holds Arizona's 8th District in Special Election

Debbie Lesko (R) won last week's special election against Democrat and emergency physician Hiral Tipirneni to represent Arizona's 8th Congressional District. Although the district was carried by Trump by more than 20 points in 2016, Lesko won by just a six-point margin. Some election experts have argued that this result indicates that Democrats could win significant gains in the November midterm elections. Lesko is a former state senator. She replaces Rep. Trent Franks (R), who resigned in February.

Upcoming Congressional Meetings and Markups

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

House Committee on Veterans' Affairs Member Day Testimony and Proposals on the Department of Veterans Affairs; 10:00 a.m., 334 Cannon Bldg.; May 16

House Veterans' Affairs Health Subcommittee and Oversight and Investigations Subcommittee joint hearing "VA Research: Focusing on Funding, Findings, and Partnerships;" 10:00 a.m., 334 Cannon Bldg.; May 17

Recently Introduced Health Legislation

H.R.5580 — To authorize the Secretary of Health and Human Services to conduct programs to address the usage of illicit drugs, particularly fentanyl, and for other purposes; Sponsor: Rep. Kuster, Ann M. [D-NH-2]; Committees: House - Energy and Commerce

H.R.5581 — To require training for prescribers of controlled substances, and for other purposes; Sponsor: Rep. Brooks, Susan W. [R-IN-5]; Committees: House - Energy and Commerce, Judiciary

H.R.5582 — To direct the Secretary of Health and Human Services to conduct a study and submit a report on barriers to accessing abuse-deterrent opioid formulations for individuals enrolled in a plan under part C or D of the Medicare program; Sponsor: Rep. Carter, Earl L. "Buddy" [R-GA-1]; Committees: House - Energy and Commerce, Ways and Means

H.R.5583 — To amend title XI of the Social Security Act to require States to annually report on certain adult health quality measures, and for other purposes; Sponsor: Rep. Clarke, Yvette D. [D-NY-9]; Committees: House - Energy and Commerce

H.R.5587 — To amend the Public Health Service Act to authorize certain recovery services grants to be used to establish regional technical assistance centers; Sponsor: Rep. Lujan, Ben Ray [D-NM-3]; Committees: House - Energy and Commerce

S.Res.479 — A resolution designating April 2018 as "National Donate Life Month"; Sponsor: Sen. Heitkamp, Heidi [D-ND]; submitted, considered, and agreed to without amendment and with a preamble by Unanimous Consent

S.2726 — A bill to amend the Public Health Service Act to promote healthy eating and physical activity among children; Sponsor: Sen. Booker, Cory A. [D-NJ]; Committees: Senate - Health, Education, Labor, and Pensions

S.2729 — A bill to establish programs related to prevention of prescription opioid misuse, and for other purposes; Sponsor: Sen. Durbin, Richard J. [D-IL]; Committees: Senate - Finance

S.2730 — A bill to amend the Public Health Service Act to establish a pilot program to help individuals in recovery from a substance use disorder transition from treatment to independent living and the workforce, and for other purposes; Sponsor: Sen. McConnell, Mitch [R-KY]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.842 — Recognizing Meningitis B Awareness Day; Sponsor: Rep. Paulsen, Erik [R-MN-3]; Committees: House - Oversight and Government Reform

H.R.5590 — To require the Secretary of Health and Human Services to provide for an action plan on recommendations for changes under Medicare and Medicaid to prevent opioids addictions and enhance access to medication-assisted treatment, and for other purposes; Sponsor: Rep. Kinzinger, Adam [R-IL-16]; Committees: House - Energy and Commerce, Ways and Means

H.R.5591 — To amend title 10, United States Code, to direct the Secretary of Defense to establish a prescription drug monitoring program; Sponsor: Rep. Turner, Michael R. [R-OH-10]; Committees: House - Armed Services

H.R.5594 — To amend the Controlled Substances Act to clarify the eligibility of certain community mental health centers to register for purposes of the practice of telemedicine, and for other purposes; Sponsor: Rep. Harper, Gregg [R-MS-3]; Committees: House - Energy and Commerce, Judiciary

H.R.5598 — To amend the Public Health Service Act to require certain disproportionate share hospital covered entities under the 340B drug discount program to submit to the Secretary of Health and Human Services reports on low-income utilization rates of outpatient hospital services furnished by such entities; Sponsor: Rep. Carter, Earl L. "Buddy" [R-GA-1]; Committees: House - Energy and Commerce

H.R.5603 — To amend title XVIII of the Social Security Act to provide the Secretary of Health and Human Services authority to waive certain Medicare telehealth requirements in the case of certain treatment of an opioid use disorder or co-occurring mental health disorder; Sponsor: Rep. Matsui, Doris O. [D-CA-6]; Committees: House - Energy and Commerce, Ways and Means

H.R.5605 — To amend title XVIII of the Social Security Act to provide for an opioid use disorder treatment demonstration program; Sponsor: Rep. Ruiz, Raul [D-CA-36]; Committees: House - Energy and Commerce, Ways and Means

S.2732 — A bill to clarify that participants in the National Health Service Corps Loan Repayment Program may be assigned to serve in pediatric inpatient mental health facilities; Sponsor: Sen. Tester, Jon [D-MT]; Committees: Senate - Health, Education, Labor, and Pensions

S.2739 — A bill to increase the authority of the Secretary of Health and Human Services to restrict the entrance of illicit drugs into the United States; Sponsor: Sen. Baldwin, Tammy [D-WI]; Committees: Senate - Health, Education, Labor, and Pensions

S.2741 — A bill to authorize the United States Postal Service to inspect the contents of certain suspicious packages for illicit materials without a warrant; Sponsor: Sen. Cassidy, Bill [R-LA]; Committees: Senate - Homeland Security and Governmental Affairs

S.2742 — A bill to amend the Controlled Substances Act to more effectively regulate selective androgen receptor modulators, and for other purposes; Sponsor: Sen. Hatch, Orrin G. [R-UT]; Committees: Senate - Judiciary

H.R.5616 — To require the National Institute of Minority Health and Health Disparities to submit to Congress a report on the impact of the opioid epidemic on minority communities; Sponsor: Rep. Clarke, Yvette D. [D-NY-9]; Committees: House - Energy and Commerce, Ways and Means

S.Res.484 — A resolution supporting the designation of April 2018 as "Parkinson's Awareness Month"; Sponsor: Sen. Isakson, Johnny [R-GA]; submitted, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.2754 — A bill to establish a grant program to address the impact of substance use-related trauma on children and youth in public schools; Sponsor: Sen. Manchin, Joe, III [D-WV]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.5624 — To facilitate the efforts of States to establish auto-enrollment systems to enroll certain individuals in health insurance coverage, and for other purposes; Sponsor: Rep. Bera, Ami [D-CA-7]; Committees: House - Energy and Commerce, Ways and Means

H.R.5625 — To amend the Patient Protection and Affordable Care Act to align open enrollment periods for Exchange plans with the deadline for filing Federal income tax returns, and for other purposes; Sponsor: Rep. Bera, Ami [D-CA-7]; Committees: House - Energy and Commerce

H.R.5628 — 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: Rep. McKinley, David B. [R-WV-1]; Committees: House - Energy and Commerce

H.R.5634 — To increase the number of manufacturers registered under the Controlled Substances Act to manufacture cannabis for legitimate research purposes, to authorize health care providers of the Department of Veterans Affairs to provide recommendations to veterans regarding participation in federally-approved cannabis clinical trials, and for other purposes; Sponsor: Rep. Gaetz, Matt [R-FL-1]; Committees: House - Energy and Commerce, Judiciary, Veterans' Affairs

H.R.5635 — To amend title XIX of the Social Security Act to impose restrictions under the Medicaid program with respect to opioid prescriptions, and for other purposes; Sponsor: Rep. Grothman, Glenn [R-WI-6]; Committees: House - Energy and Commerce

H.R.5641 — To amend the Public Health Service Act to provide grants to improve health care in rural areas; Sponsor: Rep. Mullin, Markwayne [R-OK-2]; Committees: House - Energy and Commerce

S.Res.489 — A resolution supporting the goals and ideals of World Malaria Day; Sponsor: Sen. Wicker, Roger F. [R-MS]; submitted, considered, and agreed to without amendment and with a preamble by Voice Vote.

S.2769 — A bill to require the Secretary of Health and Human Services to provide for an action plan on recommendations for changes under Medicare and Medicaid to prevent opioids addictions and enhance access to medication-assisted treatment, and for other purposes; Sponsor: Sen. Heller, Dean [R-NV]; Committees: Senate - Finance

S.2789 — A bill to prevent substance abuse and reduce demand for illicit narcotics; Sponsor: Sen. Cornyn, John [R-TX]; Committees: Senate - Judiciary