HALL RENDER'S THIS WEEK IN WASHINGTON – MARCH 16, 2018

SENATE COMMITTEE HEARING ASSESSES 340B PROGRAM

The Senate Health, Education, Labor and Pensions ("HELP") Committee held a hearing this week to examine the 340B drug discount program as some stakeholders have urged lawmakers to scale back its reach. HELP Committee Chairman Lamar Alexander (R-TN) said the purpose of the hearing was to learn more about the program and "how it might be improved so that hospitals and clinics can continue to provide low-income patients with help to afford their health care." Chairman Alexander said to expect the committee to hold another 340B hearing soon, likely featuring a representative from the Health Resources & Services Administration ("HRSA"), which oversees the program.

This week's hearing showed a clear dividing line between Senate Democrats and Republicans on the 340B program, with Democrats advocating that savings from the program are desperately needed for the poorest populations and Republicans stating the program is being abused and needs to be reformed. Sen. Bill Cassidy (R-LA) introduced legislation for expansive changes to the 340B program, such as implementing a two-year moratorium on certain new 340B hospitals and outpatient departments and adding new reporting requirements for hospitals. By contrast, Sen. Patty Murray (D-WA) admitted that calls for transparency and accountability are appropriate, but the 28.5 percent cut CMS made last year for certain 340B drugs was "unnecessary" and fails to address skyrocketing drug costs.

HOUSE COMMITTEE TO CONSIDER 25 BILLS DESIGNED TO ADDRESS THE OPIOID EPIDEMIC

The House Energy and Commerce Health Subcommittee will have a two-day hearing next week on prevention and public health solutions related to the opioid crisis. The Subcommittee will review at least 25 opioid-related measures intended to be part of a large bipartisan legislative package. Lawmakers are hoping to have the opioid package on the House floor by Memorial Day. Bills that will be considered include the Preventing Overdoses While in Emergency Rooms ("POWER") Act (H.R. 5176), authored by Reps. David McKinley (R-WV) and Michael Doyle (D-PA), which will provide resources for hospitals to develop protocols on discharging patients who have presented with an opioid overdose. These protocols would address the provision of naloxone upon discharge, connection with peer-support specialists and the referral to treatment and other services that best fit the patient's needs.

The package would also include the Alternatives to Opioids ("ALTO") in the Emergency Department Act (H.R. 5197), authored by Reps. Bill Pascrell, Jr. (D-NJ) and David McKinley (R-WV), to establish a demonstration program to test alternative pain management protocols to limit the use of opioids in hospital emergency departments. The Poison Center Network Enhancement Act of 2018, authored by Reps. Susan Brooks (R-IN) and Eliot Engel (D-NY), will reauthorize the important network of centers within the National Poison Data System that offer free, confidential, expert medical advice 24 hours a day, seven days a week. Oftentimes these programs serve as the primary resource for poisoning information and help reduce emergency room visits through in-home treatment.

"RIGHT-TO-TRY" LEGISLATION FAILS TO PASS THE HOUSE

The House failed to pass a "right-to-try" bill that would give terminally ill patients access to experimental drugs without FDA authorization after there was not enough votes to approve it through an expedited legislative process. To pass, the measure needed two-thirds support from the House instead of a simple majority since leadership was trying to move the bill under suspension of House rules, which is usually reserved for noncontroversial items. Many thought the bill fit this category since the Senate passed right-to-try legislation unanimously last summer. Lawmakers who opposed the bill questioned whether it would actually help patients. After the vote, House Major Leader Kevin McCarthy (R-CA) said the House will make another attempt at passing "right-to-try" legislation, either by bringing what passed the Senate up for a vote or trying to attach the House version to a bigger legislative package.

HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Sen. Susan Collins (R-ME) introduced S.2554 to ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees.

Sen. Debbie Stabenow (D-MI) introduced S.2553 to amend Title XVIII of the Social Security Act to prohibit health plans and pharmacy benefit managers from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

Rep. Marsha Blackburn (R-TN) introduced H.R. 5311 to reauthorize and expand the Comprehensive Addiction and Recovery Act of 2016.

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Rep. Steve Stivers (R-OH) introduced H.R. 5272 to ensure that programs and activities that are funded by a grant, cooperative agreement, loan or loan guarantee from the Department of Health and Human Services, and whose purpose is to prevent or treat a mental health or substance use disorder, are evidence-based.

NEXT WEEK IN WASHINGTON

Congress returns for a full legislative week, tackling a massive spending bill as they push against next week's March 23 deadline to avoid a government shutdown. GOP sources indicate the spending package will be unveiled either this weekend or early next week. Leadership on both sides of the aisle warn there might be a fight over the $1 trillion-plus funding measure but do not believe there will be a shutdown or need for another stopgap bill.

On Wednesday, the House Ways and Means Health Subcommittee will hold a hearing on “The Implementation of MACRA’s Physician Payment Policies.” Health Subcommittee Chairman Peter Roskam (R-IL) said the hearing will be a bipartisan opportunity to make sure there is clarity and certainty for Medicare doctors while improving care for the beneficiaries they serve. On Tuesday, a House Education and the Workforce Subcommittee will hold a hearing on "Expanding Affordable Health Care Options: Examining the Department of Labor's Proposed Rule on Association Health Plans."

THIS WEEK IN WASHINGTON IN HISTORY

1947: 71 years ago this week, in a speech to a joint session of Congress, President Truman asks for Congress to provide assistance to communist threats facing Greece and Turkey. This address would later become known as the Truman Doctrine and would mark the de facto declaration of the Cold War.

1868: 150 years ago this week, the U.S. Senate hears the impeachment trial of President Andrew Johnson. A month earlier, the House voted to impeach Johnson largely due to his post-Civil War Reconstruction policy and his firing of the Secretary of War. The Senate would eventually vote to acquit Johnson of all 11 charges.

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