HALL RENDER'S THIS WEEK IN WASHINGTON – SEPTEMBER 28, 2018

CONGRESS SENDS HEALTH FUNDING PACKAGE TO PRESIDENT

Congress completed the funding package for the 2019 Labor-HHS appropriations measure, which hikes funding for most Health and Human Services ("HHS") agencies. On Wednesday, the House of Representatives voted, 361 to 61, to pass legislation to provide $178.1 billion in discretionary funding for the departments of Defense, Labor, Health and Human Services and Education in Fiscal Year 2019. The measure was approved by the Senate last week and sent to President Trump for signature, which could come as early as today.

The measure includes $90.5 billion for HHS, which is $2.3 billion more than this year. Increases include: $2 billion more for the National Institutes of Health; $584 million more for the Substance Abuse and Mental Health Services Administration; $206 million more to combat the opioid crisis; $27 million more for rural health programs; $25 million for a new program to support and expand graduate medical education with a projected physician shortage in 2025; and $10 million more for the Children's Hospitals Graduate Medical Education program.

This marks the first time in over 20 years that lawmakers have passed the health care spending bill through the regular appropriations process. Historically, it has failed to pass due to the inclusion of politically charged items like abortion, funding for Planned Parenthood, changes to the Affordable Care Act and use of the Confederate flag. While the bill does not provide any new funding for the Affordable Care Act, it also does not cut any funding. In addition to funding HHS, a continuing resolution provision was included that will provide funding until December 7, 2018, for the seven appropriations bills that have not yet been passed by Congress.

CONGRESS REACHES FINAL AGREEMENT ON OPIOID LEGISLATION

Congress finalized a legislative package (H.R. 6) containing numerous measures to address the opioid crisis. The package of bills would make it easier to stop illegal drugs at the border, speed up research for new non-addictive prescription painkillers and make treatment more readily available for those who are suffering from addiction. The bicameral, bipartisan agreement will be voted on in both chambers of Congress before lawmakers recess for the November elections and should move quickly to the president's desk. The House voted on and passed the opioid package on Friday.

The House and Senate have also agreed to include the so-called "IMD exclusion" provision authored by Sen. Rob Portman (R-OH), temporarily lifting the ban on Medicaid funds for institutional treatment of substance abuse disorders. The exclusion is lifted for opioid abuse as well as all other forms of addiction. A provision in the House-passed bill that would have loosened restrictions on the health information privacy regulation to make it easier for providers to access information about a patient's history of substance abuse was not included in the agreement.

HOUSE CLEARS SEVERAL HEALTH CARE MEASURES

This week, the House passed several health care measures. Looking to target rising drug prices, lawmakers passed bills eliminating pharmacy drug price disclosure restrictions imposed by health plans. One measure, the Patient Right to Know Drug Prices Act (S. 2554), targets disclosure restrictions on exchange plans and employer-offered health policies while adding disclosure requirements for biosimilar drug agreements. The other measure (S. 2553) focuses on Medicare or Medicare Advantage plans. These bills now wait to be signed by the President.

The House also passed a bill sponsored by Rep. Susan Brooks (R-IN) (H.R. 6378) reauthorizing health emergency preparedness programs. The measure is intended to strengthen America's preparedness and response to public health emergencies, including disease outbreaks, bioterror attacks or chemical incidents. The legislation would reauthorize and boost funding ceilings for HHS programs to develop responses to pandemics and biological threats. It also provides funding to drug makers in the research and development of medicine, medical devices and vaccines for use against man-made or naturally occurring diseases such as Ebola, pandemic flu and drug-resistant bacteria.

HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Rep. George Holding (R-NC) introduced H.R. 6948 to amend Title XVIII of the Social Security Act to ensure equitable payment for, and preserve Medicare beneficiary access to, diagnostic radiopharmaceuticals under the Medicare hospital outpatient prospective payment system.

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Rep. Ralph Lee Abraham (R-LA) introduced H.R. 6932 to amend Title XVIII of the Social Security Act to improve home health payment reforms under the Medicare program.

Rep. Stephen Knight (R-CA) introduced H.R. 6898 to amend the Health Insurance Portability and Accountability Act to ensure coverage for individuals with preexisting conditions and for other purposes.

NEXT WEEK IN WASHINGTON

The House will be in adjournment as members return to their districts to campaign ahead of November midterm elections. The Senate remains in Washington this weekend and is tentatively planning a series of votes to confirm Judge Brett Kavanaugh's nomination to the Supreme Court. The Senate is expected to remain in session next week with an October schedule that remains uncertain. On Monday, the Senate Health, Education, Labor, and Pensions Committee will hold a hearing on expediting treatments for patients with rare diseases.

This Week in Washington will join the House on its break but will publish should health care developments occur.

THIS WEEK IN WASHINGTON IN HISTORY

1789, 229 years ago this week:The first Congress of the United States approves the Bill of Rights and sends them to the states for ratification. The Bill of Rights were designed to protect the basic rights of U.S. citizens, guaranteeing the freedom of speech, press, assembly and exercise of religion; the right to fair legal procedure and to bear arms; and that powers not delegated to the federal government were reserved for the states and the people.

1981, 37 years ago this week:Sandra Day O'Connor becomes the first female U.S. Supreme Court justice in history. The then 51-year-old O'Connor is confirmed by the full Senate on a 99-0 vote.

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