



Health Policy Briefing

April 15, 2019

Sanders Reintroduces Medicare for All

Sen. Bernie Sanders (I-Vt.) has introduced an updated version of his “Medicare for All” legislation (S. 1129). Similar to previous iterations of the policy, the bill would replace nearly all forms of private health insurance with a government-managed, single-payer version of Medicare that guarantees coverage to all Americans. The universal health care program would include coverage of primary care, hospital stays, mental health treatment, and prescription drugs. The latest bill would also include coverage for dental, vision, hearing, and home and community-based long-term care services, in line with the House-version of Medicare for All (H.R. 1384) introduced by Rep. Pramila Jayapal (D-Wash.) in February. States would be allowed to provide additional benefits from their own budgets. The Indian Health Service (IHS) and Veterans Health Administration (VHA) would remain in place. The plan would be phased in over four years by gradually lowering the Medicare eligibility age. The House bill would be implemented over only two years. The transition period would phase in benefits while eliminating Part A and B deductibles and waiting periods for Medicare coverage of disabled individuals. It would also provide for continuity of care for people transitioning from private health coverage or from other health care programs such as Medicaid and the Children’s Health Insurance Program (CHIP). When the transition period ends, all individuals would be automatically enrolled in the new system. While the bill does not specify how the health system overhaul would be paid for, Sanders himself has outlined several possible options, including a 4 percent income-based premium on employees and a 7.5 percent income-based premium on employers, eliminating health tax expenditures, imposing a marginal tax rate of up to 70 percent, instituting a higher tax on inheritances, imposing larger fees on financial institutions, or repealing corporate accounting “gimmicks.” Sanders unveiled the Medicare for All bill with the backing of 14 democratic cosponsors. Republicans and the White House have criticized the plan for its lack of any financing mechanisms, raising concerns about the potential adverse impact on access that would result from requiring Americans to switch to a “one-size-fits-all” system.

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Ways and Means Advances Bipartisan Drug Pricing Bill

The House Ways and Means Committee unanimously advanced bipartisan prescription drug pricing legislation last week. H.R. 2113, the ***Prescription Drug Sunshine, Transparency, Accountability, and Reporting (STAR) Act***, was introduced by Chairman Richard Neal (D-Mass.) and aims to increase drug price transparency. It would require manufacturers that raise the price of a drug by 10 percent or by \$10,000 in one year to report to federal officials the reason for such increase. Lawmakers on both sides of the aisle stressed that the ***STAR Act*** is not the final answer and that work will continue to address the rising cost of prescription drugs.

House Committees Move to Block Short-Term Plan Rule

The House Education and Labor Committee has advanced legislation to block the Trump administration's expansion of short-term, limited-duration health insurance plans. H.R. 1010, which was previously approved by the Energy and Commerce Committee, was agreed to by a party line vote of 26-19. The legislation would overturn the 2018 Trump administration rule promoting the sale of such plans, which do not have to comply with all of the Affordable Care Act's (ACA) consumer protections. The rule allows short-term plans to be sold for up to a year, with the option to renew for up to three years. The plans were previously allowed to be sold for only three months. Republicans argue that the administration's rule increases access to affordable insurance options for those who have been priced out of the individual market.

FY 2020 Budget Update

House Democrats were forced to cancel a vote on top-line budget numbers because of intra-party disagreement. The bill (H.R. 2021) would have increased defense spending in 2020 by \$17 billion for a total of \$664 billion, and increased nondefense spending by \$34 billion for a total of \$631 billion. Some progressive Democrats, however, were insistent that nondefense spending be raised to the same level as defense spending. Additionally, some more centrist members had expressed concerns that the appropriations figures did not do enough to reduce spending over time. Rep. Barbara Lee (D-Calif.) planned to offer an amendment to the measure that would allow a \$10 billion cap adjustment in FY 2020 and \$12 billion in 2021 to fund the VA MISSION Act. House Budget Chairman John Yarmuth (D-Ky.) had expressed support for the amendment. On the Senate side, Majority Leader Mitch McConnell (R-Ky.) had announced that Democrats and Republicans will form a staff-level working group to negotiate a final spending deal.

Senate Finance Requests Info on PBM Pricing Practices

Senate Finance Committee Chairman Chuck Grassley (R-Iowa) and Ranking Member Ron Wyden (D-Ore.) have [written](#) to the U.S. Department of Health and Human Services (HHS) Office of the Inspector General (OIG) requesting an analysis of spread pricing practices utilized by pharmacy benefit managers (PBMs). Spread pricing occurs when PBMs reimburse pharmacies for less than what they charge health plans for a product. The lawmakers request a federal-level analysis of PBMs' use of spread pricing across state Medicaid programs, including practices that may allow for "inappropriate profiteering and potential anti-competitive practices."

House Dems Pressure White House for Details on ACA Lawsuit

House Democrats have written to Trump administration officials requesting documents related to the decision to not defend the ACA in court. The chairmen of the Judiciary, Ways and Means, Energy and Commerce, Oversight and Reform, and Education and Labor committees have written to White House counsel Pat Cipollone, Attorney General William Barr, and HHS Secretary Alex Azar seeking information related to the individuals within the administration who supported the decision calling for the ACA to be overturned and asking which officials knew the potential ramifications of the court proceedings. They also request the legal justification for refusal to defend the law and request that administration attorneys testify before Congress.

OIG, Grassley Highlight HHS Cybersecurity Vulnerabilities

Senate Finance Committee Chairman Chuck Grassley (R-Iowa) has [requested](#) information on HHS' cybersecurity policies following an [OIG report](#) that found security controls at the department need improvement to more efficiently detect and prevent certain cyberattacks. The watchdog agency identified vulnerabilities in configuration management, access control, data input control, and software patching. Grassley requests details from Secretary Azar on his plans to mitigate the vulnerabilities found in the [OIG audit](#).

House Launches Black Maternal Health Caucus

The Black Maternal Health Caucus was launched last week by a group of House Democrats. The Caucus, which was formed by Reps. Alma Adams (D-N.C.) and Lauren Underwood (D-Ill.), will focus on the need for more research and policies aimed at improving black maternal health. It currently has 51 members. African-American women are nearly four times more likely than white women to die from preventable, pregnancy-related complications.

Democrats Consider Health Care Positions at Policy Retreat

After adjourning for a two-week recess last week, House Democrats embarked on their annual three-day policy retreat. The theme of the retreat was "100 Days In: Fighting for the People." Lawmakers focused on what has been accomplished during the first three months of Democratic control of the House. The retreat was originally intended to occur in mid-February but was rescheduled due to the government shutdown. The retreat reportedly included a session on the party's health care priorities. Mark Miller, Vice President of Health Care at the Laura and John Arnold Foundation; Bernard Tyson, CEO of Kaiser Foundation Health Plan Inc. and Hospitals; Rebekah Gee, Secretary of the Louisiana Department of Health; and Andy Slavitt, former Centers for Medicare and Medicaid Services (CMS) Administrator were expected to speak at the retreat about lowering health care costs, improving care for people with chronic conditions, and delivery system reforms. The rising cost of prescription drugs was likely a subject of discussion as well. Bills recently advanced by the Energy and Commerce Committee related to drug pricing and strengthening the ACA are expected to be brought to the House floor for a vote in early May after lawmakers return from recess.

New CBO Report on Medical Liability Reform

The Congressional Budget Office (CBO) has released a new working [paper](#) updating the agency's approach to estimating the effects of changes to medical malpractice liability laws on federal spending. According to CBO, recent literature indicates that revisions to liability laws intended to decrease the liability of physicians and other medical providers have an uncertain effect on Medicare spending, and decrease by a small amount the spending of privately insured and Medicaid patients. CBO also offers a preliminary estimate of the budgetary effects of the changes, predicting that the enactment of federal legislation that caps noneconomic damages at \$250,000 and caps attorneys' fees would reduce direct federal spending by about \$20 billion and would have a net effect of reducing the deficit by about \$28 billion over 10 years.

OASH Announces Reorganization

The Office of the Assistant Secretary for Health (OASH) has announced a reorganization of its structure. The changes are meant to strengthen OASH's public health portfolio, improve the integrity and quality of OASH program, and increase operational efficiencies. The Office of the President's Council on Sports, Fitness and Nutrition (PCSFN) will be moved within the Office of Disease Prevention and Health Promotion (ODPHP). In an effort to prepare for the administration's initiative to end HIV, the Office of HIV/AIDS and Infectious Disease Policy (OHAIDP) and the National Vaccine Program Office (NVPO) will be moved into a newly renamed office, the Office of Infectious Disease and HIV/AIDS Policy (OIDP). The Office of Adolescent Health will be moved within the Office of Population Affairs (OPA), and all Title X family planning project staff in the 10 HHS regional offices will be realigned to report directly to OPA Headquarters. The OASH reorganization plan will go into effect June 10.

Recently Introduced Health Legislation

H.R.2113 — To amend titles XI and XVIII of the Social Security Act to provide for drug manufacturer price transparency, to require certain manufacturers to report on product samples provided to certain health care providers, and for other purposes; Sponsor: Rep. Neal, Richard E. [D-MA-1]; Committees: House - Ways and Means, Energy and Commerce

H.R.2115 — To amend title XI of the Social Security Act to provide greater transparency of discounts provided by drug manufacturers; Sponsor: Rep. Spanberger, Abigail Davis [D-VA-7]; Committees: House - Energy and Commerce, Ways and Means

H.R.2117 — To improve the health and safety of Americans living with food allergies and related disorders, including potentially life-threatening anaphylaxis, food protein-induced enterocolitis syndrome, and eosinophilic gastrointestinal diseases, and for other purposes; Sponsor: Rep. Matsui, Doris O. [D-CA-6]; Committees: House - Energy and Commerce

H.R.2131 — To amend title XVIII of the Social Security Act to eliminate a provision under the Medicare Advantage program that inadvertently penalizes Medicare Advantage plans for providing high quality care to Medicare beneficiaries; Sponsor: Rep. Kind, Ron [D-WI-3]; Committees: House - Ways and Means, Energy and Commerce

H.R.2143 — To prevent wasteful and abusive billing of ancillary services to the Medicare program, and for other purposes; Sponsor: Rep. Speier, Jackie [D-CA-14]; Committees: House - Energy and Commerce, Ways and Means

H.R.2150 — To amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; Sponsor: Rep. Schakowsky, Janice D. [D-IL-9]; Committees: House - Ways and Means, Energy and Commerce

H.R.2155 — To provide for certain requirements with respect to the treatment of personally identifiable information by genetic testing services; Sponsor: Rep. Rush, Bobby L. [D-IL-1]; Committees: House - Energy and Commerce

H.R.2163 — To amend the Internal Revenue Code of 1986 to allow for tax-advantaged distributions from health savings accounts during family or medical leave, and for other purposes; Sponsor: Rep. Biggs, Andy [R-AZ-5]; Committees: House - Ways and Means

H.R.2166 — To authorize a comprehensive, strategic approach for United States foreign assistance to developing countries to strengthen global health security, and for other purposes; Sponsor: Rep. Connolly, Gerald E. [D-VA-11]; Committees: House - Foreign Affairs, Armed Services, Intelligence (Permanent Select)

H.R.2172 — To amend title XIX of the Social Security Act to remove the matching requirement for a territory to use specially allocated Federal funds for Medicare covered part D drugs for low-income individuals; Sponsor: Rep. Gonzalez-Colon, Jenniffer [R-PR-At Large]; Committees: House - Energy and Commerce

H.R.2177 — To amend the Internal Revenue Code of 1986 to make members of health care sharing ministries eligible to establish health savings accounts; Sponsor: Rep. Kelly, Mike [R-PA-16]; Committees: House - Ways and Means

H.R.2178 — To amend title II of the Social Security Act to eliminate the waiting periods for disability insurance benefits and Medicare coverage for individuals with metastatic breast cancer, and for other purposes; Sponsor: Rep. King, Peter T. [R-NY-2]; Committees: House - Ways and Means

H.R.2182 — To establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, medication related to contraception, and for other purposes; Sponsor: Rep. Maloney, Carolyn B. [D-NY-12]; Committees: House - Energy and Commerce

H.R.2183 — To amend the Patient Protection and Affordable Care Act to streamline the State innovation waiver process, and for other purposes; Sponsor: Rep. Marshall, Roger W. [R-KS-1]; Committees: House - Energy and Commerce, Ways and Means

H.R.2184 — 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: Rep. Morelle, Joseph D. [D-NY-25]; Committees: House - Veterans' Affairs

S.1086 — A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, medication related to contraception, and for other purposes; Sponsor: Sen. Booker, Cory A. [D-NJ]; Committees: Senate - Health, Education, Labor, and Pensions

S.1089 — A bill to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements; Sponsor: Sen. Roberts, Pat [R-KS]; Committees: Senate - Finance

H.Res.308 — Supporting the goals and ideals of National Youth HIV & AIDS Awareness Day; Sponsor: Rep. Lee, Barbara [D-CA-13]; Committees: House - Energy and Commerce

H.Res.313 — Designating April 24, 2019, as "Meningitis B Awareness Day"; Sponsor: Rep. Slotkin, Elissa [D-MI-8]; Committees: House - Energy and Commerce

H.R.2200 — To amend title 38, United States Code, to ensure that certain diseases are covered by the presumption of service connection relating to the exposure to herbicides by certain veterans who served in the Republic of Vietnam, and for other purposes; Sponsor: Rep. Westerman, Bruce [R-AR-4]; Committees: House - Veterans' Affairs

H.R.2207 — To amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; Sponsor: Rep. Kind, Ron [D-WI-3]; Committees: House - Ways and Means

H.R.2209 — To establish the position of Chief Pharmaceutical Negotiator in the Office of the United States Trade Representative responsible for conducting trade negotiations and enforcing trade agreements related to acts, policies, and practices of foreign governments that fail to appropriately reward United States innovation with respect to pharmaceuticals, and for other purposes; Sponsor: Rep. Meadows, Mark [R-NC-11]; Committees: House - Ways and Means

H.R.2216 — To direct the Secretary of Health and Human Services to establish a grant program for States that provide flexibility in licensing for health care providers who offer services on a volunteer basis; Sponsor: Rep. Burchett, Tim [R-TN-2]; Committees: House - Energy and Commerce

H.R.2222 — To require a review of women and lung cancer, and for other purposes; Sponsor: Rep. Boyle, Brendan F. [D-PA-2]; Committees: House - Energy and Commerce

H.R.2234 — To increase funding for the 10-Year Pediatric Research Initiative Fund by eliminating taxpayer financing of presidential election campaigns; Sponsor: Rep. Davis, Rodney [R-IL-13]; Committees: House - Ways and Means, Energy and Commerce, House Administration

H.R.2235 — To amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes; Sponsor: Rep. DeGette, Diana [D-CO-1]; Committees: House - Energy and Commerce, Ways and Means

H.R.2241 — To amend title XIX of the Social Security Act to treat Puerto Rico as one of the 50 States for purposes of calculating the Federal medical assistance percentage under the Medicaid program; Sponsor: Rep. Gonzalez-Colon, Jenniffer [R-PR-At Large]; Committees: House - Energy and Commerce

H.R.2243 — To exempt health insurance of residents of United States territories from the annual fee on health insurance providers; Sponsor: Rep. Gonzalez-Colon, Jenniffer [R-PR-At Large]; Committees: House - Ways and Means, Energy and Commerce

H.R.2269 — To require the Comptroller General of the United States to conduct a study and submit a report on the effects of food additives on children's health; Sponsor: Rep. Meng, Grace [D-NY-6]; Committees: House - Energy and Commerce

H.R.2271 — To amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life; Sponsor: Rep. Moore, Gwen [D-WI-4]; Committees: House - Energy and Commerce

H.R.2279 — To amend the Employee Retirement Income Security Act of 1974 to require a group health plan (or health insurance coverage offered in connection with such a plan) to provide an exceptions process for any medication step therapy protocol, and for other purposes; Sponsor: Rep. Ruiz, Raul [D-CA-36]; Committees: House - Education and Labor

H.R.2281 — To direct the Attorney General to amend certain regulations so that practitioners may administer not more than 3 days' medication to a person at one time when administering narcotic drugs for the purpose of relieving acute withdrawal symptoms; Sponsor: Rep. Ruiz, Raul [D-CA-36]; Committees: House - Energy and Commerce, Judiciary

H.R.2282 — To amend title XVIII of the Social Security Act to modernize the physician self-referral prohibitions to promote care coordination in the merit-based incentive payment system and to facilitate physician practice participation in alternative payment models under the Medicare program, and for other purposes; Sponsor: Rep. Ruiz, Raul [D-CA-36]; Committees: House - Energy and Commerce, Ways and Means

H.R.2283 — To provide better care and outcomes for Americans living with Alzheimer's disease and related dementias and their caregivers while accelerating progress toward prevention strategies, disease modifying treatments, and, ultimately, a cure; Sponsor: Rep. Sanchez, Linda T. [D-CA-38]; Committees: House - Energy and Commerce, Ways and Means

S.Res.154 — A resolution recognizing the week of April 11 through April 17, 2019, as “Black Maternal Health Week” to bring national attention to the maternal health crisis in the Black community and the importance of reducing maternal mortality and morbidity among Black women; Sponsor: Sen. Harris, Kamala D. [D-CA]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.157 — A resolution supporting the designation of April 2019 as “Parkinson’s Awareness Month”; Sponsor: Sen. Isakson, Johnny [R-GA]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.Res.158 — A resolution authorizing the use of the atrium in the Philip A. Hart Senate Office Building for the National Prescription Drug Take Back Day, a semiannual event of the Drug Enforcement Administration; Sponsor: Sen. Klobuchar, Amy [D-MN]; Submitted in the Senate, considered, and agreed to without amendment by Unanimous Consent.

S.1101 — A bill to ensure that only licensed health care providers furnish disability examinations under a certain Department of Veterans Affairs pilot program for use contract physicians for disability examinations, and for other purposes; Sponsor: Sen. Rubio, Marco [R-FL]; Committees: Senate - Veterans’ Affairs

S.1107 — A bill to require a review of women and lung cancer, and for other purposes; Sponsor: Sen. Rubio, Marco [R-FL]; Committees: Senate - Health, Education, Labor, and Pensions

S.1114 — A bill to amend title XVIII of the Social Security Act to eliminate a provision under the Medicare Advantage program that inadvertently penalizes Medicare Advantage plans for providing high quality care to Medicare beneficiaries; Sponsor: Sen. Daines, Steve [R-MT]; Committees: Senate – Finance

S.1122 — A bill to amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions

S.1125 — A bill to amend the Health Insurance Portability and Accountability Act; Sponsor: Sen. Tillis, Thom [R-NC]; Committees: Senate - Health, Education, Labor, and Pensions

S.1126 — A bill to provide better care for Americans living with Alzheimer’s disease and related dementias and their caregivers, while accelerating progress toward prevention strategies, disease modifying treatments, and, ultimately, a cure; Sponsor: Sen. Capito, Shelley Moore [R-WV]; Committees: Senate – Finance

S.1129 — A bill to establish a Medicare-for-all national health insurance program; Sponsor: Sen. Sanders, Bernard [I-VT]; Committees: Senate – Finance

S.1130 — A bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.159 — A resolution designating April 24, 2019, as “Meningitis B Awareness Day”; Sponsor: Sen. Peters, Gary C. [D-MI]; Committees: Senate – Judiciary

S.Res.161 — A resolution supporting the goals and ideals of World Malaria Day; Sponsor: Sen. Wicker, Roger F. [R-MS]; Committees: Senate - Foreign Relations

S.Res.165 — A resolution recognizing the importance of vaccinations and immunizations in the United States; Sponsor: Sen. Duckworth, Tammy [D-IL]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Voice Vote.

S.1140 — A bill to amend the Public Health Service Act with respect to the treatment under section 351(k)(7) of such Act (relating to exclusivity for reference products) of certain products deemed to have a biological product license pursuant to section 7002 of the Biologics Price Competition and Innovation Act of 2009; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions

S.1146 — A bill to amend the Older Americans Act of 1965 to require the Assistant Secretary for Aging to identify and disseminate best practices for the National Family Caregiver Support program, and for other purposes; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Health, Education, Labor, and Pensions

S.1154 — A bill to amend title 38, United States Code, to establish an advisory committee on the implementation by the Department of Veterans Affairs of an electronic health record; Sponsor: Sen. Tester, Jon [D-MT]; Committees: Senate - Veterans' Affairs

S.1159 — A bill to amend the Older Americans Act of 1965 to establish the Office of Inclusivity and Sexual Health and a rural outreach grant program carried out by that Office, and for other purposes; Sponsor: Sen. Bennet, Michael F. [D-CO]; Committees: Senate - Health, Education, Labor, and Pensions

S.1160 — A bill to amend the Child Abuse Prevention and Treatment Act to increase support for mental health; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions

S.1169 — A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to citizen petitions; Sponsor: Sen. Gardner, Cory [R-CO]; Committees: Senate - Health, Education, Labor, and Pensions

S.1173 — A bill to amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children program; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Health, Education, Labor, and Pensions

S.1190 — A bill to amend title XVIII of the Social Security Act to provide for payments for certain rural health clinic and Federally qualified health center services furnished to hospice patients under the Medicare program; Sponsor: Sen. Capito, Shelley Moore [R-WV]; Committees: Senate - Finance

S.1191 — A bill to reauthorize section 340H of the Public Health Service Act to continue to encourage the expansion, maintenance, and establishment of approved graduate medical residency programs at qualified teaching health centers, and for other purposes; Sponsor: Sen. Collins, Susan M. [R-ME]; Committees: Senate - Health, Education, Labor, and Pensions

S.1199 — A bill to amend the Public Health Service Act to revise and extend the poison center network program; Sponsor: Sen. Murray, Patty [D-WA]; Committees: Senate - Health, Education, Labor, and Pensions

S.1202 — A bill to amend title XVIII of the Social Security Act to provide for a permanent Independence at Home medical practice program under the Medicare program; Sponsor: Sen. Markey, Edward J. [D-MA]; Committees: Senate - Finance

S.1209 — A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to approval of abbreviated new drug applications; Sponsor: Sen. Cassidy, Bill [R-LA]; Committees: Senate - Health, Education, Labor, and Pensions

S.1213 — A bill to provide health insurance reform, and for other purposes; Sponsor: Sen. Warren, Elizabeth [D-MA]; Committees: Senate - Finance