



Health Policy Briefing

June 29, 2020

House to Vote Today on Bill to Bolster ACA

The House of Representatives plans to vote today on the **Patient Protection and Affordable Care Enhancement Act** (H.R. 1425). The bill would incentivize states to adopt Medicaid expansion, expand tax credits for coverage on the exchange, and cap premium charges at 8.5 percent of an individual’s income. It would permanently extend federal funding for the Children’s Health Insurance Program (CHIP), allow states to cover children whose family income exceeds eligibility thresholds, and block the White House from implementing its expansion of short-term, limited-duration health plans. The legislation provides \$10 billion for an “Improve Health Insurance Availability Fund” to support states in setting up reinsurance programs or providing financial assistance to people in the individual market, and \$200 million to states looking to establish their own insurance exchanges. The cost of these measures would be offset by a provision to allow the government to negotiate the price of certain pharmaceuticals, as proposed in H.R. 3, the **Lower Drug Costs Now Act**. The legislation has been characterized by many as a messaging bill; it is unlikely that it will be taken up by the GOP-controlled Senate for a vote.

According to remarks made by U.S. Department of Health and Human Services (HHS) Secretary Alex Azar over the weekend, the administration does not plan to work with Congress on an ACA replacement plan until the Supreme Court rules on the validity of the law. The Supreme Court is not expected to hear the case until after the presidential election on November 3.

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House Dems Push to Ensure COVID Treatment Affordability in Next Stimulus

Rep. Chris Pappas (D-N.H.), Lisa Blunt Rochester (D-Del.), Debbie Mucarsel-Powell (D-Fla.), and Sean Casten (D-Ill.) led a [letter](#) sent to Speaker Nancy Pelosi (D-Calif.) urging House leadership to prioritize measures that increase the affordability of future COVID-19 treatments in the next pandemic relief package. The letter specially calls for a prohibition on cost-sharing for COVID-19 treatment under Medicaid, Medicare Advantage, Medicare Part D, and private insurance. The letter was cosigned by 15 additional members of Congress.

COVID-19 Panel Oversight Panel Investigates Administration's Testing Decisions

The House Select Subcommittee on the Coronavirus Crisis, joined by House Democrats from Texas, Colorado, Illinois, New Jersey, and Pennsylvania, are [urging](#) HHS Secretary Alex Azar to reverse a recent decision by the White House to end federal funding for 13 COVID-19 testing sites at the end of the month. While the administration has said that the decision will not impact testing in those states, the lawmakers express serious concern that it will negatively impact the spread of the virus, especially after record-breaking increases in new infections across the country. The nation saw 38,000 new cases on June 24, the highest single day total during the pandemic so far. HHS [announced](#) a 14-day extension for five Community-Based Testing Sites (CBTS) in Texas.

Chairman Jim Clyburn (D-S.C.) has also filed [requests](#) with Vice President Mike Pence, Secretary Azar, and Centers for Disease Control and Prevention (CDC) Director Robert Redfield for any evidence that the administration has moved to limit the number of COVID-19 tests performed in the U.S. The letters follow a recent claim by President Trump that he has instructed officials to slow the nation's rate of testing.

Dunford Vetted for COVID Oversight Position

Retired Marine General and former chairman of the Joint Chiefs of Staff Joseph Dunford is reportedly the leading candidate to chair the Congressional Oversight Commission responsible for overseeing the \$500 billion in loans made to industries in response to the COVID-19 pandemic. The choice of chairman, which has not yet been finalized, is the joint responsibility of House Speaker Nancy Pelosi (D-Calif.) and Senate Majority Leader Mitch McConnell (R-Ky.). The panel's members – Rep. Donna Shalala (D-Fla.), Sen. Pat Toomey (R-Pa.), Bharat Ramamurti, and Rep. French Hill (R-Ark.) – were named in April and have already issued two reports but have been unable to hire staff because of the lack of a chairman. Shalala has told reporters that the panel is still on schedule to meet the deadline to issue its third report. The Commission's first report is available [here](#) and the second [here](#).

CMS Creates New Office on Regulatory Burdens

The Centers for Medicare and Medicaid Services (CMS) announced the creation of an office to reduce regulatory and administrative burdens in health care. The Office of Burden Reduction and Health Informatics will support the administration's Patients Over Paperwork initiative, which stems from the President's 2017 executive order to eliminate duplicative and excessive regulations. CMS said that it expects the initiative to save health care providers \$6.6 billion and 42 million hours through 2021.

CDC Updates List of Populations At Risk of COVID-19 Severe Illness

The Centers for Disease Control and Prevention (CDC) has released an updated and expanded list of the populations at increased risk for getting severely ill from COVID-19. The list still includes older adults and people with underlying medical conditions, but has furthered defined age- and condition-related risks to include chronic kidney disease, COPD, obesity, immunocompromised state from solid organ transplant, serious heart conditions, sickle cell disease, and Type 2 diabetes. The list of other conditions that *might* increase a person's risk of severe illness includes additions such as asthma, high blood pressure, neurologic conditions, cerebrovascular disease, and pregnancy. CDC also clarifies that among adults, risk increases steadily with age – it is not just individuals over the age of 65 who are at increased risk.

CMS Releases Data on COVID-Related SEP Coverage

The Centers for Medicare and Medicaid Services (CMS) has released a trends report providing data on the number of individuals who have signed up for coverage through HealthCare.gov during the COVID-19 public health emergency. The number of consumers gaining coverage through a loss of minimum essential coverage special enrollment period (MEC SEP) is higher for the 2020 coverage year than for any of the prior coverage years, with approximately 487,000 consumers gaining coverage through the loss of MEC, an increase of 46 percent from the same time period last year. Millions of individuals have lost their jobs as a result of the pandemic, and current regulations allow anyone who loses job-based MEC to qualify for a SEP. Consumers typically have up to 60 days following the loss of job-based coverage to enroll in a plan.

CMMI Director Considered for Domestic Policy Council Position

U.S. Department of Health and Human Services (HHS) official Brad Smith is expected to be appointed for a position on the Domestic Policy Council (DPC) to advise the president on health care issues. Smith joined the Trump administration in January. He currently serves as an adviser to Secretary Alex Azar on payment reform and leads the Center for Medicare and Medicaid Innovation (CMMI). If the decision is finalized, Smith would replace Maria Bonner, who is returning to work in the private sector after over a year with the administration. He is expected to remain in his roles at HHS while at the DPC.

Hart Health Strategies COVID-19 Resources

Hart Health Strategies Inc. continues to update the following resources related to the coronavirus pandemic. Please remember to clear your cache to ensure you download the most recent documents.

- [COVID-19 Testing](#)
- [Disaster Primer](#)
- [Federal Relief Overview](#)
- [Health Care Workers on the Front Lines](#)
- [Hospice and Palliative Care](#)
- [Nursing Resources](#)
- [Personal Protective Equipment](#)
- [Physician Provisions](#)
- [Re-Opening America](#)
- [Small Business Resources](#)
- [Small Business - Paycheck Protection Program](#)
- [Small Business – PPP FAQ](#)
- [State Resources](#)
- [Tax Provisions](#)
- [Telehealth Overview](#)
- [Timeline for Implementation](#)

Upcoming Congressional Hearings and Markups

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing “COVID-19: Update on Progress Toward Safely Getting Back to Work and Back to School;” 10:00 a.m., G50 Dirksen Bldg.; June 30

Senate Foreign Relations Committee hearing to examine COVID-19 and United States international pandemic preparedness, prevention, and response, focusing on additional perspectives; 10:00 a.m., virtual; June 30

House Energy and Commerce Subcommittee on Health hearing “High Anxiety and Stress: Legislation to Improve Mental Health During Crisis;” 11:00 a.m., virtual; June 30

House Veterans’ Affairs Subcommittee on Health hearing “Veterans’ Access to Reproductive Healthcare;” 10:00 a.m., virtual; July 1

Senate Veterans’ Affairs Committee hearing “Recruitment, Retention, and Building a Resilient Veterans’ Health Care Workforce;” 3:00 p.m., 106 Dirksen Bldg.; July 1

House Oversight and Reform Select Subcommittee on the Coronavirus Crisis hearing “The Administration’s Efforts to Procure, Stockpile, and Distribute Critical Supplies;” 9:00 a.m., virtual; July 2

Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies hearing to review Operation Warp Speed: the researching, manufacturing, and distributing of a safe and effective coronavirus vaccine; 10:00 a.m., 106 Dirksen Bldg.; July 2

House Small Business Subcommittee on Economic Growth, Tax, and Capital Access hearing “Supply Chain Resiliency;” 10:00 a.m., virtual; July 2

Recently Introduced Health Legislation

S.Res.633 — A resolution supporting the goals of International Myalgic Encephalomyelitis/Chronic Fatigue Syndrome Awareness Day; Sponsor: Sen. Markey, Edward J. [D-MA]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.7286 — To amend title XIX and XXI of the Social Security Act to provide coverage of comprehensive tobacco cessation services under such titles, and for other purposes; Sponsor: Rep. Blunt Rochester, Lisa [D-DE-At Large]; Committees: House - Energy and Commerce

H.R.7287 — To clarify the licensure requirements for contractor medical professionals to perform medical disability examinations for the Department of Veterans Affairs; Sponsor: Rep. Bost, Mike [R-IL-12]; Committees: House - Veterans’ Affairs

H.R.7288 — To direct the Secretary of Health and Human Services and other Federal officials to compile into a searchable database information relating to Federal support for biomedical research and development related to COVID-19, and for other purposes; Sponsor: Rep. Doggett, Lloyd [D-TX-35]; Committees: House - Ways and Means; Veterans’ Affairs; Science, Space, and Technology; Judiciary; Energy and Commerce; Armed Services

H.R.7292 — To amend title XVIII of the Social Security Act to provide for forgiveness of certain accelerated and advance payments under parts A and B of the Medicare program; Sponsor: Rep. Kaptur, Marcy [D-OH-9]; Committees: House - Ways and Means; Energy and Commerce

H.R.7293 — To amend the Public Health Service Act to provide best practices on student suicide awareness and prevention training and condition State educational agencies, local educational agencies, and tribal educational agencies receiving funds under section 520A of such Act to establish and implement a school-based student suicide awareness and prevention training policy; Sponsor: Rep. Peters, Scott H. [D-CA-52]; Committees: House - Energy and Commerce

H.R.7296 — To require any COVID-19 drug developed in whole or in part with Federal support to be affordable and accessible by prohibiting monopolies and price gouging, and for other purposes; Sponsor: Rep. Schakowsky, Janice D. [D-IL-9]; Committees: House - Science, Space, and Technology; Judiciary; Energy and Commerce; Armed Services

S.4037 — A bill to amend the Fair Credit Reporting Act to protect the credit of patients with substantial medical bills; Sponsor: Sen. Loeffler, Kelly [R-GA]; Committees: Senate - Banking, Housing, and Urban Affairs

S.4039 — A bill to amend the Internal Revenue Code of 1986 to make permanent the permissible first-dollar coverage of telehealth services for purposes of health savings accounts; Sponsor: Sen. Loeffler, Kelly [R-GA]; Committees: Senate - Finance

S.4043 — A bill to require the Secretary of Defense to develop a comprehensive database and repository on military aviators and conduct a study on such aviators to determine the incidence of cancer diagnosis and mortality among such aviators, and for other purposes; Sponsor: Sen. Feinstein, Dianne [D-CA]; Committees: Senate - Armed Services

S.4050 — A bill to require the Secretary of Health and Human Services to use authorities under the Defense Production Act of 1950 to prioritize contracts necessary to promote pandemic preparedness and response, and for other purposes; Sponsor: Sen. Duckworth, Tammy [D-IL]; Committees: Senate - Banking, Housing, and Urban Affairs

S.4055 — A bill to address health workforce shortages and disparities highlighted by the COVID-19 pandemic through additional funding for the National Health Service Corps and the Nurse Corps, and to establish a National Health Service Corps Emergency Service demonstration project; Sponsor: Sen. Durbin, Richard J. [D-IL]; Committees: Senate - Health, Education, Labor, and Pensions

S.4058 — A bill to authorize grants to address substance use during COVID-19; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions

S.4059 — A bill to direct the Secretary of Health and Human Services to award grants to States, political subdivisions of States, Indian Tribes and Tribal organizations, community-based entities, and primary care and behavioral health organizations to address behavioral health needs caused by the public health emergency declared with respect to COVID-19; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.7308 — To authorize appropriations for offsetting the costs related to reductions in research productivity resulting from the coronavirus pandemic; Sponsor: Rep. DeGette, Diana [D-CO-1]; Committees: House - Science, Space, and Technology; Natural Resources; Energy and Commerce; Education and Labor; Armed Services; Agriculture

H.R.7316 — To amend the Public Health Service Act to provide for the establishment or operation of a center to be known as the Emergency Mental Health and Substance Use Training and Technical Assistance Center; Sponsor: Rep. Rose, Max [D-NY-11]; Committees: House - Energy and Commerce

H.R.7323 — To amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare Program; Sponsor: Rep. Tonko, Paul [D-NY-20]; Committees: House - Ways and Means

H.R.7338 — To amend title XVIII of the Social Security Act to permit the Secretary of Health and Human Services to waive requirements relating to the furnishing of telehealth services under the Medicare program, and for other purposes; Sponsor: Rep. Cheney, Liz [R-WY-At Large]; Committees: House - Ways and Means; Energy and Commerce

H.R.7368 — To amend title 10, United States Code, to improve the process by which a member of the Armed Forces may be referred for a mental health evaluation; Sponsor: Rep. Moulton, Seth [D-MA-6]; Committees: House - Armed Services

S.4088 — A bill to amend title XIX of the Social Security Act to extend the application of the Medicare payment rate floor to primary care services furnished under Medicaid and to apply the rate floor to additional providers of primary care services; Sponsor: Sen. Brown, Sherrod [D-OH]; Committees: Senate - Finance