

American Nephrology Nurses Association

Weekly Capitol Hill Update - Monday, March 6, 2017

Congressional Schedule

House

- “Meets for a pro forma session with no legislative action expected.” (CQ)
- **Week Ahead:** “Meets at 2 p.m. Tuesday for consideration of seven bills under suspension of the rules. On Wednesday, the House takes up the fiscal 2017 Defense appropriations bill (H.R. 1301), after three bills under suspension.” (CQ)

Senate

- “Convenes at 2 p.m. to resume consideration of the resolution (H. J. Res 37) to nullify a multi-agency rule on federal contractors, with a vote at 6 p.m. The Senate will then vote on a motion to proceed to a joint resolution (H. J. Res 44) to nullify a Bureau of Land Management rule.” (CQ)

Legislative Updates

- **Week Ahead:**
 - ***U.S. Republicans Expected to Unveil Healthcare Bill This Week.*** “Republican U.S. lawmakers expect to unveil this week the text of long-awaited legislation to repeal and replace the Obamacare healthcare law, one of President Donald Trump's top legislative priorities, a senior Republican congressional aide said on Sunday. Since taking office in January, Trump has pressed his fellow Republicans who control Congress to act quickly to dismantle former Democratic President Barack Obama's Affordable Care Act and pass a plan to replace it, but lawmakers in the party have differed on the specifics. Democrats have warned that Republicans risk throwing the entire U.S. healthcare system into chaos by repealing the 2010 law that was passed by congressional Democrats over united Republican opposition. Republicans condemn it as a government overreach, and Trump has called it a ‘disaster.’”
 - To read more: <http://www.reuters.com/article/us-usa-trump-healthcare-idUSKBN16D09K>

- **Walden: Obamacare Replacement Bill Reaching Final Drafting Stage.** “Rep. Greg Walden (R-OR) told Republican activists Saturday that he’s close to producing a bill that will serve as his party’s chief vehicle for replacing the Affordable Care Act. However, Walden told reporters later that key Republicans are still hashing out how to deal with Medicaid, the federal program that the Obama administration expanded to help subsidize coverage for poorer recipients.”
 - To read more: <http://bit.ly/2mMLaRs>
- **Patience Gone, Koch-Backed Groups Will Pressure G.O.P. on Health Repeal.** “Saying their patience is at an end, conservative activist groups backed by the billionaire Koch brothers and other powerful interests on the right are mobilizing to pressure Republicans to fulfill their promise to swiftly repeal the Affordable Care Act. Their message is blunt and unforgiving, with the goal of reawakening some of the most extensive conservative grass-roots networks in the country. It is a reminder that even as Republicans control both the White House and Congress for the first time in a decade, the party’s activist wing remains restless and will not go along passively for the sake of party unity.”
 - To read more: <http://nyti.ms/2merJiK>
- **Obamacare's Big Week.** “Capitol Hill will be consumed by Obamacare for the foreseeable future but this week is a big one, with House committees expected to mark up the first legislative text. Committees responsible for the health-care bill – led by Ways and Means chair Rep. Kevin Brady (R-TX) and Energy and Commerce chair Rep. Walden – worked over the weekend with the White House “to tie up loose ends and incorporate technical guidance from the administration,” a senior GOP aide tells me.”
 - To read more: <https://www.axios.com/obamacares-big-week-2301566867.html>
- **Obstacles Ahead as GOP Begins Obamacare Repeal.** “Republicans who have vowed for years to “repeal and replace” Obamacare are now seeking to turn their campaign pledge into reality, with markups of legislation potentially beginning this week. With narrow majorities in the House and Senate, Republicans won’t be able to pass healthcare legislation unless they remain united. That could prove difficult, as there are several knotty issues raised by the repeal effort that threaten to push lawmakers into opposing camps. Here are the four biggest issues that Republicans will have to resolve before an Obamacare repeal bill can reach President Trump’s desk.”
 - To read more: <http://thehill.com/policy/healthcare/322315-obstacles-ahead-as-gop-begins-obamacare-repeal>
- **What We Know About the GOP's Healthcare Bill.** “House Republicans are plowing ahead with their plan to repeal and replace Obamacare, with committee votes likely next week. While final legislation has yet to be unveiled, an outline and a leaked draft from last month give a general idea of where House Republicans are headed. Their bill would dismantle the central elements of

Obamacare, including its subsidies to help people afford coverage, its expansion of Medicaid, and its mandates and taxes.”

- To read more: <http://thehill.com/policy/healthcare/322316-what-we-know-about-the-gops-healthcare-bill>

- **Week in Review:**

- *House Panel to Mark Up Obamacare Repeal Bill Next Week, Trump Ally Says.* “A House panel is expected to vote next week on legislation that would gut the Affordable Care Act, a key congressional ally of President Donald Trump told reporters on Wednesday. Rep. Chris Collins (R-NY), said a draft bill to repeal and begin replacing Obamacare would likely be made available to members of the House Energy and Commerce health subcommittee for review on Thursday. A subcommittee mark-up is expected to be held next week.”
 - To read more: <https://morningconsult.com/2017/03/01/house-panel-mark-obamacare-repeal-bill-next-week-trump-ally-says/>
- *Republicans May Means Test Healthcare Tax Credits.* “Some Republicans in Congress want to means test tax credits used to help buy coverage on the individual market. All Obamacare replacement proposals to come out of the House thus far only peg the credit to a person's age. There are some strong arguments for means testing: It would help lower-income people afford coverage and, if the credit phases out the more someone makes, it would bring down the overall cost of the replacement plan. "The age adjustment thing I think is an important one, because obviously it costs more to get coverage as you get older and your health needs increase," Sen. John Thune (R-SD), a member of the GOP leadership, said. "But I think that the income issue to me is one too that needs to be further looked at, and that would certainly I think free up some additional dollars that would probably make that assistance a little more helpful to people at the lower end.”
 - To read more: <https://www.axios.com/theres-an-emerging-gop-push-to-tie-obamacare-replacement-tax-credits-t-2293295436.html>
- *Top Conservatives Oppose GOP Healthcare Plan, Muddying Path to Needed Votes.* “The top two House conservatives on Monday said they cannot vote for their conference’s healthcare repeal and partial replacement plan in its current form, meaning House GOP leaders have some work to do before they can offer a bill that will get the 218 votes needed to pass the House. Republican Study Committee Chairman Mark Walker (R-NC) and House Freedom Caucus Chairman Mark Meadows (R-NC) both cited concerns over the plan’s refundable tax credits, saying it amounts to the creation of a new entitlement program. The North Carolina Republicans said that several of their conservative colleagues feel the same way and predicted that the plan could not pass the House in its current form.”
 - See more at: <http://bit.ly/2IOwvAi>
- *Senate Finance Committee Sends Trump’s CMS Nominee to Floor.* “The Senate Finance Committee on Thursday voted along party lines to advance the

nomination of Seema Verma, President Donald Trump's pick to head the nation's two largest government health programs. The committee advanced Verma's nomination as administrator of the Centers for Medicare and Medicaid Services in a 13-12 vote. (The committee vote was initially scheduled for Wednesday, but resulted in a tie because several Republicans were absent.)"

- To read more: <https://morningconsult.com/2017/03/02/senate-finance-committee-sends-trumps-cms-nominee-floor/>
- ***Paul Ryan's Feeling Confident About Repeal-And-Replace. McConnell Not So Much.*** "With each passing day, House Speaker Paul D. Ryan gets more confident that his troops are falling in line and that they will soon pass legislation repealing the Affordable Care Act. "I am perfectly confident that when it's all said and done, we are going to unify," Ryan (R-WI) told reporters Thursday. "Because we all – every Republican – ran on repealing and replacing [the ACA]. And we are going to keep our promises." Yet over in the Senate, Majority Leader Mitch McConnell (R-KY) is much more circumspect. "The goal is for the administration, the House and the Senate to be in the same place," McConnell told reporters Tuesday. "We're not there yet.""
 - To read more: <http://wapo.st/2lwXTft>
- ***G.O.P. Accused of Playing 'Hide-and-Seek' With Obamacare Replacement Bill.*** "It was "find the Affordable Care Act replacement" day on Thursday as publicity-seeking Democrats – and one frustrated Republican – scampered through Capitol corridors, hunting for an elusive copy of a bill that Republican leaders have withheld from the public as they search for party unity. Just a week before two powerful House committees plan to vote on the measure, opponents spent hours making the point that almost no one has actually seen legislation that would affect the lives and pocketbooks of millions of Americans."
 - To read more: https://www.nytimes.com/2017/03/02/us/politics/obamacare-aca-repeal-replace.html?ref=politics&_r=1
- ***Trump's Words on Obamacare Stir up Intraparty Feud.*** "President Trump ascended the bulliest of pulpits Tuesday to address a joint session of Congress. It turns out it was his fellow Republicans who needed some bullying – specifically, on their plans to repeal and replace the Affordable Care Act. The leader of the Republican Party took some tentative steps in his address to the joint congressional session toward a position in the Obamacare fight looming over Capitol Hill. But the president's words sparked as much debate as they quashed. The federal government, Trump said, "should help Americans purchase their own coverage, through the use of tax credits and expanded health savings accounts." By specifically mentioning "tax credits," Trump appeared to side with House Speaker Ryan in a key intraparty debate over what the ACA's replacement ought to look like. Influential conservatives in the House and Senate have balked at offering refundable tax credits to help Americans buy insurance, advocating instead for a less expensive tax deduction."

- To read more: https://www.washingtonpost.com/politics/trumps-words-on-obamacare-stir-up-intraparty-feud/2017/03/01/6e1428ff-494b-4935-8b1e-6b7a3afca49b_story.html?utm_term=.36ebacfd19c9
- ***Trump Chooses Pence Ally to Lead Medicaid.*** “Brian Neale has been tapped by the Donald Trump administration as the new director of the Center for Medicaid and CHIP Services, according to the agency's former director Cindy Mann. He will report to Seema Verma, Trump's pick for CMS administrator once she is confirmed by the Senate. Neale didn't immediately return a request for comment on his new appointment.”
 - To read more: <http://www.modernhealthcare.com/article/20170301/NEWS/170309992/breaking-trump-chooses-pence-ally-to-lead-medicaid>
- ***High-Risk Pools Another Sticking Point Among Republicans.*** “Sen. Rand Paul (R-KY) on Wednesday expressed opposition to House GOP leaders’ plan to cover people with pre-existing conditions, highlighting another division that Republicans must overcome to repeal the Affordable Care Act. The Kentucky Republican said it doesn’t make “logical sense” to allocate federal funds to help states run high-risk pools, which would be used to cover people who would be priced out of the marketplace if Obamacare is repealed. While dollar amounts haven’t been decided on, a leaked draft bill would divide \$100 billion among the states over a decade to go to high-risk pools and other healthcare needs.”
 - To read more: <https://morningconsult.com/2017/03/01/high-risk-pools-another-sticking-point-among-republicans/>
- ***House Votes to Create New Requirements for Writing Regulations.*** “The House on Thursday passed legislation aimed at increasing transparency in the regulatory process. The Regulatory Integrity Act, backed by Rep. Tim Walberg (R-MI), requires federal agencies to shed light on what happens behind the scenes when they are crafting new rules. The measure also prohibits regulators from drumming up public support for those rules. The House voted 246-176 to pass the bill, with 14 Democrats crossing party lines to support the measure, and one Republican opposing it.”
 - To read more: http://thehill.com/regulation/322007-house-passes-regulations-transparency-bill?utm_source=&utm_medium=email&utm_campaign=6488

Regulatory Updates

- ***Medicare Payment Advisory Commission (MedPAC) Meeting Summary.*** From March 2-3, MedPAC met and discussed various Medicare-related topics, including Medicare Part B drug payment policy issues, development of a Medicare premium support model, refining Merit-based Incentive Payment System and Advanced Alternative Payment Models and encouraging primary care, and the implementation of a unified post-acute care (PAC) prospective payment system (PPS). During the discussion on the PAC PPS, MedPAC evaluated whether to recommend that the Secretary of Health and Human

Services (HHS) implement a unified PAC PPS beginning in 2021 with a three-year transition. Commissioners noted that under a unified PPS, providers would be more willing to treat all types of patients and payments to providers would be more equitable.

- For more information on MedPAC's March public meeting, please visit: <http://medpac.gov/-public-meetings-/meeting-details/march-2017-public-meeting>
 - MedPAC will meet again April 6-7, 2017.
- ***Measure Applications Partnership (MAP) Call for Nominations.*** MAP is a public-private partnership convened by the National Quality Forum (NQF) to provide input to HHS on the selection of performance measures for public reporting and performance-based payment programs. Nominations are sought for organizations and individual subject matter experts. Nominations for individual subject matter experts may be self-nominations or may be nominations submitted by a third party. Nominations for organizational members may be submitted by an individual associated with that organization. If selected as an organizational member, the organization's leadership will then designate a person to serve as their representative. Nominations are due April 6, 2017.

To nominate an individual subject matter expert, nominators or self-nominators should submit:

- Completed nomination form via NQF Committee Nominations (select **Nominate an Individual**);
 - 100-word biography;
 - Curriculum vitae (maximum of 20 pages); and
 - Disclosure of interest form (will be forwarded to nominee via nominations@qualityforum.org upon confirmation of nomination).
 - For more information, please visit: <http://www.qualityforum.org/map/>
- ***Ex-CMS Chief Berwick 'Angry' at Threats to Gut ACA.*** "One might assume that Don Berwick, MD, who headed the Centers for Medicare & Medicaid Services during the Obamacare launch, wouldn't be happy right now. He's not. During two one-hour interviews, he addressed critics of the Affordable Care Act and his part in the problem-plagued launch of Obamacare. In particular, he talked about "the other half" of the 900-page law -- some 100 sections -- that have nothing to do with coverage and Medicaid expansion, but instead regulate quality of care and lower costs through new payment models, funding for care coordination, and data transparency."
 - To read more: http://www.medpagetoday.com/Washington-Watch/Reform/63563?xid=nl_mpt_DHE_2017-03-04&eun=g939522d0r&pos=0
 - ***In Sweeping Move, Trump Puts Regulation Monitors in U.S. Agencies.*** "President Donald Trump signed an executive order on Friday to place "regulatory reform" task forces and officers within federal agencies in what may be the most far reaching effort to pare back U.S. red tape in recent decades. Trump signed the directive in the Oval Office with chief executives of major U.S. corporations standing behind him including Dow Chemical Co, Lockheed Martin Corp and U.S. Steel Corp. The sweeping order directs

every federal agency to establish a task force to ensure each has a team to research all regulations, and take aim at those deemed burdensome to the U.S. economy and designate regulatory reform officers within 60 days and must report on the progress within 90 days.”

- To read more: <http://www.reuters.com/article/us-usa-trump-regulations-idUSKBN1631NV>

Articles of Interest

- ***How Affordable Care Act Repeal and Replace Plans Might Shift Health Insurance Tax Credits.*** “An important part of the repeal and replacement discussions around the Affordable Care Act (ACA) will involve the type and amount of subsidies that people get to help them afford health insurance. This is particularly important for lower and moderate income individuals who do not have access to coverage at work and must purchase coverage directly.”
 - To read more: <http://kff.org/health-reform/issue-brief/how-affordable-care-act-repeal-and-replace-plans-might-shift-health-insurance-tax-credits/>
- ***Employers Gear Up for Next Fight After Cadillac Tax.*** “Employer and business groups are shifting their lobbying efforts from repealing the Affordable Care Act's unpopular “Cadillac” tax to fighting GOP proposals to chip away at the tax break on employer-provided health insurance. Capping the tax break, they say, would cause employers to offer skimpier benefits, and some would stop offering coverage altogether. That would erode the employer-sponsored health insurance market.”
 - To read more: <http://www.modernhealthcare.com/article/20170302/NEWS/170309995/employers-gear-up-for-next-fight-after-cadillac-tax>
- ***PBMs Swimming Against Rising Tide of More Drug Pricing Transparency.*** “Amid the public uproar surrounding skyrocketing drug prices, pharmacy benefit managers – the pharmaceutical industry’s primary middlemen – are attracting new scrutiny from key members of Congress increasingly disturbed by benefit managers’ complex array of surreptitious pricing practices and protocols. But it was always just a matter of time until consumers’ growing outrage incentivized lawmakers to shine a spotlight on the systemic reasons behind pricing volatility, and the various players involved in making these determinations. PBMs, heretofore little-known entities in the drug cost and supply chains, have for years been content to work behind the scenes establishing drug formularies, negotiating discounts and “rebates” with drugmakers, wholesalers and others in the distribution chain – ostensibly to reduce the cost of prescription medications to consumers and the Medicare program – and negotiating contracts with pharmacies or their representatives.”
 - To read more: <http://bit.ly/2lwpMjf>
- ***Who You Calling ‘Slow’? FDA May Bristle at Trump’s Latest Dig.*** “When President Trump criticized the Food and Drug Administration drug approval process as “slow and burdensome” on Tuesday, you may have heard a mysterious noise. And that noise may have been the sound of thousands of agency staffers banging their heads against the wall. FDA officials have long bristled at the notion that they move too slowly to

approve new drugs. Part of their job, after all, is to ensure that any drugs they approve are both safe and effective – and that, they point out, can take time. The standard review process now takes a median of 10 months, down from nearly 13 months in 2005, according to the FDA. Companies can shrink that process to eight months if they get a priority review.”

- To read more: <https://www.statnews.com/2017/03/01/fda-trump-approval-process/>

Hearings

Wednesday, March 8th

- The House Committee on Appropriations Labor Health and Humans Services Subcommittee holds a Public Witness Day.
 - 10:00 am, 2358-C Rayburn House Office Building
- The Senate Committee on Appropriations Labor Health and Humans Services Subcommittee holds a hearing on, “Saving Lives Through Medical Research.”
 - 10:30 am, 138 Dirksen Senate Office Building