HALL RENDER'S THIS WEEK IN WASHINGTON – FEBRUARY 10, 2017

PRICE CONFIRMATION EXPECTED TO EXPEDITE ACA REPLACEMENT PROCESS

After hours of contentious debate, the Senate confirmed Rep. Tom Price, M.D. (R-GA) as the next Secretary of Health and Human Services in the early morning hours of February 10. One of Price's first tasks will be to release the ACA replacement proposal promised by President Trump. Although President Trump promised to deliver the proposal upon Price's confirmation, Price indicated in his confirmation testimony that he did not necessarily agree with President's timeline, and most in Washington agree that it is more likely that Price's first steps will be to change the health care law administratively.

Meanwhile, on Capitol Hill, Republicans on the House Ways and Means and Energy and Commerce committees continue to labor over budget reconciliation legislation that is intended to repeal the law. For weeks Republican lawmakers have debated whether the reconciliation bill should be used only to repeal the ACA or whether it should also be used to pass replacement provisions. The decision is important because replacement measures that are not included in the reconciliation legislation are likely to require 60 votes to pass the Senate, where Republicans only have 52 votes. Those favoring inclusion seemed to get the upper hand this week when Republican leadership indicated that several replacement provisions, including tax credits to purchase individual policies, health savings accounts, high-risk pools and Medicaid reform measures, are likely to be included in the reconciliation package.

Of these proposals, Medicaid reform will be the most difficult to accomplish. While some Republicans would like to block grant the program to states, the emerging consensus appears to surround the use of per capita caps. House Republicans may also be waiting for the Senate to confirm Seema Verma as CMS Administrator so they can draw on her expertise in creating the Healthy Indiana Plan ("HIP") and HIP 2.0 before they decide how to reform Medicaid. Verma's confirmation hearing before the Senate Finance Committee has been scheduled for February 16, and her approval by the full Senate should occur shortly thereafter.

HOUSE PANEL APPROVES TARGETED MEDICAID REFORM BILLS

In an effort to show progress on ACA repeal, the House Energy and Commerce Health Subcommittee advanced two Medicaid eligibility-related bills on February 7. H.R. 829 would prohibit individuals from obtaining Medicaid coverage should they win a large lottery or receive an income windfall. H.R. 181 would count certain income from annuities when determining a spouse's Medicaid eligibility for long-term care. Consideration of the bills by the full Energy and Commerce Committee has not been scheduled, and it is unclear if they will be included in the broader Medicaid reform package.

CMS EXTENDS EHR ATTESTATION DEADLINE

On February 6, CMS extended the meaningful use reporting deadline for hospitals and eligible physicians. Hospitals participating in Medicare's Electronic Health Records ("EHR") Incentive Program must still attest to meeting 2016 requirements to avoid a 2018 payment adjustment, but they now have until March 13 to do so.

HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Rep. David Joyce (R-OH) introduced a bill (H.R. 959) that would authorize the Title VIII Nursing Workforce Reauthorization Act for five years. Administered through the Health Resources and Services Administration, Title VIII program grants provide federal funding for nursing education, offering financial support for nursing education programs, individual students and nurses.

Rep. David Roe (R-TN) introduced a bill (H.R. 849) to repeal the provisions of the ACA providing for the Independent Payment Advisory Board ("IPAB"). The bill is similar to the IPAB repeal bills that Roe has introduced in past Congresses.

Rep. John Duncan (R-TN) introduced a bill (H.R. 860) that directs HHS to establish a grant program for states that provide flexibility in licensing for health care providers who offer services on a volunteer basis.

Sen. Al Franken (D-MN) introduced a bill (S.348) to amend Title XVIII of the Social Security Act to require HHS to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries.

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NEXT WEEK IN WASHINGTON

The House and Senate return on February 13 for a full week of work. With Price confirmed, CMS Administrator nominee Seema Verma now takes center stage in the confirmation process. The Senate Finance Committee has scheduled its confirmation hearing for Verma on February 16. Verma is a consultant who authored the Indiana Medicaid expansion plan under Vice President Pence. Senate Democrats have not indicated whether they will support or oppose her nomination.

For more information, please contact:

- John F. Williams III at (202) 370-9585 or jwilliams@hallrender.com;
- Andrew C. Coats at (202) 370-9587 or acoats@hallrender.com; or
- Your regular Hall Render attorney.

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