

## American Nephrology Nurses' Association

Weekly Capitol Hill Update - Wednesday, December 2nd, 2015

### Congressional Schedule

#### House:

- Meets on Monday at 2:00 p.m. for legislative business. This week, the House is expected to vote on two Senate passed resolutions that would repeal the Environmental Protection Agency (EPA) rules on carbon emissions from new and existing power plants. An energy bill also is on the week's agenda.

#### Senate:

- Convenes on Monday at 3:00 p.m. On Tuesday, final language in a Senate substitute amendment to the House-passed reconciliation bill will be run by the Senate parliamentarian. This week, the Senate could begin consideration of the substitute.
- House lawmakers are spending this week laying the groundwork on crucial pieces of legislation for the rest of the month, negotiating terms and conditions among themselves and with their counterparts across the aisle and Rotunda. Simultaneously, Speaker Paul D. Ryan, R-Wis., will keep tabs to ensure he keeps promises he made during the run-up to his election as speaker. The two key deadlines come with their own political and logistical complications. On Dec. 4, the latest short-term reauthorization of the transportation bill expires... One week after the highway bill deadline, Congress faces the Dec. 11 expiration of the latest continuing resolution funding the government. The task of moving a year-end omnibus spending bill through the pipeline is made significantly easier by the budget agreement earlier this fall, which increased spending levels beyond the still-in-place sequester budget caps. <http://blogs.rollcall.com/218/four-fights-watch-month/?dcz=emailalert> (Rollcall)

### Regulatory Postings

- Convened by the National Quality Forum (NQF), the Measure Applications Partnership (MAP) was created under the ACA for the explicit purpose of providing pre-rulemaking input to HHS/CMS on the selection of performance measures for public reporting and performance-based payment programs. MAP is beginning its fifth cycle. As with previous years, NQF has posted the list of *new* measures under consideration that was

provided to it by CMS. **Seven new measures for potential inclusion in the Quality Improvement Program (QIP) are on the list:**

- *MUC 15-575*: Standardized Mortality Ratio-Modified (CMS);
- *MUC 15-693*: Standardized Hospitalization Ratio-Modified (CMS);
- *MUC 15-758*: Avoidance of Utilization of High Ultrafiltration Rate ( $\geq$  13 ml/kg/hour) (“CMS; KCQA” – a curious designation given the specifications are quite different);
- *MUC 15-761*: ESRD Vaccination: Full Season Influenza Vaccination (CMS);
- *MUC 15-1136*: Measurement of Phosphorus Concentration;
- *MUC 15-1165*: Proportion of Patients with Hypercalcemia (NQF #1454) (CMS);
- *MUC 15-1167*: Standardized Readmission Ratio (SRR) for Dialysis Facilities (CMS).

Inclusion of a measure does not require CMS to select it. Additionally, while the list contains all measures currently under consideration, CMS may adopt other measures that are not included in this list if it deems that necessary. This year NQF/MAP is conducting an early (pre-review) public comment period until 6 pm EST, December 7. The portal to submit comments may be found at: [http://www.qualityforum.org/2015\\_Measures\\_Under\\_Consideration.aspx](http://www.qualityforum.org/2015_Measures_Under_Consideration.aspx). There may be an additional comment period on MAP’s report in January.

- **CMS Call on ESRD QIP: Access PY 2016 Performance Score Report and Certificates:** On Wednesday, December 9 from 2:30 p.m. - 3:30 p.m. (ET), CMS will hold a call to discuss the PY 2016 Performance Score Report (PSR) and Performance Score Certificates (PSCs). The agenda includes:
  - How to access and review your final PSR and PSCs starting in December
  - What the performance score means to your PY 2016 payment rates
  - Where to access ESRD QIP resources and information on facility responsibilities
  - To register visit <http://www.eventsvc.com/blhtechnologies/register/4957e5d0-5cab-4c09-a2f7-3496835b52c7>.
- **CMS Call on ESRD QIP: Payment Year 2019 Final Rule:** On Tuesday, January 19, from 2:00 - 3:30 p.m. ET, CMS will hold a call to discuss the PY 2019 QIP Final Rule. The agenda includes:
  - ESRD QIP legislative framework and how it fits in with CMS strategies to improve quality
  - Changes reflected in the final rule based on public comments
  - Final measures, standards, scoring methodology, and payment reduction scale that are applied to the PY 2019 programs
  - How the PY 2019 program compares to PY 2018
  - To register visit <http://www.eventsvc.com/blhtechnologies/register/4957e5d0-5cab-4c09-a2f7-3496835b52c7>.

## Nursing Community

- District Policy Group Staff participated in the recent Nursing Community meeting on Tuesday, December 1st. The Nursing Community approved the addition of the American Association of Nurse Assessment Coordination for membership. Additionally, staff from Senator Merkley's (D-OR) office reached out to members of the group to organize a congressional briefing on nurses. The Nursing Community Events Committee will follow up and finalize the date of the event, which likely will be in February.

## Legislative Updates

- **Omnibus:** Republicans will work to include some riders in the omnibus, the question is just how far they are going to push it... "Republicans see the end-of-year funding bill due Dec. 11th as their best path for achieving their top policy priorities ... rollbacks of Obama's environmental and financial regulations are among some of the stickiest areas, Democratic aides said. Meanwhile, Republicans, including Senate Majority Leader Mitch McConnell (R-KY), are lobbying to loosen some campaign finance regulations. And there is the mounting pressure from dozens of GOP lawmakers to curb the flow of refugees fleeing war-torn Syria into the United States in the aftermath of the terrorist attacks in Paris." (Politico)
- **Obamacare Repeal:** Lawmakers headed back to Washington Monday, and Senate Republicans jumped right in for a meeting on Obamacare repeal. The House-passed package includes language that would defund Planned Parenthood for a year - which proved particularly controversial in the Senate even before the events of this weekend. (Politico)
- **Risk Corridors:** It's a nightmarish deja vu for the insurers: presidential candidate Marco Rubio is again calling for Congress to either kill the risk corridor program or renew the legislative language that prevents HHS from using money in its other accounts to pay insurers the risk corridor payments they're due - language that likely contributed to the downfall of more than half the Obamacare co-ops. Conservative groups are blasting the risk corridor program of late, and Rubio's joining them on the campaign trail and in the Senate, along with many of his Republican colleagues. "If we don't make this happen, then the American people have every right to be angry at the Republican leadership because this should be among our highest priorities at the end of this year," Rubio told Breitbart News: <http://bit.ly/1NgH1pX>
- **NIH:** Research advocates are feeling mighty optimistic about how NIH will fare in a year-end budget deal. Last week, more than 100 Republicans in the House, including some of its most conservative members, asked for a \$3 billion increase. That's close to what the agency would have received under the House-passed 21<sup>st</sup> Century Cures bill, and just a little under what Research!America is pushing. One big caveat: that assumes the process doesn't blow up over controversial appropriations riders or how to deal with ISIS and refugees. (Politico)

- **Innovations for Healthier Americans:** The HELP Committee blew past its Thanksgiving deadline to release a bipartisan draft of its medical innovation initiative and almost certainly will fail to markup a bill before the end of the year. That's the goal Chairman Lamar Alexander had stuck to since the House passed its bill last summer. Some drug and device industry lobbyists no longer think a broad bill with mandatory funding for NIH is in the offing if the agency wins big in the omnibus funding bill next month. With the timing slipping into the 2016 political dynamic and the downgraded outlook for a funding deal, some who are tracking developments now predict that elements of the Senate's 'Cures' effort will be folded into drug and device user fee legislation. Other inexpensive and bipartisan pieces might move forward separately but in a much smaller package than originally envisioned.
  - ... Beyond funding, outstanding policy differences include the Democrats' push to deal with drug prices and Republicans advocating for more flexibility for drug companies to talk about off-label uses.
  - ... But the HELP committee is not admitting defeat, nor are the research advocates who are pushing for more NIH funding. Aides to Sens. Lamar Alexander and Patty Murray renewed their commitment to continuing the work. "I'm confident this same pair of legislators – both proven negotiators with the respect of their colleagues – will successfully pass legislation to help fix electronic health records, help enact the president's Precision Medicine initiative and bring lifesaving drugs and devices to patients more quickly," a GOP aide said. A Democratic aide said ranking member Murray's "priority is making sure the committee's work to advance medical innovation for patients is done in a thorough, bipartisan way that puts patients and families first, and she looks forward to continuing negotiations." (Politico)
  
- **AHRQ:** Funding for the Agency for Healthcare Research and Quality was either eliminated or drastically reduced in the House and Senate appropriations subcommittee bills produced earlier this year – partly as an offset for NIH increases and partly because some Republicans were targeting the agency. How that will shakeout now that the budget deal has freed up an additional \$25 billion for domestic spending in 2016 is not clear. Emily Holubowich, executive director of the nonprofit Coalition for Health Funding, said that while lawmakers are being pretty quiet about AHRQ, the budget deal does give Labor-HHS appropriators about \$5 billion above current levels and almost \$9 billion above what House and Senate appropriators proposed for 2016. She said "the plan all along" was to restore many of the cuts in the summer's appropriations bills if broader sequestration relief was enacted. And she expects cuts to AHRQ as well as CDC to be restored. (Politico)

### Regulatory Updates

- **GAO Report:** Nursing Home Quality: CMS Should Continue to Improve Data and Oversight. GAO-16-33, October 30. <http://www.gao.gov/products/GAO-16-33>

### Articles of Interest

- With just two weeks left until the government runs out of money, there is increasing pressure from congressional Republicans to use a must-pass spending bill to force President Barack Obama into accepting several controversial policy riders. Republicans see the end-of-year funding bill due Dec. 11 as their best path for achieving their top policy priorities. They reason Democrats will accept some riders – especially measures with bipartisan backing – to avoid a knock-down, drag-out shutdown fight this December. The universe of the hundreds of possible policy riders is vast, and many issues could be potential land mines. But rollbacks of Obama’s environmental and financial regulations are among some of the stickiest areas, Democratic aides said. (Politico)
- HHS partnered with Westfield shopping malls for a Black Friday enrollment initiative. The shopping center owner provided tables and chairs for the agency’s navigators and assisters, and pushed health insurance sign-ups over social media this weekend, too. (Politico)

### Events

- AARP will be holding its Campaign for Action Summit (Summit) on December 9th and 10th. The focus of the Summit will be on building a Culture of Health, a powerful movement we are part of to build a healthier America. Participants will talk about nursing’s role in this huge effort to empower all to live their healthiest lives. The National Academy of Medicine, until recently known as the Institute of Medicine, will also discuss their recently released impact study of The Future of Nursing report.

### Nominations

- **National Advisory Council on Nurse Education and Practice; Notice for Request for Nominations:** The Health Resources and Services Administration (HRSA) is requesting nominations to fill vacancies on the National Advisory Council on Nurse Education and Practice (NACNEP). See the following link for the full announcement:  
<http://1.usa.gov/1TkWidW>