

HALL RENDER'S THIS WEEK IN WASHINGTON - MARCH 29, 2019

CONVERSATION SHIFTS BACK TO HEALTH CARE IN WASHINGTON

Health care became a major discussion point for lawmakers after this week started with the Trump administration's declaration that it supports a federal judge's ruling that the entire Affordable Care Act ("ACA") should be thrown out. This signals a shift in the Justice Department's prior position that only parts of the law should be eliminated. Further putting spotlight on this position, President Trump tweeted Tuesday afternoon, "The Republican Party will become 'The Party of Healthcare!'" and later repeated the line to reporters when asked about the DOJ's position shift. Democratic lawmakers called the Trump administration's position "a monstrous attack" and noted the measure would abandon protections for consumers with preexisting conditions.

In contrast, House Democratic members unveiled **sweeping draft legislation** Tuesday aimed at lowering health care costs for people who get insurance coverage through the federal and state marketplaces, which mirrors earlier proposals set out to strengthen the ACA. The measure aims to make the exchange plans more affordable by expanding tax credits, increasing funding for ACA outreach and education, and reversing Trump administration rules that critics say could weaken the marketplace. However, the legislation does not address adding cost-sharing reduction subsidies. A section-by-section summary of the legislation can be found [here](#).

HOUSE ENERGY AND COMMERCE SUBCOMMITTEE ADVANCES HEALTH BILLS

On Wednesday, the House Energy and Commerce Health Subcommittee moved several health-related bills in what turned out to be a very long, contentious markup. There were many testy partisan exchanges over parts of the discussed legislation. Lawmakers approved six bills to address prescription drug costs and six more to strengthen the ACA.

The approved legislation intended to strengthen the ACA includes:

- **H.R. 1425**, which would provide \$10 billion for states to set up reinsurance and subsidy programs for covering their highest-cost and lowest-income patients;
- **H.R. 1010** to ban the administration from implementing a 2018 rule on the short-term plans;
- **H.R. 986** to prohibit states from implementing guidance on state waivers to allow plans that don't meet requirements under the ACA;
- **H.R. 1386** to provide \$100 million for "navigators" meant to help individuals seek health plans on state exchanges, funding that the Trump administration has cut back on significantly in recent years;
- **H.R. 987**, that would require states to inform consumers about the health plans available to them; and
- **H.R. 1385** to offer up to \$200 million total for any states that want to set up health insurance exchanges.

Drug pricing legislation approved by the subcommittee includes:

- **H.R. 1781** to provide federal Medicare and Medicaid advisory commissions with information about the rebates paid by drug manufacturers to insurers and others operating Medicare Part D drug plans;
- **H.R. 938** to alter a 180-day exclusivity period granted to generic drugmakers, in an effort to deter them from delaying the entry of their products;
- **H.R. 1499**, that would outlaw so-called "pay-for-delay" settlements between branded and generic drugmakers;
- **H.R. 965**, the CREATES Act, to deter brand-name drugmakers from blocking sales of samples to generic companies seeking to develop a low-cost copy; and
- **H.R. 1503**, **H.R. 1520** to require the FDA to more proactively update patent and exclusivity information in its public databases of small-molecule and biologic drugs, respectively.

340B PROGRAM GETS RELIEF FROM CONGRESSIONAL SCRUTINY

During a health care event this week, House Energy and Commerce Oversight and Investigations Subcommittee Chair Diana DeGette (D-CO) said that she has no plans to hold oversight hearings on the 340B drug discount program. This echoes Energy and Commerce Health Subcommittee Chair Anna Eshoo's (D-CA) sentiment on 340B reform, which is that other health care priorities will come before 340B changes for the committee. DeGette said, "The Dem[ocrat] majority in the House, and frankly I think a lot of the Republicans, too, realize the importance and the usefulness of the 340B drug program... I don't have any plans right now to do oversight over that." This is a stark contrast from last Congress when there were multiple hearings on 340B and several reform bills were introduced (mostly by Republicans). When defending hospital use of 340B funds, DeGette noted that nobody has ever alleged there were inappropriate uses of 340B proceeds.

HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Sen. Amy Klobucher (D-MN) introduced **S. 948** to provide incentives to physicians to practice in rural and medically underserved communities.

Sen. Mike Braun (R-IN) introduced **S. 913** to require group health plans and health insurance issuers offering health insurance coverage to disclose cost information to enrollees in such plans or coverage.

Rep. Michael Doyle (D-PA) introduced **H.R. 1970** to amend Title XVIII of the Social Security Act to provide for payment for services of radiologist assistants under the Medicare program.

Rep. Danny Davis (D-IL) introduced **H.R. 1969** to amend Title XVIII of the Social Security Act to cover screening computed tomography colonography as a colorectal cancer screening test under the Medicare program.

Rep. Jan Schakowsky (D-IL) introduced **H.R. 1948** to amend Title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

Rep. Joseph Kennedy III (D-MA) introduced **H.R. 1920** to amend Title XIX of the Social Security Act to provide a higher federal matching rate for increased expenditures under Medicaid for mental and behavioral health services.

NEXT WEEK IN WASHINGTON

Congress returns for a full work week. On Tuesday, the House Education and Labor Committee will hold a hearing on surprise medical billing. Also on Tuesday, the House Energy and Commerce Oversight and Investigation Subcommittee will hold a hearing, "Priced Out of a Lifesaving Drug: The Human Impact of Rising Insulin Costs." On Thursday, the Senate Appropriations Committee will hold a hearing on the proposed budget estimates and justification for FY 2020 for the Health and Human Services Department.

THIS WEEK IN WASHINGTON IN HISTORY

1834, 185 years ago this week: President Andrew Jackson is censured by Congress for refusing to turn over documents relating to bank legislation. Jackson was the first president to suffer this formal disapproval from Congress.

1929, 90 years ago this week: President Herbert Hoover has a telephone installed at the desk of the Oval Office of the White House. The phone did not work properly at first and President Hoover complained to aides when his son was unable to get through on the Oval Office phone from an outside line.

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