

HALL RENDER'S THIS WEEK IN WASHINGTON - MARCH 8, 2019

CONGRESS TACKLES HEALTH-RELATED ISSUES IN MULTIPLE HEARINGS THIS WEEK

Congress looked at many health policy issues in a week jam-packed with hearings. Continuing Congress's probe into drug pricing, the House Ways and Means Health Subcommittee held a hearing on promoting competition to lower Medicare prescription drug costs. While lawmakers questioned whether the drug industry is actually innovating in exchange for the high drug prices it charges, Chairman Lloyd Doggett (D-TX) said the subcommittee is not rushing to put any drug pricing bills on the House floor, and more hearings are likely before any bills are marked up.

Also on the House side, the Energy and Commerce Health Subcommittee held a hearing to examine legislation aimed at lowering consumer costs and expanding access to health care. The measures included the State Health Care Premium Reduction Act ([H.R. 1425](#)), which would provide \$10 billion annually for states to establish a reinsurance program or use the funds to provide financial assistance to reduce out-of-pocket costs for individuals enrolled in qualified health plans. The bill also requires CMS to establish and implement a reinsurance program in states that do not apply for federal funding under the bill. While lawmakers from both parties agree on most of the principles behind the measure, they disagree over how the bill would address abortion. The measure does not include what is known as the "Hyde Amendment," which blocks federal funds from covering the cost of abortions in most cases. Committee members looking to stabilize the Affordable Care Act are hopeful parties can resolve the issue over the Hyde Amendment before trying to move the bill for a vote by the full House.

On the Senate side, lawmakers on the Health, Education, Labor and Pensions Committee held a hearing on how to combat resistance to childhood vaccinations by some members of the public. The committee heard from state health officials and other public health experts on how to combat misinformation about vaccines amid a growing measles outbreak, as 201 cases of measles have been confirmed in 11 states across the country. A teenager who rose to national prominence after choosing to vaccinate himself against his parents' wishes also testified before the panel. Experts urged the senators to provide more resources to states and local communities to help educate people about vaccine safety and stifle inaccurate information spread online. While the hearing was attended by a large group of anti-vaccine advocates, lawmakers on the committee agreed on the importance of vaccination to public health and cited the need for more education and research to combat misconceptions on vaccine use.

SURPRISE MEDICAL BILLING LEGISLATION TO BE INTRODUCED SOON

A bipartisan group of senators indicated this week they plan to introduce legislation to address "surprise medical bills" by the end of the month. The measure is intended to prevent providers and insurance companies from charging patients higher costs after they unexpectedly see an out-of-network provider. It will also establish a standard for determining how much patients could be charged in these situations. However, if patients electively choose to visit a hospital or clinic that is out of network, they would be charged the established out-of-network rate for their care.

Led by Sen. Bill Cassidy, M.D. (R-LA), the legislation will be a combination of the [discussion draft](#) he released last September and a bill ([found here](#)) introduced by Sen. Maggie Hassan (D-NH) last October. Sen. Cassidy said that tackling surprise medical bills is currently one of the Senate's top health care priorities. And, most health care policy experts in Washington agree that addressing surprise medical bills is one of the most likely areas for bipartisan action on health care this year.

GOTTLIEB RESIGNS AS COMMISSIONER OF THE FDA

FDA Commissioner Scott Gottlieb announced he will step down from his position in a month, catching the medical, cosmetic and food industries by surprise this week. He had strong support from the Trump administration and lawmakers from both parties in Congress. During his tenure, Gottlieb advocated for a wide range of efforts that included banning menthol in cigarettes and smaller opioid packaging to prevent overdose, as well as a reduction in youth vaping. He also focused on expanding the use of generic drugs, approving a record number during his tenure. The Trump administration is expected to name an acting FDA commissioner within the next month.

HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Sen. Kirsten Gillibrand (D-NY) introduced [S. 724](#) to amend the Controlled Substances Act to establish additional registration requirements for

prescribers of opioids.

Sen. Robert Casey (D-PA) introduced **S. 691** to amend Title XVIII of the Social Security Act to enhance prescription drug affordability by expanding access to assistance with out-of-pocket costs under Medicare part D for low-income seniors and individuals with disabilities.

Rep. Donald Payne Jr. (D-NY) introduced **H.R. 1570** and Sen. Sherrod Brown (D-OH) introduced **S. 668** to amend Title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

Rep. Alcee Hastings (D-FL) introduced **H.R. 1564** to amend Title XVIII of the Social Security Act to stabilize and modernize the provision of partial hospitalization services under the Medicare Program.

Rep. Ron Kind (D-WI) introduced **H.R. 1530** to amend Title XVIII of the Social Security Act to provide for the coordination of programs to prevent and treat obesity.

NEXT WEEK IN WASHINGTON

Congress returns for a full work week. On Tuesday, the House Energy and Commerce Health Subcommittee will hold a hearing on the president's FY 2020 budget request for HHS, which will include testimony from Secretary Alex Azar. The House Appropriations Committee will then hold its hearing on the HHS budget request for FY 2020 on Thursday.

On Wednesday, the House Energy and Commerce Health Subcommittee will hold a **hearing** on "Lowering the Cost of Prescription Drugs: Reducing Barriers to Market Competition." Lawmakers on the committee said they are pursuing "relatively smaller-scale bills that could get some bipartisan support." One example is legislation known as the **CREATES Act**, which is designed to increase access to cheaper generic drugs. When discussing how to tackle drug pricing, committee leaders indicated their "strategy is to start with measures that are more likely to be bipartisan and get across the finish line before later moving on to bigger-ticket items, like allowing Medicare to negotiate drug prices." On Thursday, the Senate Appropriations Committee will hold a hearing on the Ebola outbreak in the Democratic Republic of the Congo and other emerging health threats.

THIS WEEK IN WASHINGTON IN HISTORY

1977, 42 years ago this week: the Dial-a-President radio program, featuring President Jimmy Carter and CBS news anchorman Walter Cronkite, airs for the first time. In this first two-hour broadcast, approximately nine million calls flood the CBS radio station.

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