

HALL RENDER'S THIS WEEK IN WASHINGTON - MARCH 2, 2018

FOCUS IN WASHINGTON SHIFTS TO THE OPIOID CRISIS

The federal response to the opioid epidemic is accelerating as both the Trump administration and members of Congress announced new steps this week to tackle the issue from both a law enforcement and public health standpoint. On March 1, the White House held a summit on the opioid epidemic, which came after both House and Senate committees held hearings to examine ways to improve patient safety and bolster enforcement tools. Since \$6 billion was provided for the opioid crisis in the recent budget legislation, lawmakers are trying to provide a roadmap to allocate these funds most effectively. The House Energy and Commerce Health Subcommittee will hold two more legislative hearings on opioid bills aimed at enhancing addiction treatment and recovery, as well as legislation dealing with insurance coverage.

Sens. Rob Portman (R-OH) and Sheldon Whitehouse (D-RI), authors of an opioid-related legislation that passed in 2016, introduced another **opioid bill** that includes \$1 billion in yearly funding to evidence-based programs. This measure also limits opioid prescriptions to three days to cut down on overprescribing in instances not related to chronic pain treatment. The lawmakers' goal in introducing the measure is to assist appropriators in deciding how to spend the \$6 billion awarded to opioid and mental health funding over two years. There are many policy changes included in this bill, such as requiring physicians and pharmacists to use their state's prescription drug monitoring program when they prescribe or dispense opioids and help monitor opioid prescriptions across state lines.

Notably, the Department of Justice announced it will file a statement of interest in litigation that includes hundreds of lawsuits by states and localities against opioid manufacturers and distributors. Attorney General Jeff Sessions stated the need for the government and taxpayers to be reimbursed for the companies' illegal activities. The Department of Justice also launched a task force to work with HHS to investigate illegal activity around prescription opioids. The purpose of the working group is to improve coordination and data sharing across the federal government to identify pattern of fraud, evaluate potential changes to regulations affecting opioid distribution and recommend changes in law.

Additionally, the FDA called for a national electronic prescribing platform to help combat the crisis. FDA Commissioner Scott Gottlieb said that an e-prescribing system would ensure doctors get prompts when writing the prescription as well as get warnings to prevent co-prescribing dangerous combinations of medicines. In bipartisan legislation (H.R. 3528), Congress is already considering this approach for all controlled substances in Medicare Part D.

CMS PREVIEWS REGULATION REFORM EFFORTS THIS YEAR

CMS officials indicated 2018 will be a significant year for regulatory reform and burden reduction. During a Health IT listening session, CMS Director of the Center for Clinical Standards and Quality Kate Goodrich stated there is a lot the agency can do to reduce provider burden through subregulatory guidance. For example, CMS is looking at ways to streamline and simplify this subregulatory guidance, including local and national coverage determinations and simplifying documentation requirements. Goodrich also stated CMS is already starting to reduce provider burden by clarifying that providers are allowed to use medical scribes to do electronic health record documentation, as long as providers sign off on it, and changing long-term care facility surveys.

HEALTH CARE PRICE TRANSPARENCY WORKING GROUP CREATED BY SENATORS

A bipartisan group of senators are launching a working group to tackle the high price of health care. They are seeking feedback from patients, providers and insurers to help craft legislation to make health care pricing more transparent. Led by Sen. Bill Cassidy (R-LA), the group includes Sens. Todd Young (R-IN), Chuck Grassley (R-IA), Michael Bennet (D-CO), Tom Carper (D-DE) and Claire McCaskill (D-MO). The group is seeking data on what information consumers currently have about prices and out-of-pocket costs, who should ultimately be responsible for providing information to consumers and how to ensure transparency requirements don't place unnecessary burdens on health care stakeholders. To provide feedback, comment letters must be submitted to transparency@cassidy.senate.gov by March 23, 2018.

MEDPAC RECOMMENDS EXPANDING READMISSION PENALTIES

The Medicare Payment Advisory Commission ("MedPAC") has advised Congress that Medicare should start penalizing hospitals for all readmissions within 30 days. Currently, Medicare penalizes hospitals for 30-day readmissions for a few conditions such as heart failure and

pneumonia. Congress asked MedPAC to evaluate the effect on observation stays and the advisors concluded mortality readmission penalties have been successful and should be applied to all conditions. This recommendation will be included in MedPAC's report to Congress in June.

HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Sen. Chuck Grassley introduced the **Ensuring Value of the 340B Program Act** intended to increase transparency into the 340B Program. The act requires participating hospitals to report the total acquisition costs for drugs collected through the 340B Program, as well as all revenues received by the hospital for such drugs.

Rep. Sander M. Levin (D-MI) introduced **H.R. 5150** to amend Title XVIII of the Social Security Act to require drug manufacturers to pay a Medicare Part B rebate for certain drugs if the price of such drugs increases faster than inflation.

Sen. Sherrod Brown (D-OH) introduced **S. 2469** to amend the Public Health Service Act to enhance efforts to address antibiotic resistance.

Rep. Andre Carson (D-IN) introduced **H.R. 5115** to expand and improve the programs and activities of the Department of Health and Human Services for awareness, education, research, surveillance, diagnosis and treatment concerning rare diseases and conditions.

Sen. Michael Bennet (D-CO) introduced **S.2460** to amend Title XVIII of the Social Security Act to require e-prescribing for coverage under Part D of the Medicare program of prescription drugs that are controlled substances.

NEXT WEEK IN WASHINGTON

Congress is back for a full legislative session. The Senate HELP Committee will have a hearing addressing the opioid crisis on Thursday. Also on Thursday, the House Energy and Commerce Oversight and Investigations Subcommittee will hold a hearing, "Examining U.S. Public Health Preparedness for and Response Efforts to Seasonal Influenza."

THIS WEEK IN WASHINGTON IN HISTORY

1844: 173 years ago this week, President Tyler narrowly escapes death on the USS Princeton. The Princeton carried a brand new cannon called the Peacemaker. In the worst peacetime disaster of its time, the cannon exploded, killing several aboard.

1954: 63 years ago this week, Puerto Rican nationalists wound five representatives. In the U.S. Capitol, four members of an extremist Puerto Rican nationalist group fire more than 30 shots at the floor of the House of Representatives from a visitors' gallery, injuring five U.S. representatives. Alvin Bentley of Michigan, George Fallon of Maryland, Ben Jensen of Iowa, Clifford Davis of Tennessee and Kenneth Roberts of Alabama all eventually recovered from their gunshot wounds and returned to their seats in Congress. The group was protesting the new constitution of Puerto Rico, which granted the U.S. Congress ultimate authority over the commonwealth's affairs.

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