

American Nephrology Nurses Association

Weekly Capitol Hill Update - Monday, October 2, 2017

Congressional Schedule

Senate

- Senate meets 3pm Monday, votes 5:30pm on confirmation of FCC Chairman Ajit Pai for a new five-year term
- Senate Budget Committee to markup that chamber's budget resolution

House

- House convenes Monday, first votes at 6:30pm; last votes Thursday at 3pm
- Majority Leader Kevin McCarthy said the House would vote this week on its FY18 budget resolution
 - NOTE: Adopting the budget resolution with reconciliation instructions would pave the way for an overhaul of the tax code by a simple majority in the Senate

Legislative Update

• Week in Review

- *Neal Statement on Growing Medical Emergency in Puerto Rico.* "I am deeply concerned about reports from Puerto Rico that millions of people, including thousands of dialysis patients, are not receiving the urgent medical care they depend on. In this day and age, no American should ever die of a manageable medical condition. Yet this appears to be the situation facing kidney disease patients in Puerto Rico. Those in need of dialysis are in dire condition due to Puerto Rico's lack of needed fuel and supplies to dialyze those with kidney disease."
 - To read more: <https://democrats-waysandmeans.house.gov/media-center/press-releases/neal-statement-growing-medical-emergency-puerto-rico>
- *Senate Budget Won't Let GOP Pursue Full Obamacare Repeal.* "Senate Republicans unveiled a fiscal 2018 budget resolution Friday that they intend to use to push through as much as \$1.5 trillion of tax cuts in the coming months, but it won't allow the GOP to pursue a full repeal of Obamacare. The budget proposal would still allow Republicans to pursue a much narrower attack on the

Affordable Care Act, including repealing the individual mandate to purchase coverage.”

- To read more: <https://www.bloomberg.com/news/articles/2017-09-29/senate-budget-allows-1-5-trillion-tax-cut-not-full-aca-repeal>
- ***Price resigns from HHS after facing fire for travel.*** “HHS Secretary Tom Price resigned Friday in the face of multiple federal inquiries and growing criticism of his use of private and government planes for travel, at a cost to taxpayers of more than \$1 million since May. The White House said the former seven-term Georgia congressman, 63, offered his resignation earlier in the day and that President Donald Trump had accepted it.”
 - To read more: <http://www.politico.com/story/2017/09/29/price-has-resigned-as-health-and-human-services-secretary-243315>
- ***Senate Republicans Say They Will Not Vote on Health Bill.*** “Senate Republicans on Tuesday officially abandoned the latest plan to repeal the Affordable Care Act, shelving a showdown vote on the measure and effectively admitting defeat in their last-gasp drive to fulfill a core promise of President Trump and Republican lawmakers. The decision came less than 24 hours after a pivotal Republican senator, Susan Collins of Maine, declared her opposition to the repeal proposal, all but ensuring that Republican leaders would be short of the votes they needed.”
 - To read more: https://www.nytimes.com/2017/09/26/us/politics/mcconnell-obamacare-repeal-graham-cassidy-trump.html?_r=0
- ***Alexander, Murray inching toward deal to stabilize Obamacare.*** “A pair of deal-making senators is inching toward a bipartisan agreement to fund Obamacare's insurance subsidies and provide some certainty to health insurance markets just two days after the GOP's latest Obamacare repeal effort failed. Senate Health, Education, Labor, and Pensions Committee Chairman Lamar Alexander (R-Tenn.) and ranking member Patty Murray (D-Wash.) are moving toward a plan to stabilize Obamacare in the short term after meeting on Wednesday. Though they have not yet clinched a deal, their progress could ignite a new battle over how or whether to improve the law.”
 - To read more: <http://www.politico.com/story/2017/09/28/alexander-murray-obamacare-plan-243258>
- ***Obamacare Rates Rise in Markets Unsettled by Trump.*** “A day after Republicans failed yet again to repeal Obamacare, confusion sowed by President Donald Trump's opposition to the law is roiling the health-insurance market. In many states, insurers face a deadline of Wednesday to lock in their rates for next year under the Affordable Care Act, and some are announcing double-digit increases. Florida said Tuesday that most of its 45 percent average increase in premiums stems from the risk that the Trump administration will skip cost-sharing payments that reimburse insurers for lowering rates. Anthem Inc. said it

would exit Maine, the latest state withdrawal for the one-time Obamacare stalwart.”

- To read more: <https://www.bloomberg.com/news/articles/2017-09-27/obamacare-rates-set-to-rise-as-trump-opposition-creates-turmoil>

- ***Congress on track to miss two big health deadlines.*** “Congress is at risk of missing two deadlines for health programs impacting millions of people, as funding is set to expire on Saturday. The House has yet to release a bill to fund the Children’s Health Insurance Program (CHIP) just days before the deadline. The Senate has released a bipartisan five-year bill to reauthorize the program, but a vote hasn’t been scheduled. Separately, billions of dollars to fund community health centers – a safety net for 26 million people – are also up in the air.”

- To read more: <http://thehill.com/policy/healthcare/352785-congress-on-track-to-miss-two-big-health-plan-deadlines>

- **Week Ahead**

- ***Speculation heats up over Price's replacement.*** “Within hours of Trump firing Health and Human Services Secretary, Tom Price, the Washington speculation machine whirred into action. The NYT floated as possible replacements: Scott Gottlieb, the commissioner of the Food and Drug Administration; Seema Verma, the administrator of the Centers for Medicare and Medicaid Services; David Shulkin, the secretary of veterans affairs; Former Louisiana Gov. Bobby Jindal. (Who I’m told has been added to the consideration list but would be an underdog for the job because of what he’s said in the past about Trump. During the presidential campaign, Jindal described Trump as an “unserious and unstable narcissist.”)

- To read more: <https://www.axios.com/speculation-heats-up-over-prices-replacement-2491760028.html>

- ***Trump's Next Move on Health Care? Choice for Secretary May Offer Clue.*** “President Trump’s selection of a secretary of health and human services could be a turning point in a health care debate that has polarized Washington, as he faces a choice of working with Democrats to fix the current system or continuing his so-far failed efforts to dismantle his predecessor’s program. The resignation of Tom Price as secretary late Friday over his use of costly chartered jets capped a week of setbacks on health care for a president who made the issue a centerpiece of his campaign and his first eight months in office. Mr. Trump’s decision on a successor could be an opportunity to shift the debate, but he faces the prospect of an arduous confirmation battle.”

- To read more: <https://www.nytimes.com/2017/09/30/us/politics/trump-hhs-tom-price-replacement.html>

- ***Trump plans order allowing insurance sold across state lines.*** “President Trump on Wednesday said he is considering an executive order to allow health

insurance to be purchased across state lines. Trump told reporters at the White House that he plans to issue a "very major" executive order, probably next week, "where people can go out across state lines, do lots of things, and buy their own health care." Trump said the order is "being finished now. It's going to cover a lot of territory and a lot of people – millions of people."

- To read more: <http://thehill.com/policy/healthcare/health-insurance/352706-trump-plans-executive-order-allowing-people-to-buy>
- *Trump vows another healthcare vote next year, eyes executive order.* "President Donald Trump, faced with the latest Republican failure to undo Obamacare, pledged on Wednesday to tackle it again next year, suggesting without evidence that he had the votes to pass reform and promising to work with Democrats in the meantime."
 - To read more: <http://www.reuters.com/article/us-usa-healthcare/trump-vows-another-healthcare-vote-next-year-eyes-executive-order-idUSKCN1C21IA>
- *House to move forward on CHIP next week.* "The House Energy and Commerce Committee will meet next week to mark up a bill reauthorizing the Children's Health Insurance Program, a committee spokesperson said. There's already a bipartisan CHIP deal in the Senate... Most states have enough money left over to carry them through as a stopgap."
 - To read more: <https://www.axios.com/house-to-move-forward-on-chip-next-week-2490584583.html>
- *Graham-Cassidy sponsors vow to press on with health-care reform.* "The main sponsors of the last ObamaCare repeal bill committed on Thursday to hold hearings in the coming months in an effort to eventually pass their legislation. "Over the coming weeks and months, we are committed to holding congressional hearings and working with our nations' governors who believe returning power to states is a vast improvement over Obamacare," Sens. Lindsey Graham (R-S.C.) and Bill Cassidy (R-La.) said in a joint statement. Graham and Cassidy met with President Trump on Thursday to discuss the future of health care. The senators said they remain committed not only to ObamaCare repeal, but to the specific principles in their legislation."
 - To read more: <http://thehill.com/policy/healthcare/353009-graham-cassidy-sponsors-vow-to-press-on-with-health-care-reform>

Regulatory and Administration Update

- *CMS Announces Special Enrollment Periods for Americans Impacted by Recent Hurricanes.* "As a result of Hurricanes Harvey, Irma, and Maria, the Centers for Medicare & Medicaid Services (CMS) will make available special enrollment periods for all Medicare beneficiaries and certain individuals seeking health plans offered through the Federal Health Insurance Exchange. This important step gives these individuals and families who have been impacted by the hurricanes the opportunity to change their

Medicare health and prescription drug plans and gain access to health coverage on the Exchange immediately if eligible for a special enrollment period.”

- For more information:

<https://www.cms.gov/Newsroom/MediaReleaseDatabase/Press-releases/2017-Press-releases-items/2017-09-28.html>

- ***CMS will not update overall hospital star ratings in October.*** “The Centers for Medicare & Medicaid Services today announced it will not update its overall hospital quality star ratings on Hospital Compare in October. “CMS decided not to proceed with the October update to continue its examination of potential changes to the Star Rating methodology based on public feedback,” the agency said. The star ratings released last December will remain on the Hospital Compare website until the next update, CMS said. The AHA has repeatedly urged CMS to suspend and explore alternative approaches to the star ratings, which have been broadly criticized by quality experts and Congress as inaccurate and misleading to consumers.”
 - To read more: <http://news.aha.org/article/170927-cms-will-not-update-overall-hospital-star-ratings-in-october>

Articles of Interest

- ***American Kidney Fund statement on growing crisis in Puerto Rico for dialysis patients.*** “A week after Hurricane Maria slammed into the U.S. territory of Puerto Rico as a Category 5 storm, the 5,600 Americans on the island who depend on dialysis are facing a life-threatening crisis. Water and electricity are in short supply. The power grid is severely damaged, and the island doesn't currently have the capacity to produce clean water. Dialysis clinics are fighting just to stay open – they cannot operate without water and power. Each day, clinics need thousands of gallons of clean, potable water. Clinics use this water to make dialysate, the fluid in a dialysis machine. They need electricity to power the dialysis machines and other equipment.”
 - To read more: <http://www.prnewswire.com/news-releases/american-kidney-fund-statement-on-growing-crisis-in-puerto-rico-for-dialysis-patients-300527710.html>
- ***Dems look to turn ObamaCare tables on GOP in '18.*** “Republicans have hammered Democrats over ObamaCare for the better half of a decade, riding promises to repeal the law into majorities in both the House and Senate. But now Democrats plan to turn the tables on the GOP, using the GOP's failed attempts to repeal ObamaCare as a cudgel in the 2018 midterm elections.”
 - To read more: <http://thehill.com/policy/healthcare/353212-dems-look-to-turn-obamacare-tables-on-gop-in-18>
- ***Premiums Likely to Rise Amid Fallout From Graham-Cassidy Health Bill.*** “In taking one last shot to overhaul the Affordable Care Act, Senate Republicans derailed a rare bipartisan push to stabilize the nation's health insurance marketplaces and prevent double-digit rate hikes for many Obamacare customers next year. Earlier this month, there was a glimmer of hope that partisan warfare over the ACA had finally fizzled on Capitol Hill. Returning from the August recess, the Senate's health committee launched

a bipartisan effort — backed by health insurers and governors — to stabilize the ACA before a critical Sept. 27 deadline.”

- To read more: <https://morningconsult.com/2017/09/26/premiums-likely-rise-amid-fallout-graham-cassidy-health-bill/>
- ***Puerto Rico’s hospitals continue to struggle without power and fuel; thousands of dialysis patients in dire need of care.*** “Nine days after Hurricane Maria devastated Puerto Rico, hospitals continue to struggle to care for an influx of patients, many of whom are in critical condition because they've either been waiting too long for treatment or didn’t have gas to drive to the hospitals. Thirty-three of Puerto Rico’s hospitals are now functioning, The Washington Post reports but must rely on trucks to provide diesel fuel for generators. This week, the San Jorge Children’s Hospital in Santurce lost power for several hours after running out of the fuel and had to transfer or discharge approximately 45 patients.”
 - To read more: <http://www.fiercehealthcare.com/healthcare/puerto-rico-s-hospitals-continue-to-struggle-without-power-and-fuel-thousands-dialysis>
- ***Organ donation in Ontario increased 57 percent since 2006 after new Canadian donation policy.*** “Organ donation in Ontario increased 57% since 2006 when the province introduced a Canadian policy that allows donation of organs after circulatory functions cease, called circulatory determination of death (DCD), according to a new study published in CMAJ (Canadian Medical Association Journal). Before 2006, deceased organ donation traditionally occurred after neurologic determination of death (NDD), commonly known as brain death, when a person was declared dead after the complete and irreversible loss of all brain functions.”
 - To read more: https://www.eurekalert.org/pub_releases/2017-09/cmaj-odi091917.php