HALL RENDER'S THIS WEEK IN WASHINGTON – JUNE 13, 2014

THE IMPACT OF CANTOR'S LOSS ON HEALTH LEGISLATION

On Tuesday, June 10, shockwaves rippled through Washington as House Majority Leader Eric Cantor (R-VA) was defeated in a Congressional primary. The result led to the announcement of his immediate resignation as the House Majority Leader effective July 31. Tuesday's stunning results could impact the direction and intensity of the health policy debate for the remainder of 2014.

While Cantor's defeat won't result in any significant near-term changes to the Affordable Care Act ("ACA") or efforts to pass a permanent Sustainable Growth Rate ("SGR") replacement, the focus of the House on health policy will shift depending on Cantor's replacement as Majority Leader. The internal Republican election to replace Cantor is set for June 19. House Majority Whip Kevin McCarthy (R-CA) will square off against conservative Idaho Congressman Raul Labrador (R-ID), who announced his candidacy Friday afternoon, June 13. McCarthy's current position as House Majority Whip gives him a significant advantage, and he is expected to win rather easily.

Cantor has been a proponent of repealing and replacing the ACA and a leading voice for a vote on an ACA alternative. Cantor was less vocal on moving Medicare legislation, which is generally the product of the Ways and Means and Energy and Commerce Committee and negotiations between House Speaker John Boehner (R-OH) and Senate Majority Leader Harry Reid (D-NV).

Until the House fills Cantor's Majority Leader position, the future of permanent SGR legislation remains unclear.

HHS SPENDING BILL STALLS IN THE SENATE

Late this week, the Senate Appropriations Subcommittee responsible for funding the Department of Health and Human Services ("HHS") postponed the markup of HHS's FY 2015 spending bill. The postponement comes after it had released a draft proposal on Tuesday, June 10 and likely signals that the Senate will not markup the Labor-HHS spending bill until after the November election.

VA HOSPITAL BILL PASSES HOUSE

In less than a week after it was introduced, the House passed H.R. 4810, a bill addressing the mounting concerns of long wait times at Veteran Affairs ("VA") Hospitals. A similar bill was introduced in the Senate, and a compromise measure (S. 2450) was quickly advanced, passing the Senate on Wednesday, June 11. House and Senate leaders will now conference to negotiate the differences between the two measures.

Among other provisions, the bill would require the VA Department to offer non-VA care at the federal government's expense to any enrolled veteran who cannot get an appointment within average VA wait time goals (as of June 1, 2014) or who lives more than 40 miles from a VA medical facility, including a community-based outpatient client.

Care provided by a non-VA facility would be reimbursed at the rate set by the VA, Tricare or Medicare, whichever is greatest. The duration of non-VA access provision would be for two years from the date of enactment.

HOUSE COMMITTEE TO RECEIVE MEDPAC RECOMMENDATIONS

The House Ways and Means Health Subcommittee announced this week that it will hold a hearing on the Medicare Payment Advisory Commission's ("MedPAC") June report to Congress on June 18. The report will detail the Commission's recommendations for reforming Medicare payment policies. Among other items, next week's report will also examine the need to compare Medicare's policies across traditional fee-for-service, Medicare Advantage and Accountable Care Organizations and whether changes to Medicare's risk adjustment methodology can improve payment accuracy.

MedPAC is required by law to submit two reports to Congress on an annual basis. The first report reviews Medicare payment policies, and the second report examines specific issues facing Medicare and is due by June 15.

BILLS INTRODUCED THIS WEEK

Rep. Betty McCollum (MN-4) introduced a bill (H.R. 4843) that would amend Title XVIII of the Social Security Act to provide for a limitation under the Medicare program on charges for contract health services provided to Indians by Medicare providers of services and suppliers.

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NEXT WEEK IN CONGRESS

The Senate and House return on Monday and Tuesday of next week. For at least the coming week, the House schedule is in flux as Republicans decide upon their new Majority Leader and Whip. The Senate will continue work on the annual appropriations bills.

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