

HALL RENDER'S THE WEEK IN WASHINGTON - FEBRUARY 3, 2020

SURPRISE BILLING CONTINUES TO BE HOT AS MORE COMMITTEES WEIGH IN

The House Ways & Means Committee plans to release its surprise billing legislation this week in preparation for a markup on February 12. The Ways and Means proposal will rely on arbitration for resolving out of network claims and will have to be reconciled with the bipartisan, bicameral proposal from the Energy and Commerce and Senate Health Education Labor and Pensions ("HELP") Chairman Lamar Alexander (R-TN). House leadership is pushing committees to finish working on surprise billing measures by February 13 so they can shift focus to drug pricing.

House Education and Labor Committee Chairman Bobby Scott (D-VA) said his committee is also planning to mark up new legislation on surprise billing. Rep. Scott said a new bill will be drafted, as opposed to taking up a bill from the House Energy and Commerce Committee. Scott included that his office is working with the Senate HELP Committee for a "bipartisan, bicameral" deal that could win over Chairman Lamar Alexander.

HOUSE VOTE COMING ON MEDICAID BLOCK GRANT PROPOSAL

On Friday, House leadership announced a plan to vote on a resolution to disapprove of the administration's proposed Medicaid block grant program. The vote is scheduled for Thursday, February 6. In a [statement](#), House Speaker Nancy Pelosi (D-CA) and Majority Leader Steny Hoyer (D-MD) said, "The goal of this new waiver is clear: reduce access to health care for millions of low-income Americans, including access to affordable prescription drugs. The Democratic-led House will not allow this challenge to health care access in our country to go unanswered."

CMS [announced a much-anticipated Medicaid guidance policy last week](#) that would allow states to receive a lump sum to spend on Medicaid instead of the currently unlimited amount of funding, which grows and shrinks based on state needs. The Trump administration believes this will lead to lower spending over time. While this would require a minimum level of coverage based on the Affordable Care Act's ten categories of "essential health benefits," states could decide who exactly to cover and omit traditional Medicaid benefits like long-term care and transportation to medical appointments. A legal challenge of this guidance is inevitable.

HHS AND CONGRESS WORKING TO STOP VIRUS OUTBREAK

Now considered an official public health emergency, Congress will hold its first hearing on the coronavirus this week in the House Foreign Affairs Committee. The State Department issued its highest alert as it advised Americans to avoid traveling to China.

Last week, House Energy and Commerce Committee members were briefed by the Administration on the emerging threat. Members expressed concerns that China may not be providing enough information about the outbreak and worried that a severe flu season could strain the U.S. response if coronavirus spreads. Lawmakers expressed a willingness to provide more resources if necessary.

HEALTH-RELATED BILLS INTRODUCED LAST WEEK

Rep. Ron Kind (D-WI) introduced [H.R. 5693](#), the Primary Health Services Enhancement Act.

Rep. Cynthia Axne (D-IA) introduced [H.R. 5688](#) to amend the Public Health Service Act to provide for grants to enable states to carry out activities to reduce administrative costs and burdens in health care.

Rep. Brendan Boyle (D-PA) introduced [H.R. 5681](#), the Protecting Communities from Hospital Closures Act of 2020.

THE WEEK AHEAD

- President Trump will deliver the State of the Union address on Tuesday. He is expected to discuss health care issues at length in his speech. This includes criticism of Medicare-for-All and calling out Congress for failing to pass a bipartisan drug-pricing bill supported by the White House.
- On Wednesday, the House Committee on Foreign Affairs holds a hearing: the Unique Challenges Women Face in Global Health.
- Also on Wednesday, the House Ways and Means Health subcommittee holds a hearing, "More Cures for More Patients: Overcoming

Pharmaceutical Barriers.”

- The House Energy and Commerce Oversight and Investigations subcommittee holds a hearing on Wednesday to discuss vaping and the impact on public health.

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