

American Nephrology Nurses Association

Weekly Capitol Hill Update – Tuesday, February 19, 2019

Congressional Schedule

Senate

- House in recess next week; next votes expected on Feb. 25 at 6:30pm

House

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Legislative Update

- **Week in Review**
 - *National Kidney Foundation Applauds Congressional Champions for Legislation to Protect Living Organ Donors.* “Four bi-partisan Members of Congress introduced legislation to protect living organ donors and remove barriers to donation. Representative Jerry Nadler (D-NY) and Representative Jaime Herrera Beutler (R-WA) joined by Senator Kirsten Gillibrand (D-NY) and Senator Tom Cotton (R-AR) introduced The Living Donor Protection Act of 2019. Under this act, insurance companies are prohibited from denying or limiting life, disability and long-term care insurance to living donors and from charging higher premiums. In addition, The Living Donor Protection Act of 2019 will ensure job protections for organ donors who need to take medical leave for organ donation and recovery after surgery.”
 - Read more: <https://www.kidney.org/news/national-kidney-foundation-applauds-congressional-champions-legislation-to-protect-living-organ>
 - *Trump signs border deal, averting shutdown.* “President Trump on Friday signed a spending package to avert another government shutdown, his top spokeswoman said. White House press secretary Sarah Huckabee Sanders told reporters Trump approved the measure on Friday afternoon in the executive mansion. Reporters were not on hand to witness the bill signing. The move came hours after Trump announced during a freewheeling, 50-minute news conference that he is declaring a national emergency to bypass Congress and

obtain \$8 billion for his long-desired border wall, a move that triggered a major legal showdown with Democrats.”

- Read more: <https://thehill.com/homenews/administration/430256-trump-signs-border-deal-averting-shutdown>
- ***Court allows House Democrats to join Obamacare's defense.*** “A federal appeals court is allowing House Democrats to defend Obamacare in a lawsuit threatening the future of the health care law. The 5th Circuit Court of Appeals today granted the House’s petition to intervene in the case challenging Obamacare's constitutionality. The court will review a federal judge's December ruling that the entire health care law is invalid after Congress eliminated the penalty for not having health insurance.”
 - Read more: <https://www.politico.com/story/2019/02/14/democrats-obamacare-1170699>
- ***Utah GOP shrinks Medicaid expansion, defying voters.*** “Utah Gov. Gary Herbert on Monday signed legislation adopting a limited expansion of the state’s Medicaid program, defying voters who in November approved the full Obamacare program through the ballot. Under the new GOP-written plan, Utah will ask the Trump administration for permission to implement unprecedented restrictions on the health coverage program for the poor, while insuring about 60,000 fewer people than the Obamacare expansion would have and initially costing the state tens of millions of dollars more.”
 - Read more: <https://www.politico.com/story/2019/02/11/utah-medicaid-expansion-1163050>
- ***Push for Medicare buy-in picks up with '50 and over' bill.*** “House and Senate Democrats unveiled a plan Wednesday that would allow anyone over age 50 to buy into Medicare – an incremental step to expand health coverage beyond Obamacare's gains that offers an alternative to the ambitious restructuring progressives envision in their push for Medicare for All.”
 - Read more: <https://www.politico.com/story/2019/02/13/medicare-bill-health-care-1167664>
- ***Democrats seek cosponsors for new 'Medicare for all' bill.*** “Two progressive lawmakers are circulating a letter to their Democratic colleagues asking for cosponsors for a Medicare for all bill as they prepare to introduce it. Reps. Pramila Jayapal (D-Wash.) and Debbie Dingell (D-Mich.) sent the letter, which was obtained by The Hill, on Tuesday, saying they have been working with experts for months to write an updated version of the single-payer health care legislation. Jayapal says she plans to introduce the measure later this month.”
 - Read more: <https://thehill.com/policy/healthcare/430012-democrats-seek-cosponsors-for-new-medicare-for-all-bill>
- ***Former Mass. governor takes step toward Trump primary challenge.*** “Former Massachusetts Gov. Bill Weld (R) on Friday announced he was launching an

exploratory committee for a potential 2020 White House bid, becoming the first Republican to take a significant step to challenge President Trump. Weld is looking to appeal to “never-Trump” Republicans and independents who are eager to push Trump out of the White House but do not see a Democrat as an acceptable alternative.”

- Read more: <https://thehill.com/homenews/campaign/430154-former-mass-governor-takes-step-toward-trump-primary-challenge>

- **Week Ahead**

- Congress is out of session.

Regulatory and Administration Update

- ***HHS launches innovative payment model with new treatment and transport options to more appropriately and effectively meet beneficiaries' emergency needs.*** “Today, the U.S. Department of Health and Human Services (HHS), Center for Medicare and Medicaid Innovation (Innovation Center), which tests innovative payment and service delivery models to lower costs and improve the quality of care, announced a new payment model for emergency ambulance services that aims to allow Medicare Fee-For-Service (FFS) beneficiaries to receive the most appropriate level of care at the right time and place with the potential for lower out-of-pocket costs.”
 - Read more: <https://www.hhs.gov/about/news/2019/02/14/hhs-launches-innovative-payment-model-new-treatment-transport-options.html>
- ***HHS Proposes New Rules to Improve the Interoperability of Electronic Health Information.*** “The U.S. Department of Health and Human Services (HHS) today proposed new rules to support seamless and secure access, exchange, and use of electronic health information. The rules, issued by the Centers for Medicare & Medicaid Services (CMS) and the Office of the National Coordinator for Health Information Technology (ONC), would increase choice and competition while fostering innovation that promotes patient access to and control over their health information. The proposed ONC rule would require that patient electronic access to this electronic health information (EHI) be made available at no cost.”
 - Read more: <https://www.hhs.gov/about/news/2019/02/11/hhs-proposes-new-rules-improve-interoperability-electronic-health-information.html>
- ***Dialysis Facility Compare February 2019 Refresh Q&A.*** “Dialysis Facility Compare is a website that allows patients and health centers to view and compare quality data about dialysis facilities. CMS also uses these data, organized into a series of measures, to create a star rating system that can help patients make educated decisions about where to get their dialysis treatments.”
 - Read more: https://www.cms.gov/Medicare/End-Stage-Renal-Disease/ESRDGeneralInformation/Downloads/DFC-February-2019-Refresh-Q_A.pdf
- ***Renal Physicians Association voices concern about impact of Part D changes for transplant patients.*** “The Renal Physicians Association has joined the National Kidney

Foundation in voicing concern about how changes to the Medicare Part D drug benefit program may limit access to certain immunosuppressive drugs for kidney transplant patients. Under its Modernizing Part D and Medicare Advantage to Lower Drug Prices and Reduce Out-of-Pocket Expenses proposal, which would take effect in 2020, CMS has said that Medicare Advantage and Part D plans would have more tools to negotiate lower drug prices.”

- Read more: <https://www.healio.com/nephrology/policy-and-politics/news/online/%7b8928868c-d62d-4d4b-8469-b02cbfc76326%7d/renal-physicians-association-voices-concern-about-impact-of-part-d-changes-for-transplant-patients>

- **Artificial Intelligence (AI) Health Outcomes Challenge.** “Leaders of the technology revolution – including tech companies, academic institutions, scientists, clinicians, and patients – are leveraging cutting-edge technology to redefine healthcare delivery. We want to join them in this work. The goal is to help the healthcare system deliver the right care, at the right time, in the right place, and by the right people. It’s not enough to build on the technology that currently exists. We need to ask bold questions, like how artificial intelligence (AI) can transform and disrupt how we think about healthcare delivery. With innovation central to its mission, CMS wants to be at the forefront of these efforts. We’re interested in exploring how to harness AI to predict health outcomes that are important to patients and clinicians, and to enhance care delivery. We are brainstorming how we can incorporate AI in the implementation of both our current and new payment and service delivery models.”
 - Read more: <https://innovation.cms.gov/initiatives/artificial-intelligence-health-outcomes-challenge/>

- **Apple's deal with the VA is a big step toward giving patients control over their own health information.** “Apple announced Monday that it's working with the U.S. Department of Veterans Affairs to bring health records to the iPhone. That means that vets receiving their care from the VA will be able to see medical information like allergies, immunizations, labs and procedures directly on their iPhones with just a few clicks.”
 - Read more: <https://www.cnn.com/2019/02/11/apple-va-deal-putting-patients-in-control-of-their-health-info.html>

- **More Insurers Win Lawsuits Seeking Cost-Sharing Reduction Payments.** “On February 14 and 15, two judges at the Court of Federal Claims held that insurers are entitled to unpaid cost-sharing reduction (CSR) payments. One of these lawsuits, brought by Common Ground Healthcare Cooperative, is a class action for unpaid CSRs, meaning the decision applies to the 91 insurers who are part of that class. The other lawsuits were brought by L.A. Health Care Plan, Maine Community Health Options, and Community Health Choice. In some cases, these insurers are entitled to unpaid CSRs from both 2017 and 2018, even though many insurers opted to use “silver loading” to make up for unpaid CSRs.”
 - Read more: <https://www.healthaffairs.org/doi/10.1377/hblog20190217.755658/full/>

Articles of Interest

- ***Dialysis Is a Way of Life for Many Older Patients. Maybe It Shouldn't Be.*** “John Everdell had lived most of his life with kidney disease. As a young man awaiting a transplant, he had briefly undergone dialysis. That’s how he knew, when the prospect of kidney failure loomed again in his late 60s, that he would refuse dialysis this round. A woodworker and furniture maker, Mr. Everdell had been in his 30s when he was first diagnosed with kidney disease. By his 60s, he had received two transplants, with kidneys donated by his siblings.”
 - Read more: <https://www.nytimes.com/2019/02/15/health/dialysis-kidney-disease.html>
- ***Ketamine-like depression drug wins endorsement of key advisory panel.*** “An experimental medication for depression related to the hallucinogenic street drug ketamine won a crucial endorsement from an independent advisory committee convened by the Food and Drug Administration on Tuesday. In a 14-to-2 vote, the panel said the benefits of the Johnson & Johnson drug, known as esketamine, outweigh the risks. The vote brings the novel type of rapid-acting treatment for depression one step closer to approval.”
 - Read more: <https://www.statnews.com/2019/02/12/depression-drug-related-to-ketamine-wins-endorsement-of-key-advisory-panel/>
- ***The latest Instagram influencer frontier? Medical promotions.*** “In recent years, businesses have adapted their advertising strategies to the rise in social media use, specifically on Instagram. The app is one of the most popular social networks, surpassed only by its parent company, Facebook, and is projected to have more than 1.1 billion users in 2019 – more than half of whom are between ages 18 and 29. The high level of Instagram user engagement gives companies an opportunity to capitalize on users with thousands of followers, aptly dubbed “influencers,” through paid advertising partnerships.”
 - Read more: <https://www.vox.com/the-goods/2019/2/15/18211007/medical-sponcon-instagram-influencer-pharmaceutical>
- ***The Instant, Custom, Connected Future of Medical Devices.*** “When Jeff Dachis suddenly and unexpectedly learned he had Type 1 diabetes at the age of 46 in September 2013, he was stunned. After all, he ran marathons, followed a healthy diet and never had an inkling of any medical troubles during previous annual physicals. Feeling confused and scared, he decided to leverage his expertise in digital marketing, technology and big data analytics to create a company, One Drop, that helps diabetics understand and manage their disease. The One Drop system combines sensors, an app, and a Bluetooth glucose meter to track and monitor a diabetic’s blood glucose levels, food, exercise and medication. It uses artificial intelligence to predict the person’s blood glucose level over the next 24 hours and even suggests ways the person can control fluctuations, such as walking or exercising to offset high sugar levels – or eating a candy bar to raise low glucose levels. Users can also text a diabetes coach with questions in real time.”
 - Read more: <https://www.nytimes.com/2019/02/14/business/smart-medical-devices-implants.html>