

American Nephrology Nurses Association

Weekly Capitol Hill Update - Monday, November 20, 2017

Congressional Schedule

Senate

- Senate not in session, returns November 27.

House

- House not in session, returns November 28.
- NOTE: Upon return from recess, Congress will resume its ongoing effort to pass tax code changes while also facing need to extend government spending before Dec. 8 deadline

Legislative Update

• **Week in Review**

- *Exchange Enrollment Remains Strong But May Slow Due To Mandate Repeal Effort.* "On November 15, 2017, the Centers for Medicare and Medicaid Services released its second weekly snapshot of 2018 enrollments for the 39 states served by HealthCare.gov. Enrollments continue to run well ahead of where 2017 enrollments were during the second week of 2016. A total of 1.478 million people have selected plans at HealthCare.gov during the first eleven days of the 2018 open enrollment period compared to 1.008 million during the first twelve days of 2017. This includes 876,788 plan selections during the second week, up from 601,462 the first week (which only included four days). Cumulatively, HealthCare.gov had 345,719 new consumers and 1.133 million renewing consumers selecting plans by November 11. Submitted eligibility applications covered 2.9 million consumers, up from 2 million in 2016. The call center handled 1.3 million calls and HealthCare.gov had 5.8 million visits."
 - To read more:
<http://www.healthaffairs.org/doi/10.1377/hblog20171115.588881/full/>.
- *Health Groups Balk at Obamacare Being Dragged Into Tax Debate.* "Some of America's biggest health care players aren't happy about being dragged into the debate over the Republican tax overhaul plan. A GOP proposal to eliminate Obamacare's requirement that every American obtain health-care coverage or

pay a fine is estimated to save \$338 billion over a decade. It would also destabilize the individual insurance market in Obamacare, the major lobbying groups for insurers, hospitals and doctors said in a letter to Congressional leaders Tuesday. Eliminating the mandate “will result in a significant increase in premiums, which would in turn substantially increase the number of uninsured Americans,” the groups said in the letter. The groups include America’s Health Insurance Plans, the American Medical Association and the American Hospital Association. They asked Congress to keep the insurance requirement unless lawmakers can enact a larger package of changes to stabilize the law.”

- To read more: <https://www.bloomberg.com/news/articles/2017-11-14/health-groups-balk-at-obamacare-being-dragged-into-tax-debate>.
- ***House Energy and Commerce nudges HHS to secure supply chain security.*** “A House committee is asking the Department of Health and Human Services (HHS) to secure the cybersecurity of medical devices by shoring up supply chains. House Energy and Commerce Committee Chairman Greg Walden (R-Ore.) sent a letter on behalf of the committee to HHS asking the agency begin requiring device makers to list bills of materials – an accounting of third-party software components used in each product.”
 - To read more: <http://thehill.com/policy/cybersecurity/360729-house-energy-and-commerce-nudges-hhs-to-secure-supply-chain-security>.
- ***Mandate repeal sparks fears of premium hikes.*** “The move by Senate Republicans to repeal ObamaCare’s individual mandate could plunge insurance markets into uncertainty, leading to premium hikes or insurers dropping out of the market, experts say... If the mandate is repealed in the tax-reform bill, as Senate Republicans propose, the fear is that only sick people would remain enrolled in the individual market, causing premiums to spike or insurers to simply drop out of the market.”
 - To read more: <http://thehill.com/policy/healthcare/360597-mandate-repeal-sparks-fears-of-premium-hikes>.
- ***AST-Endorsed VA Transplant Coverage Act Passes House of Representatives.*** “Today, the Veterans Transplant Coverage Act was passed in the House of Representatives. Under this modified act, the Veterans Affairs Department (VA) could pay for a living donation to a veteran by any live donor, including at facilities outside the VA that are part of the Veterans Choice Program. Previously, the VA was not required to provide funding to living donors who were not eligible for VA health care. The department will now provide services to the donor before and after the procedure, subject to the availability of funds. The American Society of Transplantation (AST) applauds the efforts of the bill’s sponsor, Rep. John Carter (R-Texas), as well as the additional 78 Members of Congress that co-sponsored this important legislation. In October, the AST endorsed this legislation through a joint letter of support, along with the American Society of Transplant Surgeons, National Kidney Foundation, and the American Association of Kidney Patients.”

- To read more: <https://www.myast.org/ast-endorsed-va-transplant-coverage-act-passes-house-representatives>
 - To read the bill: <https://www.congress.gov/bill/115th-congress/house-bill/1133?q=%7B%22search%22%3A%5B%22Veterans+Transplant+Coverage+Act%22%5D%7D&r=1>
- **Week Ahead**
 - *Mulvaney: WH would drop individual mandate repeal if 'impediment' to tax reform.* "Office of Management and Budget Director Mick Mulvaney said Sunday that the Trump administration wants a repeal of the individual health care mandate included in the GOP's tax reform plan, but is willing to take it out if it gets in the way of passage. "If we can repeal part of Obamacare as part of the tax bill, and have a tax bill that is still a good tax bill that can pass, that's great," Mulvaney said on CNN's "State of the Union." "If it becomes an impediment to getting the best tax bill we can we're okay with taking it out." But Mulvaney added that he doesn't think the repeal of the Affordable Care Act mandate, which requires that most people have health insurance or pay a penalty, is an impediment yet."
 - To read more: <http://www.cnn.com/2017/11/19/politics/mulvaney-tax-reform-sotu-cnntv/index.html>

Regulatory and Administration Update

- *HHS Pick at Odds With Trump's Rhetoric on Drug Prices.* "President Donald Trump's tweet Monday announcing former pharmaceutical executive Alex Azar as his choice to lead the Department of Health and Human Services boasted that Azar "will be a star for better healthcare and lower drug prices!" But Azar, who led drugmaker Eli Lilly and Co.'s United States operations from 2012 until earlier this year, has contributed significantly to the pharmaceutical industry political spending that the president has decried. When Trump spoke about the high price of prescription drugs at a White House press conference in October, he spoke of how drug companies "contribute massive amounts of money to political people. Overall, since 2000, Azar has spent at least \$105,000 on political contributions, according to Federal Election Commission records."
 - To read more: <http://www.rollcall.com/news/policy/hhs-pick-at-odds-with-trumps-rhetoric-on-drug-prices>.
- *Kidney Care Partners Lends Support for the Nomination of Alex M. Azar II for U.S. Secretary of Health and Human Services.* "Kidney Care Partners (KCP), the nation's largest kidney coalition comprised of physician groups, providers, patient advocacy groups, manufacturers and researchers, today praised President Trump for his nomination of Alex Azar for Secretary of the United States Department of Health and Human Services (HHS). KCP recognizes Mr. Azar as being a well-respected thought leader both nationally and internationally on healthcare policy, and for his keen understanding of the myriad programs that make up the nation's complex healthcare system."

- To read more: <http://kidneycarepartners.com/press/kidney-care-partners-lends-support-for-the-nomination-of-alex-m-azar-ii-for-u-s-secretary-of-health-and-human-services/>
- **HHS nominee Azar to get Senate hearing Nov. 29.** “The Senate Health Committee will hold a hearing Nov. 29 on the nomination of Alex Azar by President Trump to lead the Department of Health and Human Services (HHS). On Monday, Trump tapped Azar to take over the post Tom Price vacated, after details were revealed about how he took repeated trips on government and private jets costing more than \$1 million to taxpayers. It’s likely Democrats will rigorously question Azar on his time as a pharmaceutical executive and on his plans for ObamaCare – a law he’s criticized, but that HHS is charged with implementing as congressional Republicans failed to repeal it earlier this year.”
 - To read more: <http://thehill.com/policy/healthcare/360746-hhs-nominee-azar-to-get-senate-hearing-nov-29>
- **FDA Seeks to Speed Development of 'Regenerated' Organs for Medical Use.** “Using stem cells to grow new heart tissue, and even whole organs, used to be the stuff of science fiction. But the field of "regenerative medicine" is a reality now -- and the U.S. Food and Drug Administration has its eye on it, the agency's head said Thursday. "In the last decade, we've seen improbable advances that hold out great hope for patients," FDA Commissioner Dr. Scott Gottlieb said in an agency news release. "I believe that with the ability to facilitate the regeneration of parts of the human body, we're bearing witness to the beginning of a paradigm shift in the practice of medicine.”
 - To read more: <https://consumer.healthday.com/health-technology-information-18/medical-technology-news-466/fda-seeks-to-speed-development-of-regenerated-organs-for-medical-use-728597.html>
- **CMS proposes policies to lower the cost of prescription drugs and combat the opioid crisis.** “Today, the Centers for Medicare & Medicaid Services (CMS) issued a proposed rule that includes a number of changes that, if finalized, will ensure that Part D Medicare enrollees have access to more affordable prescription drugs and more robust prescription drug coverage at the pharmacy they prefer. The rule also gives health plans a new tool to combat the opioid crisis. The President has been committed to lowering drug prices for seniors and fighting the opioid epidemic. In response, CMS is working to lower drug prices by removing administrative hurdles to offer lower cost options to seniors on Medicare, as well as supporting private sector partners by providing them a much needed tool in the fight to end the opioid epidemic.”
 - To read more: <https://www.cms.gov/Newsroom/MediaReleaseDatabase/Press-releases/2017-Press-releases-items/2017-11-16-2.html>

Articles of Interest

- **AMA's new policies: Medicaid for Puerto Rico, paid leave for organ donors.** “The American Medical Association has adopted new public health policies pushing for organ donors to get paid leave, cervical cancer screening for transgender patients, and

emergency Medicaid funding for Puerto Rico. The AMA announced the new policies Wednesday, saying they had been approved during a voting session of their Interim Meeting. First, they approved a new policy encouraging paid leave for anyone donating an organ, citing research they say showed that direct costs to living organ donors exceed one month's wage for 76 percent of donors. They also argued that many donors don't have enough medical leave or vacation time to accommodate their recovery, and should not have to take a financial hit when donating an organ to someone in need."

- To read more: <http://www.healthcarefinancenews.com/news/amas-new-policies-medicaid-puerto-rico-paid-leave-organ-donors>
- ***Older Americans Were Sicker And Faced More Financial Barriers To Health Care Than Counterparts In Other Countries.*** "High-income countries are grappling with the challenge of caring for aging populations, many of whose members have chronic illnesses and declining capacity to manage activities of daily living. The 2017 Commonwealth Fund International Health Policy Survey of Older Adults in eleven countries showed that US seniors were sicker than their counterparts in other countries and, despite universal coverage under Medicare, faced more financial barriers to health care. The survey's findings also highlight economic hardship and mental health problems that may affect older adults' health, use of care, and outcomes. They show that in some countries, one in five elderly people have unmet needs for social care services – a gap that can undermine health. New to the survey is a focus on the "high-need" elderly (those with multiple chronic conditions or functional limitations), who reported high rates of emergency department use and care coordination failures. Across all eleven countries, many high-need elderly people expressed dissatisfaction with the quality of health care they had received."
 - To read more: <http://www.healthaffairs.org/doi/full/10.1377/hlthaff.2017.1048>.
- ***The Road To Affordability: How Collaborating At The Community Level Can Reduce Costs, Improve Care, And Spread Best Practices.*** "For months, the US public has watched Congress debate the future of the US health care system – or more accurately – the future of the Affordable Care Act. But despite all we heard about deductibles and bronze versus silver plans, the debate in Washington was focused on the wrong thing. We can't have affordable insurance until we have affordable health care, and we won't have affordable health care until we address the drivers of rising health care costs. The reasons that health care, and by extension, health insurance, costs so much are primarily: prices, waste, and the perverse incentives of our payment system. If policy makers, health care professionals, and other stakeholders are serious about making care more affordable – and accessible – we're going to have to address the fundamentals of care and payment."
 - To read more: <http://www.healthaffairs.org/doi/10.1377/hblog20171108.983176/full/>.
- ***Expanding geographic sharing of donor kidneys would increase transplants, study finds.*** "Broadening the geographic range that a number of deceased-donor kidneys would be available would increase the number of transplants and improve the lives of patients unlikely to receive one based on where they live, according to study that includes a

University of Kansas researcher. "The problem is there is a big disparity across different geographies," said Mazhar Arikan, associate professor of supply chain management in the School of Business. "In more congested or populous regions, the patients have a longer wait time. In the less-congested regions, you don't need to wait as long. Where you are located is very important in terms of how long you're going to wait for your kidney."

- To read more: https://www.eurekalert.org/pub_releases/2017-11/uok-egs111017.php
- ***Implantable Artificial Kidney Moves Closer to Reality.*** "Researchers at the University of California, San Francisco (UCSF), are developing an implantable artificial kidney that can closely replicate the functions of real kidneys. If they are successful, the scientists' work could help eliminate the need for dialysis. Kidney transplants for patients with end-stage renal disease (ESRD) have a high rate of success. About 93 percent of transplanted kidneys are still working after a year and 83 percent are functioning after three years."
 - To read more: <https://www.healthline.com/health-news/implantable-artificial-kidney-moves-closer-to-reality>
- ***National Kidney Foundation Sets the Stage for Angelica Hale.*** "Ten-year-old singing powerhouse and kidney transplant recipient Angelica Hale of television's America's Got Talent won the heart of the National Kidney Foundation (NKF) first for her vocal gifts – and now, for stepping onto a new stage to become the first-ever NKF Kid Ambassador. This new and vital role for the Atlanta native has a dual purpose. Angelica will appeal to kids and adults about the importance of living organ donation, as explained in NKF's THE BIG ASK: THE BIG GIVE program (#BigAskBigGive), to address challenges and provide advice about asking for a kidney or donating one. Also, during National Kidney Month in March 2018, Angelica will help inform the young and the young-at-heart about kidney health and kidney disease prevention as part of an expanded Heart Your Kidneys (#HeartYourKidneys) awareness campaign, which seeks to elevate knowledge about and concern for kidneys to the level of other vital organs, such as the heart."
 - To read more: <https://www.kidney.org/news/national-kidney-foundation-sets-stage-angelica-hale>