HALL RENDER'S THIS WEEK IN WASHINGTON – SEPTEMBER 7, 2018

MEDICAID BILLS ADVANCE IN THE HOUSE

On September 7, the House Energy and Commerce Health Subcommittee advanced a series of health care-related bills that full Committee Chairman Greg Walden (R-OR) hopes to move to the floor before the end of September. Among the bills marked up by the subcommittee this week was the ACE Kids Act (H.R. 3325), introduced by Rep. Joe Barton (R-TX) and Rep. Kathy Castor (D-FL), that seeks to improve coordination of care for children served in Medicaid and gather data on conditions to help researchers improve services and treatments for children with complex medical conditions.

Also advanced was a bill (H.R. 3891), introduced by Rep. Tim Walberg (R-MI) and Rep. Peter Welch (D-VT) to improve the authority of Medicaid Fraud Control Units ("MFCUs") that investigate and prosecute Medicaid provider fraud as well as patient abuse or neglect in health care facilities and board and care facilities. Currently, MFCUs are only allowed to investigate cases of provider fraud and patient abuse in health care facilities or board and care facilities. This legislation would broaden the authority of these units to investigate and prosecute abuse and neglect of Medicaid beneficiaries in non-institutional or other settings.

The third bill advanced by the subcommittee was the EMPOWER Care Act (H.R. 5306), introduced by Rep. Brett Guthrie (R-KY) and Rep. Debbie Dingell (D-MI) to extend funding for the Money Follows the Person Demonstration Program ("MFP demonstration") in Medicaid for an additional five years. The MFP demonstration provides additional resources for state Medicaid programs to help ensure Medicaid patients needing long-term care are served in their communities.

340B LAWSUIT REFILED BY HOSPITAL GROUPS

The American Hospital Association, the Association of American Medical Colleges, America's Essential Hospitals and three individual hospital systems refiled a lawsuit seeking to reverse the Trump administration's cuts to the 340B drug discount program. In July, the D.C. Circuit Court of Appeals upheld a lower court's decision that said the groups lacked standing to challenge the nearly 30 percent reduction in reimbursements. The cuts had not taken effect when the original suit was filed but began in January 2018.

SENATE TO VOTE ON OPIOID PACKAGE NEXT WEEK

After reaching a bipartisan deal on legislation to combat the opioid crisis, Senate Majority Leader Mitch McConnell announced the Senate will likely vote on the package next week. The Senate will do so by considering the House passed measure (H.R. 6) with the Senate bill's provisions included in a substitute amendment offered by Health, Education, Labor, and Pensions Chairman Lamar Alexander (R-TN).

The legislative package includes more than seventy proposals from five Senate committees. The measure would require the Department of Health and Human Services ("HHS") and the Department of Justice to conduct a study on the effect that federal and state opioid prescribing limits have had on patients and specifically whether such limits are associated with higher rates of suicide. The bill would also create new comprehensive opioid recovery centers offering an array of treatment services, and it would require HHS to develop guidelines for recovery housing. The Senate package would also promote the use of telemedicine for substance use disorder by waiving the restrictions that typically prevent reimbursement beyond rural and disadvantaged areas.

There are a few notable differences between the bill that has already passed the House and the Senate legislation. For example, the Senate package authorizes additional privacy training for health care providers and does not include a provision that would allow for Medicaid reimbursement for residential substance abuse facilities. The House bill allows up to 30 days per year for individuals with opioid or cocaine use disorders. The Senate bill also doesn't include a provision in the House bill to loosen privacy restrictions for substance abuse patients' medical records.

HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Sen. Tina Smith (D-MN) introduced S. 3411 to ensure medications are affordable. The bill aims to help lower prices by: increasing transparency; increasing affordability by allowing Medicare to use its buying power to negotiate lower prices; penalizing drug companies that spike drug prices; allowing for the safe importation of cheaper drugs from other countries; spurring innovation; and protecting competition by blocking unfair and anti-competitive drug monopoly practices and helping more generic competitors come to market.

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Rep. Peter Roskam (R-IL) introduced H.R. 6690, the Fighting Fraud to Protect Care for Seniors Act.

Rep. Bobby Rush (D-IL) introduced H.R. 6717 to amend the Federal Food, Drug, and Cosmetic Act to require that the label of drugs with an increased risk of suicide or depression present such increased risk prominently.

Rep. Alma Adams (D-NC) introduced H.R. 6698 to support states in their work to end preventable morbidity and mortality in maternity care by using evidence-based quality improvement to protect the health of mothers during pregnancy, childbirth and in the postpartum period, to reduce neonatal and infant mortality and to eliminate racial disparities in maternal health outcomes.

NEXT WEEK IN WASHINGTON

Congress is back for a full legislative week. Likely, the focus will be on passing spending bills as government funding is set to expire on September 30. On Thursday, the House Energy and Commerce Subcommittee on Health will hold a hearing on "Examining Barriers to Expanding Innovative, Value-Based Care in Medicare." Additionally, the Center for Data Innovation will hold an event, "U.S. Data Innovation Day 2018: The Future of Data-Driven Medicine" on Thursday.

THIS WEEK IN WASHINGTON IN HISTORY

1901, 117 years ago this week: Leon Czolgosz, an Anarchist, shoots President William McKinley. President McKinley was shot on the grounds of the Pan-American Exposition at the Temple of Music in Buffalo, New York. McKinley died eight days later on September 14 of gangrene caused by the gunshot wounds.

1977, 41 years ago this week: President Jimmy Carter signs a treaty giving Panama control over the Panama Canal beginning in the year 2000. The treaty ended an agreement signed in 1904 between President Theodore Roosevelt and Panama, which gave the U.S. the right to build the canal and a renewable lease to control five miles of land along either side of it.

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