HALL RENDER'S THIS WEEK IN WASHINGTON – DECEMBER 1, 2017

GOP TAX BILL MOVES FORWARD WITH INDIVIDUAL MANDATE REPEAL

On November 29, the Senate voted to begin debate on the GOP tax reform bill that includes repeal of the ACA's individual mandate. Currently, at least two of the three Senate Republicans who blocked the ACA repeal and replace legislation earlier this year, Sens. John McCain (R-AZ) and Lisa Murkowski (R-AK), have said they will vote for the tax bill. Sen. Susan Collins (R-ME), the third Republican who voted against ACA repeal, said she supports the bill after securing a deal with President Trump that requires two separate bills be passed into law before the conference committee report on the tax bill is returned. The first bill is a bipartisan measure that would fund the ACA's cost-sharing subsidies for two years. The other bill would add $2.25 billion to the federal budget to help states create reinsurance programs. Even with this support, Senate Republicans still have issues to resolve before locking down at least 50 votes to ensure final passage of the tax bill on the floor.

A separate issue also arose this week over a decades-long procedural rule known as "Pay-Go" that requires Congress to offset the cost of any legislation that would add to the federal deficit. While Congress has the power to waive this rule and has done so on 16 occasions over the years, failure to do so in this case would result in across-the-board cuts to federal programs in the amount of $150 billion a year for a 10-year period. This includes potential cuts of $25 billion from the Medicare program and $715 million from the Hospital Insurance Trust Fund.

On the House side this week, 21 Republicans sent a letter to both House and Senate leadership encouraging the preservation of the tax-exempt status of private activity bonds. The House-passed bill eliminates the tax-exempt status of private activity bonds, but the Senate bill preserves them. How that status is eventually treated will depend largely on the deal lawmakers come to at any House-Senate Conference Committee that will meet to resolve differences between the two tax bills.

CMS ROLLS BACK MANDATORY BUNDLED PAYMENT MODELS

On November 30, CMS issued a final rule eliminating or rolling back mandatory bundled payment models, such as Episode Payment Models and the Cardiac Rehabilitation Incentive Payment Model. Notably, these cardiac pay models were estimated to save Medicare $170 million collectively over five years. CMS said it scaled back programs requiring hospital participation in new care delivery policies to ease regulatory mandates implemented for providers. The agency also decreased the number of providers required to participate in the Comprehensive Care for Joint Replacement Model. Only 34 geographic areas, as opposed to the initial 67, will be required to participate in the model. CMS Administrator Seema Verma indicated the agency will announce a new set of voluntary payment bundles in the near future.

FCC PROMOTES BROADBAND EXPANSION

Last week before Thanksgiving, the Federal Communications Commission ("FCC") released a draft notice of proposed rulemaking to review its Rural Health Care Program. The goal of the rulemaking is to meet the increasing demand for broadband telehealth services. After the program exceeded the cap in both 2016 and 2017, the FCC also released a draft order to waive the program's $400 million cap on a one-time basis and consider a permanent expansion of funds. The notice ensures sufficient funding for rural health care providers and simplifies program participation. The proposed rulemaking will be addressed at a public hearing on December 14.

HEALTH-RELATED LEGISLATION INTRODUCED THIS WEEK

Rep. David Loebsack (D-IA) introduced H.R. 4501 to increase funding for the state response to the opioid misuse crisis and to provide funding for research on addiction and pain related to the substance misuse crisis. The Combating the Opioid Epidemic Act invests $45 billion into the prevention, detection, surveillance and treatment of opioid abuse.

Rep. Mark Meadows (R-NC) introduced H.R. 4482 to deter opioid abuse and addiction, establish additional registration requirements for prescribers of opioids, encourage the development of abuse-deterrent formulations and require a study and report on policy changes that may have contributed to the opioid epidemic. The bill seeks to address an underlying cause of this issue by placing common sense parameters, with appropriate flexibility, around initial opioid prescriptions for acute pain in order to limit the risks of addiction.

Sen. Bill Cassidy (R-LA) introduced S.2175 to amend title XVIII of the Social Security Act to preserve Medicare beneficiary access to ventilators.

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NEXT WEEK IN WASHINGTON

The House and Senate will both return next week to continue the push to finish their legislative business before Christmas. Lawmakers have until next Friday to pass legislation funding the federal government in order to avoid a partial government shutdown. At this time, Congress is expected to extend funding for one week or until sometime in January. On December 5, the Senate Appropriations Committee will hold a hearing on the opioid crisis. On December 7, the Senate HELP Committee will hold a hearing on implementation of the 21st Century Cures Act.

THIS WEEK IN WASHINGTON IN HISTORY

24 years ago this week, 1993: President Bill Clinton signs the Brady Handgun Violence Prevention Act (better known as the Brady Bill) into law. The Act was named after James Brady who was shot by John Hinckley Jr. during an attempted assassination of President Ronald Reagan.

For more information, please contact:

- John Williams III at (202) 370-9585 or jwilliams@hallrender.com;
- Andrew Coats at (202) 370-9587 or acoats@hallrender.com;
- Abby Kaericher at (202) 780-2989 or akaericher@hallrender.com; or
- Your regular Hall Render attorney.

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