

HALL RENDER'S THIS WEEK IN WASHINGTON - APRIL 20, 2018

SENATE CONTINUES EFFORTS TO TACKLE SUBSTANCE ABUSE CRISIS

The Senate Finance Committee held a hearing to address opioid and substance abuse disorders in Medicare, Medicaid and other HHS-related programs. The hearing addressed how the programs can adapt and be improved to address the crisis, as well as what the Trump administration and Congress can do to fight the opioid crisis together. The committee, through feedback from stakeholders and its members, identified areas of bipartisan support. These include the need to evaluate access to and utilization of non-opioid treatment options for managing pain; enhancing data sharing to promote appropriate health care interventions and strengthen program integrity; and ensuring evidence-based care is available for patients to identify and treat opioid use disorders.

House and Senate lawmakers are also looking to pass opioid legislation that would allow the HHS Secretary to waive restrictions on Medicare reimbursement for telemedicine in substance abuse treatment. During the hearing, Sen. John Thune (R-SD) asked HHS witness Brett Giorio whether Secretary Alex Azar would support such a measure as a way to expand access to opioid and substance abuse disorder treatment. Bipartisan discussion of the telehealth measure in both the House and Senate signifies likelihood that this measure will be included in the opioid package.

Sens. Bill Cassidy (R-LA) and Chris Murphy (D-CT), both members of the Senate Health, Education, Labor, and Pensions ("HELP") Committee, introduced legislation to ensure health care providers know they can share nonfatal overdose information with relatives of survivors. In the legislation ([S. 2676](#)), HHS must annually inform providers about allowable disclosures of patient information during medical emergencies.

CONGRESS REACHES NEW HIGH WITH MARIJUANA BILL

A bipartisan bill, the [VA Medicinal Cannabis Research Act](#), was introduced on Tuesday to clarify that the Department of Veterans Affairs ("VA") has the authority to study medical marijuana and incite the agency to initiate research. The bill does not mandate the VA to perform research but gives permission for the research to be conducted, as well as requires the VA to report regularly to Congress on the progress of its marijuana research. As part of larger discussions around the opioid epidemic response, some members of Congress have emphasized a need to ensure certain substances, like marijuana, are available for more research, especially if they can be used to treat pain or addiction.

Also this week, an FDA advisory panel made a finding in favor of an application for a cannabidiol drug to treat seizures, which could be the first approval of a marijuana-based therapy by the federal government. Prior to the panel's finding, FDA Commissioner Scott Gottlieb told lawmakers the agency is open to considering marijuana-based therapies in non-smoked forms. During a House Appropriations Agricultural Subcommittee hearing, Gottlieb said he was not aware of any plans by the Trump administration to reschedule marijuana's drug status but added that Congress has the power to move it from its current Schedule I drug status. Lawmakers, such as Rep. John Shimkus (R-IL), indicated that FDA should have a say in the drug scheduling process.

ENERGY AND COMMERCE COMMITTEE ISSUES RFI ON LEGACY TECHNOLOGY IN HEALTH CARE

The Energy and Commerce Committee posted a [request for information](#) ("RFI") on the use of legacy technologies in health care. In explaining the need for the RFI, the committee said, "While health care cybersecurity is a complex, nuanced challenge with many different contributing factors, the use of legacy technologies, which are typically more insecure than their modern counterparts, continues to be a root cause of many incidents. The health care sector and medical technologies face the same challenge that has vexed the information technology industry for decades; digital technologies age faster and less gracefully than their physical counterparts." The committee's interest on this issue has grown since the cybersecurity threat to hospitals has significantly increased.

Feedback must be given to the committee by Monday, May 31, 2018. This feedback will be made publicly available when the committee has discussions to advance reforms in this area.

HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Sen. Mitch McConnell (R-KY) introduced [S.2710](#) to improve treatment and early interventions for pregnant and postpartum women and infants affected by substance use disorder.

Sen. Bill Nelson (D-FL) introduced [S.2707](#) to amend Title XVIII of the Social Security Act to provide educational resources regarding opioid use and pain management as part of the Medicare & You handbook.

Sen. Marco Rubio (R-FL) introduced [S.2690](#) to amend Title XVIII of the Social Security Act to permit review of certain Medicare payment determinations for disproportionate share hospitals.

Sen. Robert Casey Jr. (D-PA) introduced [S.2704](#) to amend Title XVIII of the Social Security Act to provide for coverage of methadone under Medicare Part B.

NEXT WEEK IN WASHINGTON

On April 26, President Trump is scheduled to deliver his first major speech on drug prices, which is expected to coincide with the White House and HHS rolling out their drug pricing plan. While the speech is unlikely to tout major legislative changes, it could likely advocate for Medicare and Medicaid demonstrations to test new ways of paying for drugs on a smaller scale, such as allowing certain states a chance to negotiate drug costs in Medicaid. Some industry lobbyists are saying that the administration might include a plan for Medicare Part D plans to negotiate drug costs for certain drugs in Medicare Part B.

The Senate HELP Committee will hold a markup of various bills on April 24. Legislation in the markup includes: [S. 2680](#), the "Opioid Crisis Response Act of 2018"; [S. 2315](#), the "Over-the-Counter Drug Safety, Innovation, and Reform Act"; [S. 2597](#), the "Children's Hospital GME Support Reauthorization Act of 2018"; and [S. 382](#), the "Firefighter Cancer Registry Act." On April 24, the Senate Appropriations Agriculture-FDA subcommittee will hold a hearing on the FDA budget. Also, AcademyHealth hosts its 2018 Health Datapalooza (April 26-27) to discuss data innovations that impact health policy and practice, featuring remarks from HHS Secretary Alex Azar.

THIS WEEK IN WASHINGTON IN HISTORY

1871: 147 years ago this week, with passage of the Third Force Act, popularly known as the Ku Klux Act, Congress authorizes President Ulysses S. Grant to declare martial law, impose heavy penalties against terrorist organizations and use military force to suppress the Ku Klux Klan.

1978: 39 years ago this week, the U.S. Senate narrowly approves the transfer of the Panama Canal to Panama after the Senate voted 68-32 to approve the Panama Canal neutrality treaty. The votes in favor were just one more than the 67 needed for the constitutionally required two-thirds majority.

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