

American Nephrology Nurses Association

Weekly Capitol Hill Update - Monday, March 13, 2017

Congressional Schedule

House

- “Not in session today.” (CQ)
- **Week Ahead:** “The House meets Tuesday at 2 p.m. for consideration of three land bills (H.R. 132, H.R. 648, H.R. 267) under suspension of the rules, if weather permits. Wednesday, the House takes up a bill (H.R. 1181) regarding veterans' mental health and gun access, along with nine bills under suspension of the rules. Bills regarding veterans are also on the docket for Thursday and Friday.” (CQ)

Senate

- “Convenes at 2 p.m. to resume consideration of the nomination of Seema Verma to be the administrator of the Centers for Medicare and Medicaid Services, with a vote expected at 5:30 p.m.” (CQ)

Legislative Updates

- **Introduction of the Living Donor Protection Act.** “On March 1, Representatives Jerrold Nadler (D-NY) and Jaime Herrera Beutler (R-WA) introduced the *Living Donor Protection Act of 2017*, to protect the rights of living organ donors. The Family and Medical Leave Act (FMLA) does not specify that living organ donors can take unpaid leave to recover from their donation and does not guarantee that donors will have a job waiting for them after surgery. Further, according a 2007 study in the American Journal of Transplantation, as many as 11% of living organ donors experience difficulty securing or paying for insurance after their procedures because of discriminatory practices. The Living Donor Protection Act would protect living organ donors and promote organ donation in three ways:
 1. Prohibit life, disability, and long term care insurance companies from denying or limiting coverage and from charging higher premiums for living organ donors.
 2. Clarify that living organ donors may use FMLA time to recover from the surgeries and procedures involved in their donation.

3. Direct HHS to update their materials on live organ donation to reflect these new protections and encourage more individuals to consider donating an organ.”
- Representative Nadler and Representative Herrera Beutler issued the following joint statement announcing the introduction of the Living Donor Protection Act:

“Every year, thousands of Americans donate kidneys, livers, and other organs to save the lives of family members, friends, and even complete strangers facing life-threatening illnesses. Organ donation saves lives and saves money, cutting health care costs by as much as two-thirds and saving Medicare millions of dollars every year. The Living Donor Protection Act will ensure that Americans who make the life-saving choice to become organ donors won’t face economic roadblocks because of their decision. Under this bipartisan legislation, living organ donors will be able to access insurance and use the medical leave they need, giving donors more certainty and, it is our hope, encourage more Americans to give the incredible gift of organ donation.”
 - The bill has support from the American Society of Transplant Surgeons, the American Society of Transplantation, the National Kidney Foundation, the American Society of Nephrology, Waitlist Zero, and the Renal Physicians Association.
 - To read more: <http://www.nephrologynews.com/living-donor-protection-act-reintroduced-house/>
- **Week Ahead:**
 - *Section-by-Sections of the ACA Repeal.* Provisions of the *American Health Care Act* (AHCA) were delegated specifically to the House Energy and Commerce Committee (E&C) and the House Ways and Means Committee (W&M).
 - To read the E&C Section-by-Section: https://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/documents/Section-by-Section%20Summary_Final_.pdf
 - To read the W&M Section-by-Section: <https://waysandmeans.house.gov/wp-content/uploads/2017/03/03.06.17-Section-by-Section.pdf>
 - *Republicans Set Low Expectations for Health Bill Cost Study.* “Republicans pushing a plan to dismantle Barack Obama's health care law are bracing for a Congressional Budget Office analysis widely expected to conclude that fewer Americans will have health coverage under the proposal, despite President Donald Trump's promise of "insurance for everybody." House Speaker Paul Ryan (R-WI) said he fully expects the CBO analysis, set to be released as early as Monday, to find less coverage since the GOP plan eliminates the government requirement to be insured.”
 - To read more: http://hosted.ap.org/dynamic/stories/U/US_HEALTH_OVERHAUL?S

- ***GOP Healthcare Bill Hangs in the Balance.*** “House Republicans are taking fire from all sides as they seek to push through their plan to repeal and replace ObamaCare, known as the AHCA. Speaker Paul Ryan (R-Wis.) has guaranteed the bill will pass Congress, but it won’t be a smooth ride to President Trump’s desk. Here are the factors that are likely to determine whether the legislation lives or dies.”
 - To read more: <http://thehill.com/policy/healthcare/323498-gop-healthcare-bill-hangs-in-the-balance>
- ***Top Vote-Counter on ObamaCare Bill: 'We're gonna get this done.'*** “The top vote-counter in the House says there is no doubt that the Republican ObamaCare repeal and replace bill will pass. “We're gonna get this done,” House Majority Whip Steve Scalise (R-LA) said with a smile on Thursday. Scalise had a good reason to be in a good mood, despite being awake for 33 straight hours, fueled by adrenaline and several cups of chicory coffee from New Orleans. He was elated the GOP healthcare bill just cleared his Energy and Commerce Committee after what may be the longest legislative markup in history.”
 - To read more: <http://thehill.com/homenews/house/323330-top-vote-counter-on-obamacare-bill-were-gonna-get-this-done>
- ***Healthcare Bill Faces Steep Climb in Senate.*** “Senate Majority Leader Mitch McConnell (R-KY) has only three weeks to unify conservatives and moderates in his conference behind an ObamaCare repeal and replacement bill. The ACHA which Vice President Pence on Tuesday declared “the framework for reform,” will move first in the House, but it faces perhaps an even steeper climb in the Senate. Republicans control 52 seats in the upper chamber and can only afford to lose two votes, since Pence can vote to break a 50-50 tie. So far, at least eight Republican senators have voiced concerns with aspects of the legislation.”
 - To read more: <http://thehill.com/homenews/senate/322852-healthcare-bill-faces-steep-climb-in-senate>
- **Week in Review:**
 - ***House Republicans Release Long-Awaited Plan to Replace Obamacare.*** “House Republicans on Monday released long-anticipated legislation to supplant the Affordable Care Act with a more conservative vision for the nation’s health-care system, replacing federal insurance subsidies with a new form of individual tax credits and grants to help states shape their own policies. Under two bills drafted by separate House committees, the government would no longer penalize Americans for failing to have health insurance but would try to encourage people to maintain coverage by allowing insurers to impose a surcharge of 30 percent for those who have a gap between health plans. The legislation would preserve two of the most popular features of the 2010 health-care law, letting young adults stay on their parents’ health plans until age 26 and forbidding insurers to deny coverage or charge more to people with preexisting medical

problems. It would also target Planned Parenthood, rendering the women's health organization ineligible for Medicaid reimbursements or federal family planning grants — a key priority for antiabortion groups."

- To read more: https://www.washingtonpost.com/powerpost/new-details-emerge-on-gop-plans-to-repeal-and-replace-obamacare/2017/03/06/04751e3e-028f-11e7-ad5b-d22680e18d10_story.html?tid=ss_tw&utm_term=.c3aab7a76854
- ***GOP Needs Trump's Salesmanship to Advance New Obamacare Plan.*** "Republicans in Congress hope a new draft bill released Monday night will jump-start their stalled Obamacare repeal effort, though the most important factor may be how hard President Donald Trump works to sell it to lawmakers... But the legislation faces a difficult path because it will likely be opposed by at least two Senate Republicans who object to its defunding of Planned Parenthood. It also faces strong objections from House conservatives, who say the refundable tax credits would create a new, expensive entitlement program."
 - To read more: <https://www.bloomberg.com/politics/articles/2017-03-06/gop-obamacare-plan-needs-trump-s-salesmanship-to-break-stalemate>
- ***What You Need to Know About the Big Obamacare Fight: Medicaid.*** "Medicaid emerged Monday as perhaps the singular issue on which the Republican bid to overhaul the Affordable Care Act will live or die... Only hours earlier, however, a critical group of Senate Republicans released a letter rejecting earlier leaked versions of the House plan because of the Medicaid provisions. They each represent states that chose to expand Medicaid under the health care law, after the US Supreme Court made the expansion optional instead of mandatory in a 2012 ruling."
 - To read more: <https://www.statnews.com/2017/03/06/medicaid-gop-bill/>
- ***GOP Leaders Looking Past Repeal Bill to Additional Health Reforms.*** "GOP leaders could propose additional health legislation as soon as this month, focused on driving down health care costs and expanding ways for people to buy affordable coverage, as they seek to convince skeptics to vote for the current repeal bill. Providing details on this so-called "third phase" of the GOP vision for health reform is meant to bring conservatives on board with the current GOP health bill, known as the ACHA. (The second phase would deal with regulations from the executive branch). Some members say the current repeal bill does not go far enough in overhauling Obamacare after Republicans spent years railing against it."
 - To read more: <https://morningconsult.com/2017/03/10/gop-leaders-looking-past-repeal-bill-to-additional-health-reforms/>
- ***GOP Leaders Reject Calls to Scrap Medicaid Expansion Sooner.*** "House Republican leaders on Friday dismissed conservatives' calls for an earlier rollback of the Affordable Care Act's Medicaid expansion. "I think right now that'd be very difficult to do," House Majority Leader Kevin McCarthy (R-CA)

said of pulling back the expansion before the current date of 2020. McCarthy spoke at a press conference with Ways and Means Committee Chairman Kevin Brady (R-TX), Energy and Commerce Committee Chairman Greg Walden (R-OR) and Budget Committee Chairman Diane Black (R-TN). The California Republican's objection comes after CNN reported that the White House is open to appeasing GOP lawmakers who want to freeze expansion enrollment at the end of this year."

- To read more: <https://morningconsult.com/2017/03/10/gop-leaders-reject-calls-scrap-medicaid-expansion-sooner/>
- ***Ryan-Aligned Group Targets Conservatives Wary of Health Care Bill.*** "A powerful group aligned with House Speaker Paul Ryan is sending a shot across the bows of conservative Republicans who are withholding support for House GOP leaders' plan to replace President Barack Obama's signature health care law. On Thursday, the American Action Network - a group with ties to Republican leaders and the Congressional Leadership Fund super PAC - said it would spend \$500,000 against 30 Republican lawmakers, many of whom are members of the ultra-conservative House Freedom Caucus, urging them to support the House GOP's "American Health Care Act."
 - To read more: <https://morningconsult.com/2017/03/09/ryan-aligned-group-targets-conservatives-wary-health-care-bill/>

Regulatory Updates

- ***CMS Reporting Deadline is Approaching for NHSN Dialysis Event Surveillance.*** "To meet the CMS ESRD QIP NHSN reporting requirements for Payment Year 2018, outpatient hemodialysis clinics must submit their fourth quarter 2016 Dialysis Event data collected from October 1, 2016 through December 31, 2016 by Friday, March 31, 2017. New or revised fourth quarter data entered into NHSN after March 31 will not be sent to CMS. Therefore, please be aware that any changes or corrections to fourth quarter 2016 data should be made prior to the reporting deadline. The CDC recommends using the following resources to review your data before the deadline. These resources and others can be found on the Dialysis Event homepage."
 - Contact the NHSN Helpdesk (nhsn@cdc.gov, subject line 'Dialysis') with any questions.
 - For more information: <http://www.esrdnetwork8.org/kidney-dialysis-transplant-news/news.asp>
- ***MedPAC March 2017 Meeting Report.*** In the midst of Congress' efforts to repeal and replace the Affordable Care Act, the Medicare Payment Advisory Commission (MedPAC) convened for its second meeting of 2017. The District Policy Group attended the meeting, and in our inaugural podcast, "Unpacking MedPAC," we discuss the meeting's top takeaway, what surprised us about the discussion, and what to look for in the coming months. In addition, we've developed a memo that details all key takeaways from the meeting.

- To read the DPG memo, see the following link:
<http://www.drinkerbiddle.com/insights/publications/2017/03/medpac-march-2017-meeting-report>
- Listen to the podcast here: <http://www.districtpolicygroup.com/newsroom-1/medpac-march-2017-meeting-report>
- ***Trump Will Nominate Scott Gottlieb to Lead FDA.*** “President Trump will nominate Dr. Scott Gottlieb, a longtime drug industry financier and advocate for deregulation, to run the Food and Drug Administration, the White House said Friday. Gottlieb, 44, is a physician and resident fellow at the conservative American Enterprise Institute. He trained at Mount Sinai School of Medicine, then pursued an unusual career that has taken him from hospitals to Wall Street to the FDA and back to Wall Street. A prolific writer and speaker on medical innovation, Gottlieb served as an FDA deputy commissioner under George W. Bush and has frequently testified before Congress.”
 - To read more: <https://www.statnews.com/2017/03/10/scott-gottlieb-fda-donald-trump/>

Articles of Interest

- ***340B Is a Good Idea Gone Bad.*** “Defenders of the 340B Drug Discount Program say it is vital to safety net hospitals and the patients they serve. On that, we agree wholeheartedly. The program was originally intended by Congress to provide assistance to those treating uninsured or underinsured patients so that this vulnerable population had access to medical treatment. However, inadequate oversight has distorted the noble intent of 340B, transforming it into a perverse profit generator for many of America’s tax-exempt hospitals, few of which provide any meaningful level of charity care.”
 - To read more: <https://morningconsult.com/opinions/340b-good-idea-gone-bad/>
- ***Dems' Secret Weapon for Killing GOP's ObamaCare Replacement?*** “An obscure office within the Department of Health and Human Services could play a major role in determining the fate of the House Republican bill to repeal and replace ObamaCare. As the healthcare world anticipates the cost estimate of the controversial legislation by the Congressional Budget Office (CBO), the Centers for Medicare and Medicaid Services (CMS) Office of the Actuary may also be putting its own price tag on the measure. The CBO is Congress's official scorekeeper, but if the CMS puts out a similar analysis, it could help shield the non-partisan CBO from criticism.”
 - <http://thehill.com/policy/healthcare/323626-dems-secret-weapon-for-killing-gops-obamacare-replacement>

Hearings

Wednesday, March 15th

- The House Budget Committee will markup the reconciliation bill.
 - 10:00 am, 1334 Longworth House Office Building
- The Senate Aging Committee will hold a hearing on Families in the Opioid Crisis.
 - 2:30 pm, 562 Dirksen Senate Office Building.