



Health Policy Briefing

June 22, 2020

Lawmakers Push to Make Telehealth Changes Permanent

A bipartisan group of 30 senators have sent a letter [calling](#) on Senate leadership to enact legislation to permanently implement the changes previously authorized by Congress to increase access to telehealth services during the pandemic. The lawmakers argue that expanding access to telehealth services on a permanent basis would both “assure patients that their care will not be interrupted when the pandemic ends,” but also “provide certainty to health care providers that the costs to prepare for and use telehealth would be a sound long-term investment.” The specific permanent changes include permitting community health centers and rural health clinics to provide distant site telehealth services and for telehealth to be used for face-to-face visits to certify a patient’s eligibility to enter hospice care. The lawmakers also call for more data on the impact of telehealth on spending, health outcomes, and quality of care during the pandemic. The letter was led by Sen. Brian Schatz (D-Hawaii) and signed by the cosponsors of Schatz’s ***Creating Opportunities Now for Necessary and Effective Care Technologies (CONNECT) for Health Act***, which was included in previous COVID-19 response legislation and expanded access to telehealth services for Medicare beneficiaries during the pandemic on a temporary basis. The letter highlights data showing that the number of Medicare beneficiaries using telehealth services increased by 11,718 percent in just a month and a half during the pandemic.

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Grassley Requests Recommendations on Health Inequities

Senate Finance Committee Chairman Chuck Grassley (R-Iowa) is [requesting](#) input from panel members on areas the Committee should focus on to reduce health disparities. Grassley states that some Finance members have publicly voiced displeasure that the Committee is not doing enough to address the issue of racial and ethnic health disparities, which have been highlighted by recent acts of police brutality and the COVID-19 pandemic. Grassley outlines the work the committee is currently engaged in to improve outcomes for racial and ethnic minorities, but requests that lawmakers provide additional viable suggestions to reduce health disparities as the panel continues its bipartisan efforts.

House Energy and Commerce Chairman Frank Pallone (D-N.J.) [sent](#) a related request to the Centers for Medicare and Medicaid Services (CMS) last week. Pallone wrote to Administrator Seema Verma to reiterate a previous request that the agency release Medicare COVID-19 outcomes data based on race, ethnicity, and gender. Pallone's first request for the information was made nine weeks ago. In his letter, Pallone also asks for a briefing from CMS to better understand how the agency is utilizing such data to inform its response to COVID-19.

Dems Seek Details on FDA Vaccine Plans

Democratic leadership of the House Committee on Oversight and Reform have [written](#) to Commissioner of Food and Drugs Stephen Hahn to request a briefing on the agency's plans for the development, review, and deployment of an eventual coronavirus vaccine. They argue that transparency in the FDA's process is critical to support public trust in the vaccine and suggest that the agency declare that any vaccine candidate would have to be proved safe and effective in a complete Phase 3 clinical trial with at least 30,000 volunteers. They ask for confirmation that the FDA will participate in a briefing with the committee on July 2.

MACPAC/MedPAC June Reports to Congress

The Medicaid and CHIP Payment and Access Commission (MACPAC) has released its June 2020 [Report](#) to Congress on Medicaid and CHIP. The Commission's latest report addresses how to improve integration of care for dually eligible beneficiaries, increasing enrollment in Medicare Savings Programs (MSPs), Medicaid's role in maternal health, and ensuring that Medicaid remains the payer of last resort when beneficiaries have other sources of coverage. The report includes five recommendations for congressional and administrative action. In the letter transmitting the report to Congress, MACPAC Chair Melanie Bella states that the Commission's work in the months ahead will focus on Medicaid's response to the COVID-19 pandemic.

The Medicare Payment Advisory Commission (MedPAC) also released its latest [report](#) to Congress last week. This year's report includes seven chapters:

- Realizing the promise of value-based payment in Medicare: An agenda for change
- Challenges in maintaining and increasing savings from accountable care organizations (ACOs)
- Replacing the Medicare Advantage quality bonus program
- Mandated report: Impact of changes in the 21st Century Cures Act to risk adjustment for Medicare Advantage enrollees
- Realigning incentives in Medicare Part D
- Separately payable drugs in the hospital outpatient prospective payment system (OPPS)
- Improving Medicare's end-stage renal disease (ESRD) prospective payment system (PPS)

Amongst other recommendations, the Commission recommends replacing the Medicare Advantage quality bonus program with a value incentive program that could save approximately \$94 billion over 10 years and reduce premiums for all Medicare beneficiaries.

Nursing Home COVID-19 Response in the Spotlight

The House Select Subcommittee on the Coronavirus Crisis is launching an investigation into nursing home COVID-19 deaths. Chairman James Clyburn (D-S.C.) sent [letters](#) to the five largest for-profit nursing home companies in the U.S. as well as to the Centers for Medicare and Medicaid Services (CMS) to request information about COVID-19 case and death counts, staffing levels and pay, and actions taken to prevent further infections. The panel is also asking for details about the use of federal funds by nursing homes during the pandemic. Chairman Clyburn has expressed concerns about CMS' oversight role and the failure of the administration to distribute adequate personal protective equipment (PPE) to facilities.

In addition, House Appropriations Labor, Health and Human Services, Education Subcommittee Chair Rosa DeLauro (D-Conn.) and Senate Health, Education, Labor, and Pensions (HELP) Committee Ranking Member Patty Murray (D-Wash.) have sent a [letter](#) to U.S. Department of Health and Human Services Secretary (HHS) Alex Azar about the steps being taken to prevent and respond to the disproportionate impact of COVID-19 on nursing home residents and staff. The lawmakers express concern about the amount of funding being used to ensure nursing homes are adhering to standards for quality of care, infection control, and maintaining sufficient staffing to minimize the spread of the virus and protect patients and staff. They request details on the decisions CMS has made to date by July 2.

Schakowsky, Warren Seek Details on Mask Manufacturer Claims

Rep. Jan Schakowsky (D-Ill.) and Sen. Elizabeth Warren (D-Mass.) are [asking](#) Vice President Mike Pence for information related to reports that the White House rejected an offer to increase domestic manufacturing capacity for N95 respirators at the beginning of the COVID-19 pandemic. Prestige Ameritech, the largest domestic manufacturer of surgical masks and respirators, says that it offered to produce masks just one day after the first case of COVID-19 was confirmed in the U.S. If such whistleblower complaints are accurate, the lawmakers argue that the administration has "likely contributed to the chronic nationwide shortage of crucial protective equipment and the ongoing spread of the disease." They request a response no later than July 2.

Lawmakers Continue Pressure for Special Enrollment Period

Democratic leadership of the Energy and Commerce, Education and Labor, Ways and Means, Health, Education, Labor, and Pensions (HELP), and Finance committees have sent another [letter](#) to U.S. Department of Health and Human Services Secretary Alex Azar and Centers for Medicare and Medicaid Services (CMS) Administrator Seema Verma urging the officials to re-launch HealthCare.gov in response to the economic and health crises caused by the COVID-19 pandemic. The lawmakers state that the Trump administration has not yet responded to oversight requests regarding the White House's decision to not open a special enrollment period in light of the current public health emergency. According to the letter, more than 20 million people who have lost employer-sponsored health coverage may become eligible for either Medicaid or Marketplace coverage.

Republicans Encourage WHO Reforms, Not Withdrawal

House Republicans have recommended that the U.S. remain a member of the World Health Organization (WHO) in a [report](#) examining the origins of the coronavirus. The report from Republican members of the House Foreign Affairs Committee expresses support for reforming the agency and for the resignation of WHO Director-General Tedros Adhanom Ghebreyesus. The lawmakers assert, however, that the withdrawal of the U.S. or the establishment of a competing international organization is not the correct path forward.

Steroid Shows Promise in Reducing Risk of COVID-19 Death

The inexpensive steroid dexamethasone is the first drug shown to reduce the risk of death for COVID-19 patients according to British researchers running [a trial](#) at Oxford University. The results have not yet been peer reviewed, but the study was stopped early because of its important findings. Dexamethasone reduced deaths by up to a third in COVID-19 patients on ventilators, and reduced deaths by one-fifth in patients on oxygen. The trial randomly assigned 2,104 patients to receive the medicine to compare their outcomes to 4,321 patients who received standard care. Dexamethasone's benefit was only observed in seriously ill COVID-19 patients. The product was first approved in 1958 and is used to treat inflammation. It is a part of the RECOVERY trial, one of the largest studies in world examining possible coronavirus treatments.

FDA Withdraws Hydroxychloroquine EUA

The Food and Drug Administration (FDA) has withdrawn emergency use authorizations (EUAs) for hydroxychloroquine and chloroquine, two drugs promoted by the President for the treatment of coronavirus. The EUAs were withdrawn amid concerns about the safety and effectiveness of the drugs, which can cause serious heart problems. The FDA had allowed their use in hospitalized COVID-19 patients and in clinical trials.

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

House Education and Labor hearing “Inequities Exposed: How COVID-19 Widened Racial Inequities in Education, Health, and the Workforce;” 12:00 p.m., virtual; June 22

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing to examine COVID-19, focusing on lessons learned to prepare for the next pandemic; 10:00 a.m. EDT, 430 Dirksen Bldg.; June 23

House Energy and Commerce Committee hearing “Oversight of the Trump Administration’s Response to the COVID-19 Pandemic;” 11:00 a.m., 2123 Rayburn Bldg.; June 23

House Veterans’ Affairs Subcommittee on Technology Modernization hearing “VA Telehealth During the COVID-19 Pandemic: Expansion and Impact;” 1:00 p.m., virtual; June 23

House Budget Committee hearing “Health and Wealth Inequality in America: How COVID-19 Makes Clear the Need for Change;” 2:30 p.m., virtual; June 23

Senate Homeland Security and Governmental Affairs Committee hearing to examine the role of the strategic national stockpile in pandemic response; 10:00 a.m., virtual; June 24

House Ways and Means Subcommittee on Health hearing on examining the COVID-19 nursing home crisis; 2:00 p.m., virtual; June 25

House Oversight and Reform Select Subcommittee on the Coronavirus Crisis hearing “Accountability in Crisis: GAO’s Recommendations to Improve the Federal Coronavirus Response;” 9:00 a.m., 1324 Longworth Bldg.; June 26

Senate 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

Recently Introduced Health Legislation

H.Res.1004 — Expressing support for the designation of July 22, 2020, as “Glioblastoma Awareness Day”; Sponsor: Rep. Mast, Brian J. [R-FL-18]; Committees: House - Energy and Commerce

H.Res.1006 — Expressing support for the designation of the month of June 2020 as “National Post-Traumatic Stress Injury Awareness Month” and June 27, 2020, as “National Post-Traumatic Stress Injury Awareness Day”; Sponsor: Rep. Peters, Scott H. [D-CA-52]; Committees: House - Veterans’ Affairs; Armed Services

H.Con.Res.103 — Supporting National Men’s Health Week; Sponsor: Rep. Payne, Donald M., Jr. [D-NJ-10]; Committees: House - Oversight and Reform

H.R.7208 — To amend the Small Business Act to include hospitals serving rural areas or areas of persistent poverty in the paycheck protection program, and for other purposes; Sponsor: Rep. Guest, Michael [R-MS-3]; Committees: House - Small Business

S.Res.617 — A resolution designating July 22, 2020, as “Glioblastoma Awareness Day”; Sponsor: Sen. Graham, Lindsey [R-SC]; Committees: Senate - Judiciary

S.Res.618 — A resolution designating June 2020 as “National Post-Traumatic Stress Awareness Month” and June 27, 2020, as “National Post-Traumatic Stress Awareness Day”; Sponsor: Sen. Sullivan, Dan [R-AK]; Committees: Senate – Judiciary

S.Res.621 — A resolution designating June 15, 2020, as “World Elder Abuse Awareness Day”; Sponsor: Sen. Grassley, Chuck [R-IA]; Committees: Senate – Judiciary

S.3964 — A bill to amend the national service laws to prioritize national service programs and projects that are directly related to the response to and recovery from the COVID-19 public health emergency, and for other purposes; Sponsor: Sen. Coons, Christopher A. [D-DE]; Committees: Senate – Finance

S.3979 — A bill to amend title 10, United States Code, to authorize the Secretary of Defense to temporarily waive cost-sharing amounts under the TRICARE pharmacy benefits program during certain declared emergencies; Sponsor: Sen. Wicker, Roger F. [R-MS]; Committees: Senate - Armed Services

S.3988 — A bill to amend the Public Health Service Act with respect to telehealth enhancements for emergency response; Sponsor: Sen. Cassidy, Bill [R-LA]; Committees: Senate - Health, Education, Labor, and Pensions

S.3991 — A bill to establish a special enrollment period for health plans offered on the Exchanges, in response to the public health emergency related to the coronavirus 2019; Sponsor: Sen. Duckworth, Tammy [D-IL]; Committees: Senate - Health, Education, Labor, and Pensions

S.3993 — A bill to permit a licensed health care provider to provide health care services to individuals in one or more States in which the provider is not licensed; Sponsor: Sen. Cruz, Ted [R-TX]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.7233 — To direct the Secretary of Health and Human Services and the Comptroller General of the United States to conduct studies and report to Congress on actions taken to expand access to telehealth services under the Medicare, Medicaid, and Children’s Health Insurance programs during the COVID-19 emergency; Sponsor: Rep. Balderson, Troy [R-OH-12]; Committees: House - Ways and Means; Energy and Commerce

H.R.7242 — To amend the Internal Revenue Code of 1986 to permit expenditures from health savings accounts for gym memberships and costs of home gym equipment, to repeal the requirement that health plan be high deductible, and for other purposes; Sponsor: Rep. Curtis, John R. [R-UT-3]; Committees: House - Ways and Means

H.R.7254 — To amend title XVIII of the Social Security Act to provide for infection control support to skilled nursing facilities through contracts with quality improvement organizations; Sponsor: Rep. Kind, Ron [D-WI-3]; Committees: House - Ways and Means; Energy and Commerce

H.R.7255 — To authorize the Secretary of Health and Human Services to award grants to health care providers to establish or expand programs dedicated to promoting mental wellness among their health care workers, including contractors, on the front lines of the SARS-CoV-2 pandemic, and for other purposes; Sponsor: Rep. Krishnamoorthi, Raja [D-IL-8]; Committees: House - Energy and Commerce

H.R.7267 — To amend title XXVII of the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to prohibit a group health plan and a health insurance issuer offering group or individual health insurance coverage from reducing contracted rates, or terminating contracts, with health care providers during a public health emergency; Sponsor: Rep. Porter, Katie [D-CA-45]; Committees: House - Ways and Means; Energy and Commerce; Education and Labor

H.R.7269 — To amend the Federal Food, Drug, and Cosmetic Act to establish a time-limited provisional approval pathway, subject to specific obligations, for certain drugs and biological products, and for other purposes; Sponsor: Rep. Quigley, Mike [D-IL-5]; Committees: House - Energy and Commerce

S.3998 — A bill to amend title XVIII of the Social Security Act to simplify payments for telehealth services furnished by Federally qualified health centers or rural health clinics under the Medicare program, and for other purposes; Sponsor: Sen. Hyde-Smith, Cindy [R-MS]; Committees: Senate - Finance

S.3999 — A bill to amend title XVIII of the Social Security Act to ensure access to mental health and behavioral health services furnished through telehealth under the Medicare program; Sponsor: Sen. King, Angus S., Jr. [I-ME]; Committees: Senate - Finance

S.4005 — A bill to amend title 31, United States Code, to address claims of the United States Government relating to care received by civilians at military medical treatment facilities, and for other purposes; Sponsor: Sen. Warren, Elizabeth [D-MA]; Committees: Senate - Armed Services

S.4010 — A bill to amend the Federal Food, Drug, and Cosmetic Act to make permanent the authority of the Secretary of Health and Human Services to issue priority review vouchers to encourage treatments for rare pediatric diseases; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Health, Education, Labor, and Pensions