

## HALL RENDER'S THIS WEEK IN WASHINGTON - JANUARY 25, 2019

### SHORT-TERM FUNDING DEAL REACHED TO END GOVERNMENT SHUTDOWN

This afternoon, President Trump announced a deal to temporarily reopen the federal government and end the longest shutdown in U.S. history. The deal funds the remaining federal agencies until February 15, giving lawmakers more time to try to work out a compromise on the immigration and border security issues. President Trump called on the Senate to bring the proposal to the floor for a vote immediately. The House is hoping to clear the bill by unanimous consent, sending the proposal to the president by Friday evening. The agreement is considered the product of negotiations between the Senate's top leaders, Majority Leader Mitch McConnell (R-KY) and Minority Leader Chuck Schumer (D-NY), who met on Thursday following the failure of two measures in the Senate to reopen the government.

Lawmakers have three weeks to come up with a solution for a border security deal while federal workers return to work. It is unclear whether the parties will be able to reach an agreement in the coming weeks.

### MACPAC MAKES DSH CUT RECOMMENDATIONS

The Medicaid and CHIP Payment and Access Commission ("MACPAC") agreed on Thursday to provide three recommendations to Congress regarding potential cuts to the Medicaid Disproportionate Share Hospital ("DSH") program. While the panel did not take a specific position on whether the funding cuts are appropriate, it did provide suggestions on their implementation. One recommendation is for the cuts to extend over a longer period to give hospitals more time to modify their payment policies if needed. The second recommendation would require HHS to apply reductions to states with unspent funds that could be tapped before other states receive cuts. The third recommendation would require HHS to develop a method to better target the distribution of DSH payments to states with larger numbers of non-elderly, low-income individuals.

During the discussion, many commissioners expressed concern about the magnitude of the DSH cuts and the effect on hospitals. They also expressed a desire for the panel to be clear that it is not proactively advocating for the cuts. The recommendations, which, it should be noted, are not binding, will be included in MACPAC's March report to Congress.

### ADMINISTRATION HOLDS PATIENT ROUNDTABLE ON HEALTH CARE PRICES

President Donald Trump, HHS Secretary Alex Azar, Department of Labor Secretary Alex Acosta and other administration officials met with a small group of doctors and patients Wednesday to discuss the lack of transparency in health care prices. They were joined by patients who received extraordinarily high medical bills, such as an \$89,000 emergency room bill following a snake bite, along with a surgeon and health policy professor at Johns Hopkins University.

In the course of the discussion, President Trump stated, "Patients should know...the real price and what's going on with the real prices of procedures. Because they don't know, they go in, they have a procedure, and then all of a sudden, they can't afford it. They had no idea it was so bad." While it would be mostly up to Congress to address the issue of surprise medical billing, there are some actions the administration believes it could take to address this issue. According to a Brookings Institute health policy brief, the Department of Labor could: clarify states' authority to establish provider rates, including those charged in surprise billing situations; require bills from out-of-network providers count toward patients' out-of-pocket maximums; require employer plans to comply with billing dispute resolution processes that states have created; and require employer plans to notify patients that their providers might be out of network.

### HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Rep. Peter King (R-NY) introduced [H.R. 776](#) to amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children program.

Sen. Cory Gardner (R-CO) introduced [S.220](#) to require the Under Secretary of Health to report major adverse personnel actions involving certain health care employees to the National Practitioner Data Bank and to applicable state licensing boards.

Sen. Ron Wyden (D-OR) introduced [S.205](#) to amend Title XIX of the Social Security Act to prevent the misclassification of drugs for purposes of the Medicaid drug rebate program.

Rep. David Joyce (R-OH) introduced **H.R. 728** to amend Title VIII of the Public Health Service Act to extend advanced education nursing grants to support clinical nurse specialist programs.

Rep. Greg Walden (R-OR) introduced **H.R. 692** to amend the Public Health Service Act to prohibit application of pre-existing condition exclusions and to guarantee availability of health insurance coverage in the individual and group market, contingent on the enactment of legislation repealing the Patient Protection and Affordable Care Act.

## NEXT WEEK IN WASHINGTON

Lawmakers will continue to negotiate immigration and border security issues since they were given only three weeks to negotiate before expiration of the short-term spending bill. On Thursday, the House Energy and Commerce Committee will hold a **hearing** on "Examining the Trump Shutdown's Devastating Impact on Federal Workers, Public Health, the Environment and Consumers."

Next Tuesday will be a big day for health policy as three committees have announced health-related hearings. The Senate Finance Committee scheduled a **hearing** on prescription drug prices. The hearing addresses a top priority for Chairman Chuck Grassley (R-IA), who has cosponsored a number of bipartisan bills addressing drug prices. A **hearing**, "Access to Care: Health Centers and Providers in Underserved Communities," will be held by the Senate Health, Education, Labor and Pensions Committee. Also on Tuesday, the House Ways and Means Committee will hold a **hearing** on protecting patients with pre-existing conditions. This hearing marks the first step in drafting legislation that would further preserve pre-existing condition protections, a top priority for Democratic members.

## THIS WEEK IN WASHINGTON IN HISTORY

**1997, 21 years ago this week:** Madeline Albright is sworn in as America's first female Secretary of State by Vice President Al Gore at the White House, one day after unanimous confirmation by the Senate. As head of the U.S. State Department, Albright was the highest ranking female official in U.S. history.

**1992, 26 years ago this week:** President George H.W. Bush hosts a White House reception for the U.S. women's soccer team in honor of their recent World Cup win. At the reception, Bush repeated a quote stating "Sport was the first great separator of the sexes." Referring to the less successful record of the U.S. men's soccer team. President Bush remarked, "For the sake of the male ego, I hope the men start catching up."

For more information, please contact:

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