

American Nephrology Nurses Association

Weekly Capitol Hill Update - Monday, April 10, 2017

Congressional Schedule

House and Senate

- “Not in session. Congress will return Monday, April 24.” (CQ)

Legislative Updates

- **Week in Review:**

- *Senate Confirms Gorsuch as McConnell Takes Victory Lap.* “The Senate voted Friday to confirm Judge Neil Gorsuch as an associate justice on the Supreme Court, ending a debate that began more than a year ago, spanning two presidents and two nominees, after the death of Justice Antonin Scalia. With Vice President Mike Pence presiding over the chamber, Republicans, who changed the Senate’s rules on Thursday to break a Democratic filibuster, were joined by three members of the minority party – Joe Donnelly of Indiana, Heidi Heitkamp of North Dakota and Joe Manchin of West Virginia – in voting to confirm Gorsuch, 54-45, a major victory for President Donald Trump on his 78th day in office.”
 - To read more: <https://morningconsult.com/2017/04/07/senate-confirms-gorsuch-mcconnell-takes-victory-lap/>
- *GOP amendment would give \$15 billion to insurers to cover high-cost patients.* “An amendment to the GOP’s repeal plan would dole out \$15 billion to insurers over nine years to help cover the costs of sick, expensive patients. Lawmakers say the new funds would bring down premiums for healthy people by subsidizing medical costs for people with especially high expenses. Under ObamaCare, insurers are required to charge everyone of the same age the same amount for premiums, regardless of their medical history or conditions. That means costs are spread out among healthy and sick people, with insurers essentially passing those costs on to healthy people. The \$15 billion would help subsidize the costs of expensive patients, but the amendment doesn’t lay out how the money would be distributed. Instead, it leaves distribution up to the Health and Human Services department.”

- To read more: <http://thehill.com/policy/healthcare/327597-gop-amendment-would-give-15-billion-to-insurers-for-high-cost-patients>
- ***Meadows: Freedom Caucus would back bill that got rid of 3 ObamaCare regs.*** “The majority of the House Freedom Caucus would vote for a healthcare bill that gets rid of three of ObamaCare's insurer regulations, the group’s chairman, Rep. Mark Meadows (R-N.C.), said Thursday. The caucus has withheld its support from the GOP's ObamaCare repeal bill last month, saying it does nothing to drive down insurance premiums. But in an effort to sway the caucus, Vice President Pence offered this week to get rid of three regulations: essential health benefits, which mandate what services insurers must cover; community rating, which says insurers can't charge sick people more for insurance; and guaranteed issue, which says insurers must cover people with pre-existing conditions.”
 - To read more: <http://thehill.com/policy/healthcare/327561-meadows-freedom-caucus-would-back-bill-that-got-rid-of-3-obamacare-regs>
- ***GOP leader suggests House could be called back from recess to vote on health bill.*** “House Majority Leader Kevin McCarthy (R-Calif.) told Republicans as they departed Washington on Thursday that their recesses could be cut short if a deal is reached on legislation to repeal and replace ObamaCare. Such a compromise between the centrist and conservative factions of the House GOP remains a long way off. But McCarthy warned lawmakers they might have to return early if negotiations prove fruitful in the next two weeks. “I realize how important it is to keep up momentum so be assured that conversations will continue and we will keep in contact with you throughout the district work period. Should we be prepared to advance our bill through the House in the coming two weeks, we will advise Members immediately and give you sufficient time to return to Washington,” McCarthy wrote in a memo to House Republicans.”
 - To read more: <http://thehill.com/blogs/floor-action/house/327616-gop-leader-suggests-house-could-be-called-back-from-recess-to-vote>
- ***Trump eyes combining infrastructure with tax reform, healthcare.*** “President Trump is considering attaching his \$1 trillion infrastructure package to tax reform or healthcare in order to leverage support for his other legislative priorities. In an interview with the New York Times, Trump said he may use infrastructure as a sweetener because it is “so popular” among lawmakers, especially among Democrats, who Trump referred to as “desperate for infrastructure.” “I may put it in with healthcare. I may put it in with something else because it’s a very popular thing,” Trump said. “I’m thinking about putting it with another bill. Could be health care, could be something else. Could be tax reform.””
 - To read more: <http://thehill.com/policy/transportation/327600-trump-eyes-combining-infrastructure-with-tax-reform-healthcare>
- ***White House downplays hopes new ObamaCare bill will be ready soon.*** “A top White House official is downplaying talk that the administration is close to unveiling a new ObamaCare repeal-and-replace bill. According to White House

Director of Legislative Affairs Marc Short, the administration is not ready to release the text of updated legislation despite members of the conservative House Freedom Caucus and centrist Tuesday Group expressing hopes it would be ready this week. In a call with reporters on Wednesday, Short said reports that the administration promised text to members were "erroneous" and that there is no deal imminent. He would not commit to a timetable, saying that talks are ongoing and that a consensus is developing "conceptually." Short's remarks come after members of the conservative House Freedom Caucus and centrist Tuesday Group, earlier this week, hinted that the text of a new bill might be ready soon."

- To read more: <http://thehill.com/policy/healthcare/327430-white-house-downplays-hopes-new-obamacare-bill-will-be-ready-soon>
- ***Centrists push back on new ObamaCare repeal plan.*** "A new proposal from the White House and GOP leaders to revive ObamaCare repeal is facing pushback from centrist Republicans who were already wary of the legislation. Seeking to win over conservative holdouts, Republicans have talked about redesigning their healthcare bill so that states can apply for waivers on two central ObamaCare rules. The first regulation, known as essential health benefits, requires insurance plans to cover services such as mental healthcare and prescription drugs. The second, known as community rating, prevents insurers from charging higher premiums to people with pre-existing conditions."
 - To read more: <http://thehill.com/policy/healthcare/327305-centrists-push-back-on-new-obamacare-plan>
- ***HHS to Continue Obamacare Payments to Insurers With Lawsuit Pending.*** "The Trump administration indicated that it plans to continue the Affordable Care Act's cost-sharing subsidies while they are part of ongoing litigation, one administration official said Monday, in what may be the clearest statement on the issue so far. The precedent that the cost-sharing subsidies would be funded while the lawsuit is being litigated remains the policy of the current administration, according to the official, who spoke on conditions of anonymity. The statement could provide some clarity for insurers as they decide whether to offer plans next year on the Obamacare exchanges. The official's comments follow a similar remark last week by House Speaker Paul Ryan, who said the issue lied with the administration but that he expected the Department of Health and Human Services to continue funding the subsidies while the lawsuit was still moving through the courts. HHS does not comment on pending litigation."
 - To read more: <https://morningconsult.com/2017/04/03/hhs-set-to-continue-obamacare-payments-to-insurers-with-lawsuit-pending/>
- ***Hatch, Wyden, Isakson, Warner Introduce Bill to Address Chronic Illness.*** "Senate Finance Committee Chairman Orrin Hatch, (R-Utah), and Ranking Member Ron Wyden, (D-Ore.), along with Senators Johnny Isakson, (R-Ga.), and Mark Warner, (D-Va.), co-chairs of the Finance Committee Chronic Care Working Group applauded the reintroduction of the Creating High-Quality Results and Outcomes Necessary to Improve Chronic (CHRONIC) Care Act of

2017, S. 870, a bipartisan bill to strengthen and improve health outcomes for Medicare beneficiaries living with chronic conditions. "In the proud tradition of the Senate Finance Committee, this is the first major bipartisan health care bill to be introduced this Congress as the result of a committee-wide effort to improve the outlook for patients with chronic conditions," Hatch said."

- To read more: <https://www.finance.senate.gov/chairmans-news/hatch-wyden-isakson-warner-introduce-bill-to-address-chronic-illness->

- **Week Ahead:**

- ***Week ahead: Congress heads home without ObamaCare deal.*** "Congress will recess for two weeks without taking any action on healthcare, putting Republicans in a difficult position as they head home to face tough questions about why they haven't repealed ObamaCare. House Majority Leader Kevin McCarthy (R-Calif.) warned lawmakers they could be called back early from recess to vote on repeal if a deal was reached. 'Should we be prepared to advance our bill through the House in the coming two weeks, we will advise Members immediately and give you sufficient time to return to Washington,' McCarthy wrote in a memo. But that is unlikely. Divisions in the Republican House are too deep to find consensus on repeal, with conservatives wanting to scrap several of ObamaCare's insurer regulations and moderates wanting to keep them."
 - To read more: <http://thehill.com/policy/healthcare/327831-week-ahead-congress-heads-home-without-obamacare-deal>
- ***White House on edge as 100-day judgment nears.*** "President Donald Trump has far more than three years left in his first term. But inside his pressure cooker of a White House, aides and advisers are sweating the next three weeks. The symbolic 100-day mark by which modern presidents are judged menaces for an image-obsessed chief executive whose opening sprint has been marred by legislative stumbles, legal setbacks, senior staff kneecapping one another, the resignation of his national security adviser and near-daily headlines and headaches about links to Russia. The date, April 29, hangs over the West Wing like the sword of Damocles as the unofficial deadline to find its footing – or else."
 - To read more: <http://www.politico.com/story/2017/04/donald-trump-first-100-days-237053>

Regulatory Updates

- ***Antibody Mediated Rejection in Kidney Transplantation; Public Workshop; Request for Comments.*** "The Food and Drug Administration (FDA, the Agency, or we) is announcing a public workshop regarding new developments and scientific issues related to antibody mediated rejection (AMR) in kidney transplantation. This public workshop is intended to provide information for and gain perspective from individuals, industry, health care professionals, researchers, public health organizations, patients, patient care providers, and other interested persons on various aspects of clinical

development of medical products for prophylaxis and/or treatment of AMR in kidney transplant recipients, including clinical trial design and endpoints.”

- To read more: <https://s3.amazonaws.com/public-inspection.federalregister.gov/2017-06700.pdf>
- ***FDA nominee says agency must strike right balance between risk, regulation.*** “Dr. Scott Gottlieb on Wednesday made his 19th appearance before Congress, this time testifying on his own behalf. The 44-year-old doctor, investor, and conservative policy wonk, nominated to run the Food and Drug Administration, appeared before a Senate panel for a confirmation hearing, telling lawmakers that he would be an “impartial and passionate advocate for public health.” “We need to make sure we’re getting the most bang for our regulatory buck,” Gottlieb said in his opening statement. “That means being cognizant of risks and being sure that we’re not adding to consumer costs without improving consumer safety.” Gottlieb, who formerly served as a senior advisor at the FDA under George W. Bush, has spent much of his time working for venture capital and investment banking firms that invest in biomedical startups, as well as his own consulting firm. He has also repeatedly testified as an expert on the industry before Congress.”
 - To read more: <https://www.statnews.com/2017/04/05/scott-gottlieb-confirmation-hearing/>
- ***Gottlieb Calls Opioid Epidemic ‘Biggest Crisis’ Facing FDA.*** “Addressing the opioid crisis should be the top priority for the Food and Drug Administration, Scott Gottlieb, President Donald Trump’s nominee to lead the agency, told a Senate panel. Gottlieb told the Senate Health, Education, Labor and Pensions Committee during a Wednesday confirmation hearing that addressing the opioid crisis would “require dramatic action” from the FDA. “The opioid epidemic in this country is having staggering human consequences,” Gottlieb said. “I think this is the biggest crisis facing the agency and is going to require dramatic action on the part of whoever steps into the agency.” The issue was a focal point during the hearing, with several lawmakers raising concerns about the role of the FDA, which regulates opioid medication, in responding to the crisis.”
 - To read more: <https://morningconsult.com/2017/04/05/gottlieb-calls-opioid-epidemic-biggest-crisis-facing-fda/>
- ***U.S. senator seeks data on infection outbreak linked to ‘repaired’ Olympus scope.*** “Saying she was alarmed by a new superbug outbreak, a U.S. senator on Tuesday asked Olympus for data showing its redesigned medical scope was safe. In a letter, Sen. Patty Murray (D-Wash.) asked the Japanese device manufacturer for more information about a recent outbreak that sickened five patients in Europe. The patients’ infections, all caused by the same drug-resistant bacteria, were linked to a scope that Olympus recalled last year to replace a small mechanism. Three independent investigations found that the mechanical part could spread deadly bacteria between patients. “This tragic incident is particularly alarming because your company recalled and reportedly fixed the device in question,” wrote Murray. She asked the company for data proving that the “repaired” scope could be disinfected before being used on the next patient.”
 - To read more: <http://www.latimes.com/business/la-fi-senator-letter-olympus-scope-20170404-story.html>

Articles of Interest

- ***Biomarkers for early organ transplant rejection.*** “Organ and tissue transplants can be lifesaving. But a patient’s immune system may attack the new organ, causing the transplant to fail. Doctors can monitor whether a patient’s body is rejecting the organ using different methods, depending on the organ. In people with type 1 diabetes, clusters of cells in the pancreas called islets are destroyed. These cells control blood sugar (glucose) levels. Pancreatic islet transplantation is performed in certain patients whose blood glucose levels are especially difficult to control. Tracking the patient’s blood glucose level is the current standard for monitoring islet cell transplant rejection. However, high blood glucose levels are a sign of an advanced stage of rejection. The ability to detect tissue rejection earlier—when fewer cells have been injured—would allow doctors to adjust treatments and help reduce damage to transplanted islets.”
 - To read more: <https://www.nih.gov/news-events/nih-research-matters/biomarkers-early-organ-transplant-rejection>
- ***Marathon Running May Cause Short-Term Kidney Injury.*** “Any marathoner will tell you that the grueling 26-mile races can do a number on the hips, knees, ankles and feet. Now, a small study suggests that these tests of endurance are also tough on the kidneys. “Marathon runners demonstrate transient or reverse short-term kidney injury,” said Dr. Chirag Parikh, professor of medicine at Yale University.”
 - To read more: https://medlineplus.gov/news/fullstory_164324.html
- ***Weight, Gender Appear to Play Part in Kidney Transplant Success.*** “Weight and gender differences between donors and recipients can affect the success of kidney transplants, a new study says. Researchers reviewed data from more than 115,000 people in the United States who received a kidney from a deceased donor. The transplants took place between 2000 and 2014. The average follow-up time was about four years. During that time, more than 21,000 patients developed transplant failure.”
 - To read more: https://medlineplus.gov/news/fullstory_164374.html
- ***She’s hellbent on solving the organ shortage with ‘designer pigs.’ Just don’t keep her waiting.*** “Where other people see bacon, biologist Luhan Yang sees lifesaving organs – hundreds and thousands of them, pig livers and pig kidneys and diabetes-curing pancreases, and possibly hearts and lungs, all growing inside droves of pampered swine. More established scientists than Yang have dreamed of creating animal organs that are suitable for transplantation into people waiting for a human donor. But until recently, experts said it would take decades to genetically alter pig organs to make them work safely in people. Most xeno dreamers gave up. Giving up is not in Yang’s lexicon. Urgency is. In her native China, she told STAT, 2 million people need organ transplants, “and people are dying before they get one.”
 - To read more: <https://www.statnews.com/2017/04/06/crispr-pig-organs-transplant-luhan-yang/>
- ***Nurses Will Play Key Role in Future of Health Care Reform, AHA Chief Says.*** “Hospitals and nurses alike scored a big victory a little over a week ago, with the unraveling of efforts to repeal and replace Obamacare, preserving coverage for millions

of Americans. But nurses' voices will be all the more important in the aftermath, as politicians in D.C. figure out the path forward for the health care field. That was the message delivered Friday afternoon by American Hospital Association President and CEO Rick Pollack. He spoke during the second day of the American Organization of Nurse Executives' Annual Meeting, here in Baltimore. While it might be tempting to breathe a sigh of relief after the battle that just ended, there are still plenty more battles to be fought on the Hill – chief of them is stabilizing the insurance markets – and Pollack said nurses will play a key role.”

- To read more: <http://www.hhnmag.com/articles/8195-nurses-will-play-key-role-in-future-of-health-care-reform-aha-chief-says>

- ***Seven reasons we're at more risk than ever of a global pandemic.*** “It could take just one cough, one kiss, one touch or even one bite to change not only your life, but the lives of everyone around you -- and for months or even years. In most cases, the closer those people are to you, the greater the risk. But it isn't always that simple. The risk at hand: an infectious outbreak. Public health experts believe we are at greater risk than ever of experiencing large-scale outbreaks and global pandemics like those we've seen before: SARS, swine flu, Ebola and Zika.”
 - To read more: <http://www.cnn.com/2017/04/03/health/pandemic-risk-virus-bacteria/>

- ***One in 10 Pregnant Women With Zika in U.S. Have Babies With Birth Defects.*** “One in 10 pregnant women in the continental United States with a confirmed Zika infection had a baby with brain damage or other serious birth defects, according to the most comprehensive report to date on American pregnancies during the Zika crisis. The report, published Tuesday by the Centers for Disease Control and Prevention, also provided more evidence that the risk of birth defects was greater when women were infected in the first trimester of pregnancy. Fifteen percent of women with confirmed Zika infection in the first trimester had babies with birth defects, the report found.”
 - To read more: <https://www.nytimes.com/2017/04/04/health/zika-birth-defects-united-states.html>