



Health Policy Briefing

June 1, 2020

WH to Push for Clean Surprise Billing Ban

The White House has pivoted to a new strategy for addressing surprise insurance gaps and plans to urge lawmakers to ban surprise medical bills altogether in the next coronavirus stimulus package. Previous proposals would have protected patients from surprise bills while setting parameters for reimbursement of out-of-network charges. The President had been on the record in support of a bipartisan proposal from the Senate Health, Education, Labor, and Pensions (HELP) Committee and the House Energy and Commerce Committee that would set benchmark pay rates for out-of-network services. The House Ways and Means Committee has introduced a competing proposal that would provide for an independent dispute resolution (IDR) process to settle provider-payer disputes. A clean ban on surprise billing would not mandate how doctors and hospitals recover their costs from insurers, leaving payment disputes to be resolved on a case-by-case basis. According to a congressional aide, the Congressional Budget Office (CBO) has advised that this plan would result in higher provider rates and increased premiums. An earlier coronavirus rescue package included a provision to cover the cost of COVID-19 testing, and the administration is requiring that providers agree to not send unexpected bills to coronavirus patients as a part of a \$175 billion support fund.

National Testing Strategy Delivered to Congress

The White House has delivered its congressionally mandated report on a national coronavirus testing strategy to Congress. According to the report, the U.S. had tested a total of 4.1 million people as of April 21, and states currently have the ability to perform more than 2 million tests per week. The administration also indicates that the proportion of positive test results is decreasing. While the report does not include a specific nationwide testing goal, it states that the federal government will continue to support and encourage states in their testing efforts. The plan includes broad recommendations, suggesting that states should aim to test at least 2 percent of their populations in May and June, bring positive test rates below 10 percent, and invest in a technology

Inside

- Democrats Blast CDC Report on Racial Disparities for COVID-19.....2
- President Announces U.S. Withdrawal from WHO.....2
- House Passes Changes to Paycheck Protection Program.....2
- Takano Requests Demographic Data on VA COVID Care.....2
- HHS Pressed to Provide COVID Response Information.....2
- HartHealthStrategies COVID-19 Resources.....3
- Upcoming Congressional Hearings and Markups.....3
- Recently Introduced Health Legislation.....4

accelerator program to scale up testing. The plan also suggests that conducting approximately 300,000 test per day is a sufficient target. The report was strongly criticized by congressional Democrats, who argued that the White House failed to explain how their testing targets were set, how targets will be met, and how the administration will respond if targets are not achieved. A national testing strategy was required by the *Paycheck Protection Program and Health Care Enhancement Act*, which was signed into law on April 24.

Democrats Blast CDC Report on Racial Disparities for COVID-19

Democrats, including Rep. Robin Kelly (Ill.), Rep. Ayanna Pressley (Mass.) and Senate HELP Committee Ranking Member Patty Murray (Wash.) slammed federal health officials Wednesday, calling a [report](#) on the racial breakdown of cases and deaths from the coronavirus “pitiful” and saying it hurts efforts to target resources to communities of color. The report in question consisted of 2.5 pages to meet a mandate included in the *Paycheck Protection Program and Health Care Enhancement Act* passed by Congress in April.

President Announces U.S. Withdrawal from WHO

President Trump stated on Friday that the U.S. will terminate its relationship with the World Health Organization (WHO). It remains unclear how the U.S. could go about withdrawing from the treaty signed to join the organization, which does not contain a formal mechanism for withdrawal. The announcement was widely criticized by lawmakers on both sides of the aisle, who have raised concerns about the impact of the decision on the development of vaccines. Senate Health, Education, Labor, and Pensions (HELP) Committee Chairman Lamar Alexander (R-Tenn.) stated that he disagreed with the President’s announcement and asserted that the time to examine the mistakes of WHO is after the COVID-19 crisis.

House Passes Changes to Paycheck Protection Program

On May 28, the House passed H.R. 7010, the *Paycheck Protection Program Flexibility Act of 2020*, as amended. The House measure would give companies much more time to spend the money -- within 24 weeks or until the end of the year, whichever comes first -- and still qualify to have their PPP loans forgiven. Businesses would also have up to five years, instead of two years, to repay any money owed on a loan and could use a greater percentage of proceeds on rent and other approved non-payroll expenses (to 40% instead of the current 25%) and still receive full loan forgiveness. The 417-1 vote sends the measure to the Senate, which may seek changes.

Takano Requests Demographic Data on VA COVID Care

House Veterans’ Affairs Committee Chair Mark Takano (D-Calif.) is requesting additional information about coronavirus patients being treated by the VA. In a [letter](#) to VA Secretary Robert Wilkie, Takano asks for daily updates on COVID-19 cases at VA hospitals broken down by age, race, ethnicity, gender, tribal affiliation, and spoken language, as well as an analysis of all COVID-19 cases treated by the VA to date. The letter criticizes the VA for failing to provide public facing communications for non-English speakers. Reps. Joaquin Castro (D-Texas), Judy Chu (D-Calif.), and Karen Bass (D-Calif.) also signed on to the letter.

HHS Pressed to Provide COVID Response Information

House Homeland Security Committee Chair Bennie Thompson (D-Miss.) has [written](#) to the Secretary of the U.S. Department of Health and Human Services (HHS) asking for details the panel has previously requested on the federal response to the coronavirus pandemic. Chairman Thompson references three outstanding requests for information to the administration officials. He asks that HHS comply with the committee’s requests for documents by June 12, 2020.

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 Banking, Housing, and Urban Affairs Committee will meet remotely to conduct a hearing entitled “Implementation of Title IV (Coronavirus Economic Stabilization) of the CARES Act;” 10:00 a.m.; June 2

Senate Judiciary Committee hearing “Examining Best Practices for Incarceration and Detention During COVID-19;” 10:00 a.m., 106 Dirksen Bldg.; June 2

House Energy and Commerce Subcommittee on Oversight and Investigations hearing “On the Front Lines: How Governors are Battling the COVID-19 Pandemic;” 11:30 a.m., remote; June 2

Senate Finance Committee hearing “COVID-19 and Beyond: Oversight of the FDA’s Foreign Drug Manufacturing Inspection Process;” 2:30 p.m., 106 Dirksen Bldg.; June 2

Senate Small Business and Entrepreneurship Committee hearing “Perspectives from Main Street: COVID-19’s Impact on Small Business;” 10:00 a.m., 301 Russell Bldg.; June 3

House Judiciary Committee hearing “Protecting the Right to Vote During the COVID-19 Pandemic;” 11:00 a.m., location TBD; June 3

House Budget Committee virtual hearing “Addressing the Economic Impacts of COVID-19: Views from Two Former CBO Directors;” 1:00 p.m., Webex; June 3

Senate Commerce, Science, and Transportation Committee hearing “The State of Transportation and Critical Infrastructure: Examining the Impact of the COVID-19 Pandemic;” 2:30 p.m., G50 Dirksen Bldg.; June 3

Senate Veterans’ Affairs Committee hearing “FY21 Budget and 2022 Advance Appropriations Requests, and FY20 Enacted CARES Act Supplemental Appropriations for the Department of Veterans Affairs;” 3:00 p.m., 106 Dirksen Bldg.; June 3

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing “COVID-19: Going Back to College Safely;” 10:00 a.m., 430 Dirksen Bldg.; June 4

House Appropriations Subcommittee on the Departments of Labor, Health and Human Services, Education, and Related Agencies hearing “COVID-19 Response;” 11:00 a.m., 1324 Longworth Bldg.; June 4

House Committee on House Administration hearing “The Impact of COVID-19 on Voting Rights and Election Administration: Ensuring Safe and Fair Elections;” 1:00 p.m., location TBA; June 4

Senate Homeland Security and Governmental Affairs Committee virtual hearing “Evaluating the Federal Government’s Procurement and Distribution Strategies in Response to the COVID-19 Pandemic;” 10:00 a.m., video conference; June 9

Senate Small Business and Entrepreneurship Committee hearing “Implementation of Title I (Keeping American Workers Paid and Employed) of the CARES Act;” 10:00 a.m., 301 Russell Bldg.; June 10

Senate HELP Committee hearing “COVID-19: Going Back to School Safely;” 10:00 a.m., 430 Dirksen Bldg.; June 10

Recently Introduced Health Legislation

H.R.6962 — To amend title XI of the Social Security Act to expand the use of global payments to hospitals in rural areas; Sponsor: Rep. Cartwright, Matt [D-PA-8]; Committees: House - Energy and Commerce; Ways and Means

H.R.6966 — To direct the Secretary of Health and Human Services, in cooperation with the Biodefense Steering Committee, to clarify the national biodefense strategy and associated implementation plan, and for other purposes; Sponsor: Rep. Crow, Jason [D-CO-6]; Committees: House - Energy and Commerce

H.R.6971 — To amend title XVIII of the Social Security Act to expand the availability of medical nutrition therapy services under the Medicare program; Sponsor: Rep. Engel, Eliot L. [D-NY-16]; Committees: House - Energy and Commerce; Ways and Means

H.R.6972 — To protect older adults and people with disabilities living in nursing homes, intermediate care facilities, and psychiatric hospitals from COVID-19; Sponsor: Rep. Eshoo, Anna G. [D-CA-18]; Committees: House - Energy and Commerce

H.R.6973 — To amend the paycheck protection program of the Small Business Administration to include costs related to the provision of personal protective equipment as an allowable use of a covered loan, and for other purposes; Sponsor: Rep. Finkenauer, Abby [D-IA-1]; Committees: House - Small Business

H.R.6979 — To amend the Public Health Service Act to designate certain medical facilities of the Department of Veterans Affairs as health professional shortage areas, and for other purposes; Sponsor: Rep. Kind, Ron [D-WI-3]; Committees: House - Energy and Commerce

H.R.6997 — To direct the Secretary of Veterans Affairs to increase the supply of prescription drugs for which the Secretary pays for veterans during a public health emergency; Sponsor: Rep. Roy, Chip [R-TX-21]; Committees: House - Veterans’ Affairs

H.R.6999 — To establish the Coronavirus Mental Health and Addiction Assistance Network, and for other purposes; Sponsor: Rep. Ryan, Tim [D-OH-13]; Committees: House - Energy and Commerce; Budget

H.R.7002 — To amend title 18, United States Code, to increase the penalties for trafficking in counterfeit goods, services, or drugs related to a major disaster or emergency, and for other purposes; Sponsor: Rep. Steil, Bryan [R-WI-1]; Committees: House - Judiciary

H.R.7004 — To ensure that a portion of funds appropriated to the Public Health and Social Services Emergency Fund for payments to eligible health care providers is reserved for such providers located in rural areas, and for other purposes; Sponsor: Rep. Torres Small, Xochitl [D-NM-2]; Committees: House - Energy and Commerce

H.R.7006 — To amend title XI of the Social Security Act to waive the application of certain conditions of payment and conditions of participation for home health services furnished in an emergency area during an emergency period, and for other purposes; Sponsor: Rep. Velazquez, Nydia M. [D-NY-7]; Committees: House - Ways and Means; Energy and Commerce

H.R.7008 — To amend the Internal Revenue Code of 1986 to provide flexibility for families with health flexible spending arrangements and dependent care flexible spending arrangements, and for other purposes; Sponsor: Rep. Wenstrup, Brad R. [R-OH-2]; Committees: House - Ways and Means

H.Res.980 — Expressing support for designation of May 2020 as “National Brain Tumor Awareness Month”; Sponsor: Rep. Quigley, Mike [D-IL-5]; Committees: House - Energy and Commerce

H.R.7010 — To amend the Small Business Act and the CARES Act to modify certain provisions related to the forgiveness of loans under the paycheck protection program, to allow recipients of loan forgiveness under the paycheck protection program to defer payroll taxes, and for other purposes; Sponsor: Rep. Phillips, Dean [D-MN-3]; Committees: House - Small Business; Ways and Means

H.R.7017 — To allow States to approve the use of diagnostic tests during a public health emergency; Sponsor: Rep. McHenry, Patrick T. [R-NC-10]; Committees: House - Energy and Commerce

H.R.7018 — To require the President to use authorities under the Defense Production Act of 1950 to require emergency production of COVID-19 supplies to address the COVID-19 pandemic, and for other purposes; Sponsor: Rep. Pocan, Mark [D-WI-2]; Committees: House - Financial Services

H.R.7025 — To amend the Public Health Service Act to authorize grants to certain public health laboratories to assist such laboratories in meeting the cost of acquiring high-throughput diagnostic equipment, and for other purposes; Sponsor: Rep. Bucshon, Larry [R-IN-8]; Committees: House - Energy and Commerce

H.R.7026 — To amend the Public Health Service Act to authorize grants for acquiring equipment and supplies capable of performing same-day clinical laboratory diagnostic testing in a point-of-care setting, and for other purposes; Sponsor: Rep. DeGette, Diana [D-CO-1]; Committees: House - Energy and Commerce

H.R.7037 — To provide for quality assurance of COVID-19 reimbursements and reporting; Sponsor: Rep. Posey, Bill [R-IN-8]; Committees: House - Energy and Commerce; Judiciary

H.R.7041 — To provide that any termination of a director of a national research institute or national center of the National Institutes of Health be on the basis of malfeasance, neglect of office, or incapacity only; Sponsor: Rep. Welch, Peter [D-VT-At Large]; Committees: House - Energy and Commerce

H.Res.982 — Designating May 28, 2020, as the first annual “National Food Allergy Prevention Awareness Day” to raise awareness and encourage the prevention of severe food allergies among children; Sponsor: Rep. Brownley, Julia [D-CA-26]; Committees: House - Energy and Commerce

H.R.7048 — To establish requirements for skilled nursing facilities, nursing facilities, and assisted living facilities to manage the outbreak of COVID-19, and for other purposes; Sponsor: Rep. Gottheimer, Josh [D-NJ-5]; Committees: House - Energy and Commerce; Ways and Means

H.R.7057 — To amend the Public Health Service Act to authorize and provide for the expansion, intensification, and coordination of the programs and activities of the National Institutes of Health with respect to post-viral chronic neuroimmune diseases, specifically myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS), to support the COVID-19 response, and other purposes; Sponsor: Rep. Raskin, Jamie [D-MD-8]; Committees: House - Energy and Commerce

H.R.7058 — To provide a payroll tax credit for certain bonuses paid to employees who worked continuously during the COVID-19 pandemic; Sponsor: Rep. Reed, Tom [R-NY-23]; Committees: House - Ways and Means

H.R.7059 — To provide for liability protection for health care providers for damages with respect to any harm caused by any act or omission of such health care professional or related health care entity in the course of arranging for or providing health care services during the COVID-19 public health emergency period, and for other purposes; Sponsor: Rep. Roe, David P. [R-TN-1]; Committees: House - Judiciary

H.R.7062 — To amend title XVIII of the Social Security Act to eliminate cost-sharing with respect to coverage of insulin as a covered part D drug and associated medical supplies and to provide mail order access to insulin and such supplies under the Medicare program during the COVID-19 emergency period; Sponsor: Rep. Waters, Maxine [D-CA-43]; Committees: House - Energy and Commerce; Ways and Means