



# Health Policy Briefing

August 24, 2020

## House Returns to Pass U.S. Postal Service Bill

The House of Representatives returned from August recess over the weekend to vote on the *Delivering for America Act* (H.R. 8015) to strengthen the U.S. Postal Service (USPS). Despite a push from some of her rank-and-file members, House Speaker Nancy Pelosi (D-Calif.) decided to not bring another coronavirus aid bill to the floor. Senate Republicans are currently mulling the introduction of a skinny coronavirus relief package that would include additional funding for the Postal Service, the Paycheck Protection Program (PPP), unemployment benefits, and COVID-19 testing, given the continued impasse between the White House and congressional Democrats on the next piece of stimulus legislation.

### *EUA Issued for Convalescent Plasma*

President Trump announced the [issuance](#) of an emergency use authorization (EUA) by the Food and Drug Administration (FDA) for convalescent plasma for the treatment of COVID-19 on Sunday evening. FDA Commissioner Stephen Hahn has said that the data indicates a 35 percent improvement in survival rates for those treated with convalescent plasma, which is created from the blood of individuals who have recovered from coronavirus. It has already been used to treat roughly 70,000 Americans.

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### ***E&C Democrats Probe COVID Data Tracking***

Democratic leadership of the House Energy and Commerce Committee have [requested](#) that the Government Accountability Office (GAO) review recent changes by the U.S. Department of Health and Human Services (HHS) to hospital capacity reporting systems and requirements. The changes required hospitals, and in some cases states, to collect and submit additional information through new platforms with little advanced notice. The decision bypasses the Centers for Disease Control and Prevention (CDC), which was previously responsible for tracking key COVID-19 data metrics. “We are concerned that these reporting changes undermine the nation’s COVID-19 response efforts, and therefore request that the Government Accountability Office review the process and impacts of these changes,” the lawmakers write. The letter was signed by Chairman Frank Pallone (D-N.J.), Health Subcommittee Chair Anna Eshoo (D-Calif.), and Oversight and Investigations Subcommittee Chair Diana DeGette (D-Colo.). Perhaps in response to this probe and other questions, Dr. Deborah Birx of the White House Coronavirus Task Force announced last week that the data collection process would return to CDC, although a timeframe for that shift has not been clarified.

### ***Investigation of Impact of Postal Service Changes on Prescription Drug Deliveries***

House Energy and Commerce Committee Chair Frank Pallone (D-N.J.), Health Subcommittee Chair Anna Eshoo (D-Calif.), and Oversight and Investigations Subcommittee Chair Diana DeGette (D-Colo.) [launched](#) a probe into the impact of changes at the U.S. Postal Service (USPS) on mail-order prescriptions. Letters have been sent to a group of pharmacies and prescription drug benefit managers asking whether they have seen delays or received complaints about delayed or lost prescriptions. They also ask for input on whether changes to USPS operations should be reversed. Responses are requested by September 11, 2020.

### ***House Dems Continue Push for Vaccine Distribution Plan***

A group of House Democrats led by Rep. Raul Ruiz (D-Calif.) have [written](#) to the administration urging them to quickly roll out a vaccine distribution plan that considers high-risk populations, including communities of color, that have been disproportionately impacted by the COVID-19 pandemic. “Health equity must be a priority and not an afterthought. We must plan now to ensure equitable allocation and distribution,” the letter to U.S. Department of Health and Human Services (HHS) Secretary Alex Azar states. The letter was signed by 60 members of Congress.

### ***Pallone Requests Briefing on Recent COVID LDT Decision***

House Energy and Commerce Committee Chairman Frank Pallone (D-N.J.) is [demanding](#) a briefing into the administration’s [decision](#) to permit use of laboratory-developed tests (LDT) without review by the Food and Drug Administration (FDA). The decision states that an LDT in use without FDA authorization or approval will not be eligible for PREP Act coverage which provides liability protection for medical countermeasures used during a public health emergency. Pallone stated that the announcement was “deeply concerning and suggests the Trump administration is once again interfering with FDA’s regulation of medical products.” He argues that increasing the availability of unregulated and potentially inaccurate tests will undermine the nation’s response to the pandemic. He requests a briefing on the change from HHS Secretary Alex Azar.

### ***Cassidy Tests Positive for COVID***

Sen. Bill Cassidy (R-La.) has tested positive for COVID-19 after being exposed to an individual with coronavirus. Cassidy will quarantine for 14 days. Cassidy and Sen. Rand Paul (R-Ky.) are the only senators to have a positive viral test for COVID-19. Sens. Bob Casey (D-Pa.) and Tim Kaine (D-Va.) announced they had tested positive for coronavirus antibodies, indicating the senators likely were infected with the virus earlier this year.

### ***Supreme Court Schedules ACA Hearing***

The Supreme Court has scheduled its hearing on the Trump administration-backed challenge to the Affordable Care Act (ACA) for November 10, exactly one week after the presidential election. Its decision on the lawsuit is not expected to come until the spring. The Supreme Court has twice upheld the ACA in previous major challenges to the 2010 health care law.

### ***Trump Rejects Cut To Military Health System***

President Trump stated last week that he has rejected a proposal from Defense Secretary Mark Esper to cut military health services by \$2.2 billion as a part of the Department of Defense's (DOD) overall spending review. Senior defense officials had raised concerns that the funding reduction would negatively impact health care for military personnel and their families in the midst of the COVID-19 pandemic, while Esper argued that the U.S. private civilian health care system could help absorb the loss. The military health system currently serves approximately 9.5 million active duty personnel, military retirees, and their dependents.

### ***Commonwealth Fund COVID Cost Comparison Tool***

The Commonwealth Fund has released a new [tool](#) to allow comparisons of COVID-19 hospital care costs across states and over time. The tool also explores who pays the cost of inpatient COVID-19 care – Medicare, Medicaid, or private insurance – across the country as a whole and in four states: California, New York, Florida, and Texas. The calculator is regularly updated with epidemiological projections from the Institute for Health Metrics and Evaluation (IHME). They estimate that the U.S. will spend approximately \$24 billion on inpatient COVID-19 care by October 31, 2020.

### ***KFF Data on COVID Treatment Coverage***

The Kaiser Family Foundation (KFF) has released an [analysis](#) of the number of people enrolled in health coverage that has eliminated out-of-pocket costs for COVID-19 treatment. Their data shows that while 88 percent of people were enrolled in individual or fully insured group health plans that at some point during the pandemic waived cost-sharing for COVID-19, a third of the people in those markets are in plans in which the waivers have already expired or are scheduled to expire by the end of September. About a third of enrollees in the individual and fully-insured group markets are in plans that have waived cost-sharing on COVID-19 treatment for the remainder of the year, and another 15 percent are in plans where the expiration date of the waiver is unspecified or tied to the end of the designated public health emergency (PHE).

## 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 Oversight and Reform Committee hearing “Protecting the Timely Delivery of Mail, Medicine, and Mail-in Ballots;” 10:00 a.m., 2154 Rayburn Bldg.; August 24*

*House Committee on House Administration hearing “Voting Safely in a Pandemic;” 1:00 p.m., location TBA; August 28*

## Recently Introduced Health Legislation

*H.R.8061 — To amend the Public Health Service Act to direct the Secretary of Health and Human Services to make grants to covered health departments to increase the rate of recommended immunizations, and for other purposes. Sponsor: Rep. Underwood, Lauren [D-IL-14]; Committees: House - Energy and Commerce*

*H.R.8060 — To require parity in the coverage of mental health and substance use disorder services provided to enrollees in private insurance plans, whether such services are provided in-person or through telehealth. Sponsor: Rep. Trone, David J. [D-MD-6]; Committees: House - Ways and Means; Energy and Commerce; Education and Labor*

*H.R.8059 — To direct the Secretary of Homeland Security to submit to Congress a report on the security and resilience of the United States medical supply chains, and for other purposes. Sponsor: Rep. Trone, David J. [D-MD-6]; Committees: House - Transportation and Infrastructure; Energy and Commerce; Homeland Security*

*H.R.8056 — To establish rules for States or other taxing jurisdictions to tax businesses and individuals during COVID-19 while employees are performing employment duties in other States or taxing jurisdictions, and for other purposes. Sponsor: Rep. Scanlon, Mary Gay [D-PA-5]; Committees: House - Judiciary*

*H.R.8051 — To require personal protective equipment to be acquired from domestic producers for the Strategic National Stockpile. Sponsor: Rep. McKinley, David B. [R-WV-1]; Committees: House - Ways and Means; Energy and Commerce*

*H.R.8048 — To establish in the Department of Homeland Security a program to make grants for emergency information technology expenses, and for other purposes. Sponsor: Rep. Langevin, James R. [D-RI-2]; Committees: House - Energy and Commerce; Homeland Security; Oversight and Reform.*

*H.R.8045 — To require the Department of Homeland Security to develop a threat assessment on the potential homeland security vulnerabilities associated with genome modification and editing, and for other purposes. Sponsor: Rep. Joyce, John [R-PA-13]; Committees: House - Energy and Commerce*

*H.R.8044 — To forestall the loss of research talent by establishing a temporary early career research fellowship program. Sponsor: Rep. Johnson, Eddie Bernice [D-TX-30]; Committees: House - Science, Space, and Technology*

*H.R.8043 — To establish a scholarship program for certain individuals who have completed at least 2 years of service in the military, emergency medical service, police force, or as a teacher's assistant or firefighter, and for other purposes. Sponsor: Rep. Johnson, Bill [R-OH-6]; Committees: House - Education and Labor*

*H.R.8038 — To establish a commission to review certain regulatory obstacles to preparedness for, response to, and recovery from the Coronavirus SARS-CoV-2 pandemic and other pandemics, and for other purposes. Sponsor: Rep. Foxx, Virginia [R-NC-5]; Committees: House - Rules; Oversight and Reform*

*H.R.8037 — To amend section 337 of the Tariff Act of 1930 with respect to requirements for domestic industries, and for other purposes. Sponsor: Rep. DelBene, Suzan K. [D-WA-1]; Committees: House - Ways and Means*

*H.R.8034 — To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide coverage for infertility treatment and standard fertility preservation services, and for other purposes. Sponsor: Rep. Brownley, Julia [D-CA-26]; Committees: House - Veterans' Affairs*

*H.R.8033 — To improve the ability of veterans to access suicide prevention coordinators of the Department of Veterans Affairs. Sponsor: Rep. Brindisi, Anthony [D-NY-22]; Committees: House - Veterans' Affairs*

*H.R.8032 — To amend the Internal Revenue Code of 1986 to eliminate limitations on contributions to health savings accounts. Sponsor: Rep. Biggs, Andy [R-AZ-5]; Committees: House - Ways and Means; Judiciary*

*H.Res.1084 — Expressing support for the designation of August 7 through 14, 2020, as World Mask Week, and encouraging all Americans to wear appropriate face coverings to protect themselves and to protect older Americans or others with health conditions that increase the risks of serious illness due to COVID-19. Sponsor: Rep. Schiff, Adam B. [D-CA-28]; Committees: House - Energy and Commerce*