

## HALL RENDER'S THIS WEEK IN WASHINGTON - JUNE 14, 2019

### ENERGY AND COMMERCE EXAMINES SURPRISE MEDICAL BILLING

On June 12, the House Energy and Commerce health subcommittee held a legislative hearing on surprise medical bills as Congress continues tackling the issue on how best to resolve payment disputes between providers and health plans. There is broad agreement to pass legislation addressing surprise medical bills, but industry stakeholders disagree on the best mechanism for resolving payment disputes between providers and insurers.

House and Senate leaders have not decided which mechanism is best to address this issue. Energy and Commerce's bipartisan **discussion draft** proposes to establish a minimum payment standard set at the median in-network rate for that area. Reps. Raul Ruiz (D-CA), Larry Bucshon (R-IN), Phil Roe (R-TN) and Ami Bera (D-CA) **outlined a physician-sanctioned** proposal a few weeks ago, but haven't formally introduced the legislation.

Senate Health, Education, Labor, and Pensions Committee Chairman Lamar Alexander (R-TN) and Ranking Member Patty Murray (D-WA) will hold a hearing next Tuesday, which will touch on surprise medical billing. They released a **draft proposal** to curb surprise medical bills with three possible mechanisms: an independent arbitration process, a set benchmark payment rate or network matching. Sen. Alexander said he hopes to incorporate the feedback from the hearing and the draft proposal into bipartisan legislation and bring it to the committee by the end of June.

### MEDICARE FOR ALL BRAWL IN HOUSE WAYS AND MEANS HEARING

On June 12, the House Ways and Means Committee held on a hearing on ways to achieve universal health insurance coverage. This was the first time in decades that one of the two main health care committees of jurisdiction has held a hearing on this topic. Lawmakers used most of the hearing on pathways to universal health coverage to focus on partisan Medicare for All talking points. While most of the hearing focused on a single-payer health care system, several members discussed how to bolster the exchanges set up under the Affordable Care Act. Some members promoted a government-run health care option as well as advocated for steps to help people pay for coverage like increasing the size of subsidies that help people afford their monthly premiums.

House Republicans focused primarily on the perils of establishing a single-payer system and warned that people would lose the insurance coverage that they now have and like. Additionally, lawmakers raised concerns about rural hospitals closing under a single-payer system. Witness Donald Berwick, former CMS Administrator, said Congress could design a payment policy to ensure that rural hospitals are reimbursed at an appropriate rate. Supporters of Medicare for All plan to push for more hearings in committees with jurisdiction over health care. Rep. Frank Pallone (D-NJ), who chairs the Energy and Commerce Committee, has not committed to holding a hearing.

### HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Rep. Mark Green (R-TN) introduced **H.R. 2990**, or the Rural Health Care Access Act of 2019, to amend Title XVIII of the Social Security Act to permit States to designate without any mileage limitations facilities that are located in rural areas as critical access hospitals.

Rep. Joseph Kennedy III (D-MA) introduced **H.R. 3276** to amend Title XIX of the Social Security Act to exclude authorized generic drugs from calculation of the average manufacturer price for purposes of the Medicaid drug rebate program.

Rep. Debbie Dingell (D-MI) introduced **H.R. 3253** to provide for certain extensions with respect to the Medicaid program under Title XIX of the Social Security Act.

Sen. Susan Collins (R-ME) introduced **S. 1868** to provide support to states to establish invisible high-risk pool or reinsurance programs.

Sen. Patty Murray (D-WA) introduced **S. 1847** to require group health plans and group or individual health insurance coverage to provide coverage for over-the-counter contraceptives.

Sen. Amy Klobuchar (D-MN) introduced **S. 1842** to protect the personal health data of all Americans.

## NEXT WEEK IN WASHINGTON

Congress is back next week. It could be a busy week for health care as White House officials are finalizing a handful of health care regulations, including potential changes to both the Stark and Anti-Kickback laws. While they might not come out next week, the fraud and abuse regulations are currently being reviewed at the Office of Management and Budget, therefore they are expected to be released in short order.

On Tuesday, the Senate Health, Education, Labor, and Pensions Committee will hold a hearing on reducing health care costs. The HELP Committee will be looking at issues in their **draft bill** released last month, such as surprise medical billing, maternal mortality and vaccine hesitancy.

The Senate will examine prescription drug pricing in various hearings. On Wednesday, the Senate Veterans' Affairs Committee holds a hearing on prescription drug prices, focusing on examining agency efforts to further competition and increase affordability. Also on Wednesday, the Senate Special Committee on Aging holds a hearing on "The Complex Web of Prescription Drug Prices, Part III: Examining Agency Efforts to Further Competition and Increase Affordability."

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