

American Nephrology Nurses Association

Weekly Capitol Hill Update - Monday, October 29, 2018

Congressional Schedule

Senate

- Senate out of session until after the Nov. 6 midterm elections

House

- House out of session until after the Nov. 6 midterm elections

Legislative Update

- **Week in Review**
 - *Dems blast Trump rule changes on ObamaCare.* “Democrats are blasting the Trump administration for loosening ObamaCare rules governing the waivers that states can use to avoid requirements under the health-care law, arguing it shows that the GOP does not actually want to protect people with pre-existing conditions. The new rules, announced Monday, in one example could allow states to use ObamaCare subsidies to help people buy skimpier, cheaper ‘short-term’ health insurance plans, rather than full ObamaCare plans.”
 - Read more: <https://thehill.com/policy/healthcare/412586-dems-blast-trump-rule-changes-on-obamacare>
 - *GOP cautious as Trump breaks conservative orthodoxy with drug-pricing proposal.* “Congressional Republicans responded with caution on Thursday as President Trump proposed to set Medicare prices for certain drugs based on what foreign countries pay, sharply breaking with GOP orthodoxy. Republicans in Congress have traditionally opposed the government setting the prices of prescription drugs, and favored using market forces to boost competition and fix high drug prices.”
 - Read more: <https://www.washingtonexaminer.com/policy/healthcare/gop-cautious-as-trump-breaks-with-conservative-orthodoxy-with-drug-pricing-proposal>
- **Week Ahead**

- Congress is out of session until mid-November.

Regulatory and Administration Update

- ***Trump administration unveils health options for small firms.*** “The Trump administration is rolling out new options for small employers to use tax-free accounts for providing health coverage to workers, officials said Monday. The idea is to expand so-called ‘health reimbursement arrangements’ to allow employees to buy their own individual health insurance policies. Employers could also pair the accounts with workplace health plans, allowing workers to use the money for additional benefits such as dental care.”
 - Read more: <https://www.apnews.com/9d3b9582337d4669a4a367450701fa4c>
- ***Trump administration loosens restrictions on ObamaCare waivers.*** “A new guidance issued Monday by the Trump administration loosens restrictions states face to waive ObamaCare requirements and will allow them to pursue conservative health policies that were previously not allowed under the Obama administration. Currently, states can apply for waivers from certain ObamaCare policies in order to help shore up individual insurance markets. The waivers were designed with specific ‘guardrails’ meant to ensure that the waivers met at least the same coverage level as under ObamaCare. The new guidance loosens those restrictions and allows states to promote health plans that don’t require the same level of coverage as the federal health law, including charging higher premiums for people with pre-existing conditions.”
 - Read more: <https://thehill.com/policy/healthcare/412543-trump-administration-loosens-restrictions-on-obamacare-waivers>
- ***Railing against ‘global freeloading,’ Trump details new plan to lower drug prices.*** “President Trump on Thursday blasted pharmaceutical companies for having ‘rigged the system’ against American consumers by charging higher prices in the U.S. than they do abroad, announcing a new proposal he says will help even out those differences. His idea, articulated in some detail in an HHS proposal posted as he spoke, would tie the amount of money that the government pays for certain drugs to their cost in other countries. The proposal is essentially a pilot program within the Medicare Part B program, which covers drugs administered by doctors. It’s unclear exactly how this target reimbursement amount would be determined. The proposal lays out ‘potential calculation steps’ and asks for feedback.”
 - Read more: <https://www.statnews.com/2018/10/25/trump-speech-drug-prices/>
- ***Signing opioid law, Trump pledges to end ‘scourge’ of drug addiction.*** “With the nation reeling from an epidemic of drug overdose deaths, President Trump signed legislation Wednesday that is aimed at helping people overcome addiction and preventing addictions before they start. The opioid legislation was a rarity for this Congress, getting overwhelming bipartisan support in both chambers. The expansive package focuses on improving access to treatment services by lifting certain restrictions on Medicaid and Medicare coverage, as well as backing the creation of comprehensive opioid recovery centers.”

- Read more: <https://www.npr.org/2018/10/24/660205718/signing-opioid-law-trump-pledges-to-end-scourge-of-drug-addiction>
- ***Jeff Sessions announces more prosecutors for crackdown on opioid providers.*** “A day after President Trump signed a massive piece of legislation responding to the opioid crisis into law, the Department of Justice (DOJ) announced it’s pouring even more resources into its crackdown on prescribers. Speaking in Washington, D.C., at the DOJ’s National Opioid Summit on Thursday, Attorney General Jeff Sessions said his agency was creating new Appalachian Regional Prescription Opioid Strike Force to focus on communities ‘hit especially hard by addiction and opioid fraud.’ As part of it, a dozen prosecutors and data analysts will operate out of hubs in Cincinnati/Northern Kentucky and Nashville, Tennessee, monitoring the Appalachian region for fraudulent opioid prescriptions by physicians, Sessions said.”
 - Read more: <https://www.fiercehealthcare.com/hospitals-health-systems/jeff-sessions-expanded-resources-will-target-doctors-writing-fraudulent>

Articles of Interest

- ***Dialysis giant DaVita defends itself in court and at the polls.*** “It’s been a year of playing defense for DaVita Inc., one of the country’s largest dialysis providers. Its biggest financial threat is a ballot initiative in California that one Wall Street firm says could cost DaVita \$450 million a year in business if the measure succeeds. Despite these recent hits, the company continues to rake in profits and receive favorable ratings from stock analysts. Its shares are trading at about \$67 a share, only about 16 percent below a 52-week high set in January. That’s largely because DaVita controls about one-third of a growing market, health experts say.”
 - Read more: <https://californiahealthline.org/news/dialysis-giant-davita-defends-itself-in-court-and-at-the-polls/>
- ***Spending against dialysis ballot measure in California breaks record.*** “With the midterm election less than two weeks away, the dialysis industry has made Proposition 8 the most expensive on the California ballot this year – and has broken the record for spending by one side on any statewide ballot measure. As of Oct. 25, dialysis companies had contributed more than \$110 million to the ‘Vote No on 8’ committee, which is encouraging voters to reject the union-backed measure to limit dialysis company profits. Industry giants DaVita and Fresenius Medical Care, which operate nearly three-quarters of the chronic dialysis clinics in California, are responsible for more than 90 percent of that total.”
 - Read more: <https://khn.org/news/spending-against-dialysis-ballot-measure-in-california-nears-record/>
- ***Medicaid expansion linked to reduced mortality among dialysis patients.*** “In the first three years of Medicaid expansion due to the Affordable Care Act (ACA), the number of patients with end-stage kidney disease who died within a year of starting dialysis decreased in states that expanded Medicaid compared to non-expansion states, new

research found. In the study, Trivedi and colleagues tracked more than 230,000 non-elderly patients with end-stage renal disease between 2011 and 2017.”

- Read more: https://eurekaalert.org/pub_releases/2018-10/bu-mel102518.php
- **California nurses move their ‘Medicare-for-all’ fight to the national stage.** “The union representing 100,000 nurses across California has shifted its ‘Medicare-for-all’ campaign from California to the national stage, perhaps relieving political pressure on Democratic gubernatorial candidate Gavin Newsom to fulfill what the union sees as his top campaign promise: Delivering a single-payer health care system in the nation’s largest state. The California Nurses Association, which led the coalition behind the high-profile 2017 push for a single-payer system, has re-branded its campaign with the slogan ‘Fight to Win Medicare-for-All!’ Its social media feeds reflect the new national scope of their efforts.”
 - Read more: <https://www.sacbee.com/news/politics-government/capitol-alert/article220251915.html>
- **KidneyX: Redesign dialysis phase 1 accepting applications.** “At ASN Kidney Week 2018’s Opening Plenary Session, Ed Simcox, Chief Technology Officer and Acting Chief Information Officer at the US Department of Health and Human Services, announced that KidneyX: Redesign Dialysis is now accepting applications for its first phase. Redesign Dialysis asks participants to design solutions or components of solutions that can replicate normal kidney functions and improve patient quality of life. Subsequent prize competitions run by KidneyX will focus on diagnostics, patient tools, devices, and medications.”
 - Read more: <https://www.kidneynews.org/kidney-week/on-site/kidneyx-redesign-dialysis-phase-1-accepting-applications>
- **FDA launches global crackdown on websites selling illicit opioids and drugs.** “The Food and Drug Administration and international law enforcement announced Tuesday that they are targeting 465 websites that illegally sell opioids and potentially dangerous drugs marketed as cures for cancer. The effort is part of an annual global campaign coordinated by the international law enforcement agency Interpol to crack down on the distribution of illegal and counterfeit drugs.”
 - Read more: <https://www.washingtonexaminer.com/policy/healthcare/fda-launches-global-crackdown-on-websites-selling-illicit-opioids-and-drugs>
- **Trump administration confirms it won’t restore ad funding for Obamacare for 2019.** “The Trump administration will devote \$10 million to advertising and outreach for the 2019 open enrollment period, the same as for the 2018 open enrollment period and way down from Obama administration funding.”
 - Read more: <https://www.washingtonexaminer.com/policy/healthcare/trump-administration-confirms-it-wont-restore-ad-funding-for-obamacare-for-2019>
- **Trump insists GOP will ‘totally’ protect pre-existing conditions, despite ObamaCare repeal efforts.** “President Trump tweeted Wednesday that the GOP would ‘totally protect people with pre-existing conditions,’ trying to fend off Democratic attacks on Republicans who voted to repeal ObamaCare. Republicans in tough races have been

scrambling to say that they will protect people with pre-existing conditions as Democrats use the issue and GOP votes to repeal ObamaCare as a key line of attack. Trump last year supported GOP-authored ObamaCare repeal bills that would have weakened protections for pre-existing conditions. The bill from House Republicans, for example, allowed states to get waivers to allow insurers to spike premiums for people with pre-existing conditions.”

- Read more: <https://thehill.com/policy/healthcare/412887-trump-says-gop-will-protect-pre-existing-conditions-despite-obamacare>
- ***Majority of Republicans supports ‘Medicare for all,’ poll finds.*** “More than half of Republicans in a new American Barometer poll say they support ‘Medicare for all,’ also known as a single-payer health-care system. The survey, conducted by Hill.TV and the HarrisX polling company, found that 52 percent of Republicans polled said they supported the option, while 48 percent said they opposed it. Twenty-five percent said they ‘strongly’ supported ‘Medicare for all,’ while 27 percent said they ‘somewhat’ supported it. Twenty-two percent said they ‘somewhat’ opposed the idea, while 26 percent said they ‘strongly’ opposed it. The poll comes as Democrats aim to make health care, along with ‘Medicare for all,’ a central campaign issue.”
 - Read more: <https://thehill.com/hilltv/what-americas-thinking/412552-majority-of-republicans-say-the-support-medicare-for-all-poll>
- ***Dem analysis: More than 15 million could lose coverage if Trump-backed lawsuit succeeds.*** “If a Trump-administration backed lawsuit against ObamaCare succeeds, more than 15 million people could either lose their health coverage or face premium increases as a result of their pre-existing conditions, gender or age, according to a new report released by congressional Democrats on Wednesday. The report, released by Democratic staff on the House Oversight Committee, serves as a counterpoint to claims by Republican claims heading into the midterms that they will protect people with pre-existing conditions.”
 - Read more: <https://thehill.com/policy/healthcare/412962-dem-analysis-over-15-million-people-could-lose-coverage-if-trump-backed>
- ***Booming economy helps flatten Medicaid enrollment and limit costs, states report.*** “Medicaid enrollment fell by 0.6 percent in 2018 — its first drop since 2007 — due to the strong economy and increased efforts in some states to verify eligibility, a new report finds. But costs continue to go up. Total Medicaid spending rose 4.2 percent in 2018, same as a year ago, as a result of rising costs for drugs, long-term care and mental health services, according to the study released Thursday by the Kaiser Family Foundation.”
 - Read more: <https://khn.org/news/booming-economy-helps-flatten-medicaid-enrollment-and-limit-costs-states-report/>
- ***How repeal of the individual mandate and expansion of loosely regulated plans are affecting 2019 premiums.*** “With the effective repeal of the individual mandate penalty and the expansion of short term and association health plans, we set out to quantify how much of an upward effect these policy and legislative changes are having on 2019 premiums. Among insurers that publicly specify the effect of these legislative and policy changes in their filings to state insurance commissioners, we found that 2019 premiums

will be an average of 6% higher, as a direct result of individual mandate repeal and expansion of more loosely regulated plans, than would otherwise be the case. A separate analysis finds that 2019 premiums on the whole are staying relatively flat or dropping in many parts of the country, in large part because insurers are currently overpriced. Nonetheless, this analysis finds that 2019 premiums would be dropping even more if the individual mandate penalty were still in full effect.”

- Read more: <https://www.kff.org/health-reform/issue-brief/how-repeal-of-the-individual-mandate-and-expansion-of-loosely-regulated-plans-are-affecting-2019-premiums/>
- ***Governor Sununu proposes \$24 million to boost NH’s healthcare workforce.*** “Governor Sununu unveiled a \$24 million plan on Tuesday to tackle New Hampshire's nursing shortage. The Governor says he expects a major surplus in state funds this year and that the majority of it should go to expanding college nursing programs. His proposal sends \$9 million each to Plymouth State University and University of New Hampshire to double their nursing programs, and \$6 million to Keene State College to expand its STEM and nursing facilities.”
 - Read more: <http://www.nhpr.org/post/governor-sununu-proposes-24-million-boost-nhs-healthcare-workforce#stream/0>
- ***HHS at odds with its workers, including doctors.*** “The Health and Human Services Department is in a dispute with a union representing 14,000 employees, which risks exacerbating staff shortages among doctors and scientists involved in prescription drug reviews, food safety and other public health responses. The labor spat is drawing attention from lawmakers as some employees plan to picket at HHS headquarters briefly Thursday afternoon. HHS ended negotiations in August with the National Treasury Employees Union, which represents 150,000 workers across 33 government bodies, after the agency pushed for benefit changes, proposing to eliminate provisions in contracts relating to things like flexible schedules, telework and commuting subsidies. Its positions stem from a broader administration effort to crack down on telework and an anti-union sentiment in Republican-controlled Washington.”
 - Read more: <http://www.rollcall.com/news/politics/hhs-workers-doctors-union-fight>
- ***Health workforce mapper: A customizable data visualization tool that shows the distribution of physicians and non-physician clinicians by specialty, state, county, or metropolitan areas.*** “The AMA Health Workforce Mapper is a free, customizable, interactive tool that illustrates the geographic distribution of the health care workforce. It gives you the data needed to help ensure our country's patients have access to quality health care. Whether looking at state, county or metropolitan area data, users can filter physicians and non-physician health care professionals by specialty and employment setting. AMA members can view a comprehensive version of the tool that includes the capacity to export a customizable Excel file that ranks the health care workforce and demographic data by county.”
 - Read more: <https://www.ama-assn.org/about/health-workforce-mapper>

- ***About 15,000 strike at University of California hospitals.*** “About 15,000 medical workers on Tuesday started a three-day strike at five University of California medical centers amid a dispute over pay raises and job security, forcing the cancellation and rescheduling of thousands of surgeries and outpatient appointments, officials said. The workers that included radiology technicians, respiratory therapists and pharmacy workers picketed the medical centers in Los Angeles, San Francisco, San Diego, Irvine and Davis. They rang bells, wore green-shirts and carried signs that said ‘End Outsourcing.’”
 - Read more: <https://www.apnews.com/4c170c2c9cca4e2ea3616543cf37998c>
- ***Childhood obesity: America’s ‘true national crisis’ measured state by state.*** “Childhood obesity has long been a problem in the United States. Now new research from the Robert Wood Johnson Foundation reveals new state-by-state differences and just how serious the problem has become. The research brief, which was released on Wednesday, shows that the national obesity rate for children, aged 10 to 17, was 15.8% in combined data from 2016 and 2017, similar to the 16.1% rate found in 2016 data alone. Obesity, which means having too much body fat, can increase the risk of diabetes, heart disease, stroke, arthritis, and even some cancers.”
 - Read more: <https://www.cnn.com/2018/10/24/health/childhood-obesity-state-rates-study/index.html>