

American Nephrology Nurses Association

Weekly Capitol Hill Update - Monday, April 16, 2018

Congressional Schedule

Senate

- Convenes at 3 pm

House

- Meets at noon

Legislative Update

- **Week in Review**
 - *Senators call for DOJ to stop blocking medical marijuana research.* “Bipartisan senators are calling on Attorney General Jeff Sessions to cease efforts by the Drug Enforcement Agency (DEA) to slow medical marijuana research. In a letter sent Thursday, Sens. Orrin Hatch (R-Utah.) and Kamala Harris (D-Calif.) said they are concerned by reports that the Justice Department is effectively blocking the DEA from taking action on more than two dozen requests to grow marijuana for use in research.”
 - Read more: <http://thehill.com/policy/healthcare/public-global-health/382858-hatch-harris-call-for-doj-to-stop-blocking-medical>
 - *Medicare reimbursement caught in the crosshairs of congressional opioid talks.* “As numerous committees in Congress attempt to tackle the opioid crisis, one, in particular, seems to be eyeing Medicare reimbursements as a likely culprit of overprescribing, but regulation changes could provide a remedy. Leaders of the influential House Ways and Means Committee released a white paper on Wednesday outlining feedback from payers, providers, and pharmacists about the best approaches to combating the opioid epidemic, and many ideas sound familiar.”
 - Read more: <https://www.fiercehealthcare.com/payer/medicare-reimbursement-crosshairs-opioid-talks>

- ***GOP lawmakers expected to draft bill to expand telehealth services under Medicare.*** “The House Ways and Means Committee is drafting legislation that would expand the coverage of telehealth services under Medicare, according to a House GOP committee aide, with the goal of addressing a big inefficiency in the U.S. health care system – expensive, unnecessary hospital visits. A broad coalition of health care stakeholders who are lobbying for the measure says it could save the government a lot of money while improving care for many Medicare beneficiaries.”
 - Read more: <https://morningconsult.com/2018/04/11/gop-lawmakers-expected-draft-bill-expand-telehealth-services-under-medicare/>

- ***Democratic attorneys general fight Texas health care lawsuit.*** “Sixteen Democratic attorneys general pushed back Monday against a Texas lawsuit aimed at striking down former President Barack Obama's health care overhaul. California Attorney General Xavier Becerra led 14 other states and the District of Columbia in filing a motion to intervene in the Texas case and defend the law, suggesting the Trump administration wouldn't take such action.”
 - Read more: <http://abcnews.go.com/Health/wireStory/16-states-fight-texas-lawsuit-targeting-health-overhaul-54346045>

- ***Drug companies get tax windfall, but they're not reducing prescription prices.*** “Booker’s office examined the 10 largest U.S. based pharmaceutical companies – Pfizer, Merck, Johnson & Johnson, Gilead, AbbVie, Amgen, Bristol-Myers Squibb, Eli Lilly, Celgene and Mylan – and how they plan to use their tax windfalls. The study, based on 4th quarter earnings calls, press releases and public statements, shows that in its early days, the new tax law has been almost entirely a boon to shareholders. Five drug companies alone have announced \$45 billion in stock buybacks – accounting for 21% of the largest stock buybacks announced this year.”
 - Read more: <https://www.usatoday.com/story/opinion/2018/04/11/drug-companies-arent-using-tax-windfall-cut-prescription-prices-column/499230002/>

- **Week Ahead**

- ***Opioid distributors to testify before House committee on their role in epidemic.*** “Opioid distributors will face tough questions from lawmakers next month about their role in the nation's ongoing crisis. Five executives of opioid distribution companies will testify before the House Energy and Commerce Committee in May about how millions of pain pills found their way to small West Virginia towns.”

- Read more: <http://thehill.com/policy/healthcare/382874-opioid-distributors-to-testify-before-house-committee-on-their-role-in>
- *House Speaker Ryan to retire in January.* “House Speaker Paul Ryan (R-Wis.) announced his retirement from Congress on Wednesday, raising speculation about who would succeed him as speaker and raising questions about the future of his mission to reform entitlement programs such as Medicare and Medicaid.”
 - Read more: <https://www.medpagetoday.com/publichealthpolicy/medicare/72281>
- *VA Privatization fight could erupt in confirmation hearing.* “Long-simmering tensions about privatizing the Department of Veterans Affairs (VA) could erupt into a confirmation battle over President Trump's pick to lead the department. Trump’s decision to oust former VA Secretary David Shulkin late last month and replace him with White House physician Ronny Jackson stoked speculation that the White House wants to allow veterans more access to private-sector health-care providers.”
 - Read more: <http://thehill.com/policy/healthcare/382555-va-privatization-fight-could-erupt-in-confirmation-hearing>

Regulatory and Administration Update

- *Trump taps new director for office on Medicare reforms.* “The Trump administration on Friday announced a new director for the Center for Medicare and Medicaid Innovation (CMMI), an office that could be at the center of efforts to shake up and reform the health system. Centers for Medicare and Medicaid Services Administrator Seema Verma told staff in an email that Adam Boehler, the former CEO of Landmark Health, a home-based medical care company, will start as the director of the office next week.”
 - Read more: <http://thehill.com/policy/healthcare/381986-new-director-named-for-office-testing-medicare-changes>
- *CMS releases Medicare Advantage/Part D final rule.* “On April 2, 2018, the Centers for Medicare & Medicaid Services (CMS) released a final rule to revise regulations and clarify program requirements within the Medicare Advantage (MA) and the Prescription Drug Benefit (Part D) programs (the Final Rule). Many of the changes support CMS’s broader commitment to flexibility and efficiency in the MA and Part D programs.”
 - Read more: <https://www.jdsupra.com/legalnews/cms-releases-medicare-advantage-part-d-31198/>
- *NIH director: Agency is looking at alcohol industry influence ‘in a very aggressive way.’* “The controversy over research conducted by the National Institutes of Health on the health impacts of moderate drinking has reached Capitol Hill, where a lawmaker on Wednesday stridently questioned the agency’s director, Francis Collins, over the NIH’s

reportedly cozy relationship with the alcohol industry. In response to a question about reports that the NIH had allowed industry partnerships to influence research into alcohol use and the impact of alcohol marketing, Collins told Rep. Lucille Roybal-Allard (D-Calif.) that the NIH is 'looking into this in a very aggressive way.'"

- Read more: <https://www.statnews.com/2018/04/11/nih-alcohol-industry-influence-research/>
- ***FDA approves first AI software that can identify disease, no specialists needed.*** "The Food and Drug Administration has approved the first artificial intelligence software that can decide, without a clinician's involvement, whether a patient might have a certain disease, the agency announced Wednesday. The software, called IDx-DR, looks for diabetic retinopathy, an eye disease that afflicts individuals with diabetes. With minimal training, health care providers can use a special camera to take a picture of the back of the patient's retina, which an algorithm then analyzes to look for the disease. If the software finds evidence of the disease, it recommends that a patient see an eye specialist."
 - Read more: <https://www.statnews.com/2018/04/11/fda-ai-software-interpret-images/>
- ***Trump administration rewrites ACA insurance rules to give more power to states.*** "The Trump administration on Monday rewrote rules for health plans sold through Affordable Care Act marketplaces, tilting control over insurance standards from the federal government to states and handing Americans new ways to avoid penalties for failing to carry coverage. The rules add two broad exemptions from the ACA's requirement that most consumers be insured. The change offers escape hatches that will be retroactive two years, even before a recent tax law ends the penalties completely starting in 2019."
 - Read more: https://www.washingtonpost.com/national/health-science/trump-administration-rewrites-aca-insurance-rules-to-give-more-power-to-states/2018/04/09/94b738fa-3c0f-11e8-a7d1-e4efec6389f0_story.html?utm_term=.2504ee5d2fcf
- ***Trump orders top-to-bottom review of welfare programs.*** "President Donald Trump has directed his agencies to raise the bar for recipients of food stamps, Medicaid, rent subsidies and other welfare programs, and find ways to put more of them back to work. In an executive order signed Tuesday afternoon, Trump directed the Departments of Health and Human Services, Housing and Urban Development, Agriculture and other agencies to make a top-to-bottom review of their safety-net programs, with the goal of finding ways to push more people into the workforce and off of welfare."
 - Read more: <https://www.politico.com/story/2018/04/10/trump-welfare-programs-513814>

- ***What does Alex Azar's plan for value-based care really mean?*** “Policymakers and health care stakeholders are still waiting to see how Azar’s approach may differ from that of his embattled predecessor, Tom Price. Upon taking office, Azar identified four top priorities for HHS. Three of these priorities – combating the opioid crisis, bringing down prescription drug prices, and addressing the cost and availability of insurance – echo the agenda of his predecessor and reflect the most pressing issues of the moment. But it is in his growing emphasis on the fourth priority, what he calls ‘the value-based transformation of our entire health care system,’ that Azar appears poised to distinguish himself.”
 - Read more: <https://www.chcf.org/blog/what-does-alex-azar-s-plan-for-value-based-care-really-mean/>

Articles of Interest

- ***CMS cuts to ambulance pay for dialysis will ‘devastate’ access for some.*** “Skilled nursing providers and ambulance companies are worried that a looming cut to ambulance reimbursement could limit access to care for dialysis patients, as the new rate drives payment below actual cost for some. The Centers for Medicare & Medicaid Services has issued notice to providers and Medicare administrative contractors alerting them that the 13% reduction in reimbursement for non-emergency ambulance trips to dialysis starts Oct. 1.”
 - Read more: <https://www.mcknights.com/cms-cuts-to-ambulance-pay-for-dialysis-will-devastate-access-for-some/printarticle/758249/>
- ***Most Medicare telehealth claims fail documentation audit.*** “Medicare paid a total of \$17.6 million in telehealth payments in 2015, compared with \$61,302 in 2001, but a review found significant shortcomings in the documentation for the consultations. More than half of the \$13.8 million in Medicare telehealth payments examined by federal auditors fell short of reporting requirements.”
 - Read more: <http://www.healthleadersmedia.com/finance/telehealth-claims-hung-improper-documenting>
- ***Insurers look to pass drug price breaks straight to consumers.*** “Some major health insurers plan to take a little sting out of prescription drug prices by giving customers rebates at the pharmacy counter. Aetna and UnitedHealthcare both say they will begin passing rebates they get from drugmakers along to some customers starting next year. They could spark a trend: The idea has been championed by President Donald Trump, and it's something other bill-payers like major employers might consider.”
 - Read more: <http://www.chicagotribune.com/business/ct-biz-drug-price-rebate-20180411-story.html>
- ***New collaborative tackles clinician burnout.*** “Approximately 400 physicians take their own lives each year, a clinician advocacy group said at a Tuesday congressional briefing. The Action Collaborative on Clinician Well-Being and Resilience takes aim at the root

causes of burnout, which can lead to depersonalization, depression, and even suicide, said Victor Dzau, MD, collaborative chair and president of the National Academy of Medicine (NAM)."

- Read more:

<https://www.medpagetoday.com/publichealthpolicy/generalprofessionalissues/72280>

- ***Doctors bristle at push for opioid prescription limits.*** "An increasing number of states and entities in the health industry are putting curbs on the amount of opioids that doctors can prescribe, a controversial move aimed at combating the opioid crisis. These limits have garnered support from various stakeholders and are now being considered in Congress, with a bipartisan group of senators proposing to set a cap on first-time prescriptions for acute pain. But the opioid limits have sparked opposition from the American Medical Association (AMA), the powerful group of physicians. It warns that the opioid rules are arbitrary and inhibit a doctor's ability to care for their patients on an individual basis."
 - Read more: <http://thehill.com/business-a-lobbying/382575-doctors-bristle-at-push-for-opioid-prescription-limits>
- ***CVS faces challenges, opportunities in home dialysis market.*** "The retail pharmacy giant has the potential to be a game-changer in the highly concentrated, \$34 billion kidney dialysis industry, using its ubiquitous retail presence to push consumers into home dialysis. CVS Health's announcement that it will enter the kidney home dialysis market presents the company with as many challenges as opportunities, says industry analyst Jack Curran."
 - Read more: <http://www.healthleadersmedia.com/marketing/cvs-faces-challenges-opportunities-home-dialysis-market>
- ***Life expectancy varies greatly among states.*** "How long you might live may depend on *where* you live. The 10 states with the lowest probability of premature death were: California, Connecticut, Hawaii, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Vermont and Washington. But the news wasn't good for all states. The 10 states with the highest probability of premature death included: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, New Mexico, Oklahoma, South Carolina, Tennessee and West Virginia. The top risk factors contributing to these conditions include poor diets, obesity, diabetes, tobacco use, a lack of exercise and alcohol use, the study found."
 - Read more: <https://www.cbsnews.com/news/life-expectancy-varies-greatly-among-states-study/>
- ***How Washington can tackle hearing loss related to diabetes.*** "There are 29.1 million Americans who are currently diagnosed with diabetes, of these half have a significant hearing loss statistically. In the veteran's population, diabetes is three times more

prevalent than in the general population. Around 25 percent of those who receive care at the VA are diagnosed with this chronic disease. We need to support legislation to make the public aware of the link between diabetes and hearing loss. There are Senate and House bills, S.2575 sponsored by Sens. Elizabeth Warren (D-Mass.) and Rand Paul (R-Ky.) and HR 2276 sponsored by Rep. Tom Rice (R-S.C.). These bipartisan bills named Audiology Patient Choice Act would ensure seniors and those with disabilities on Medicare have direct access to hearing and balance health care services from licensed audiologists.”

- Read more: <http://thehill.com/opinion/healthcare/382336-how-washington-can-tackle-hearing-loss-related-to-diabetes>

- ***Medicaid enrollees have significantly better access to health care compared to uninsured, according to a new study.*** “Americans enrolled in Medicaid have far better access to health care and preventive services than those without coverage, according to new research released today by America’s Health Insurance Plans (AHIP). The in-depth study adds to the clear and consistent evidence that having health insurance coverage in general, and Medicaid specifically, provides significant value and protection for Americans.”
 - Read more: <https://www.ahip.org/value-of-medicaid-access-to-care/>

- ***DaVita alum raises \$11M for kidney care company from some heavy hitters.*** “Somatus Inc., a kidney care startup founded by a former executive of dialysis giant DaVita HealthCare Partners, raised \$11 million in series B funding with support from some heavy hitters including former Obama administration official Andy Slavitt. Vienna, Virginia-based Somatus, created to bring a value-based approach to kidney care, is seeking to expand its technology capabilities and its reach into additional markets. It was co-founded by CEO Ikenna Okezie, M.D., who most recently served as group vice president at Colorado-based DaVita and in management roles at D.C.-based The Advisory Board Co. and McKinsey & Co.”
 - Read more: <https://www.fiercehealthcare.com/hospitals-health-systems/davita-alum-raises-11-million-for-kidney-care-company-from-some-heavy>

- ***‘Re-gifting’ of previously transplanted kidneys extends life for new recipients.*** “Sometimes, the gift of life can be ‘re-gifted.’ That is, a kidney previously donated to one person can be re-donated to a new patient after the initial recipient dies, saving yet another life. Procedures in which people receive previously transplanted kidneys are virtually unheard of, but the surgery could save the lives of hundreds of people in the U.S. each year – people who might otherwise die while waiting for a traditional kidney transplant.”
 - Read more: <http://newsroom.ucla.edu/releases/kidney-regifting-transplanted-organs-extends-life-ucla>

- ***Canadian pharmacy to be fined millions for illegal imports.*** “An online pharmacy that bills itself as Canada's largest is expected to be fined \$34 million Friday for importing counterfeit cancer drugs and other unapproved pharmaceuticals into the United States, a sentence that one advocacy group called too light for such a heinous crime. Canada Drugs has filled millions of prescriptions by offering itself as a safe alternative for patients to save money on expensive drugs, and its founder, Kristian Thorkelson, has been hailed as an industry pioneer for starting the company in 2001.”
 - Read more: <http://abcnews.go.com/Health/wireStory/canadian-pharmacy-fined-millions-illegal-imports-54436940>
- ***Opioid trials to begin in 2019 as settlement is also pushed.*** “A federal judge with an audacious plan to settle hundreds of lawsuits filed by local governments against the drug industry over the destruction wrought by prescription opioid painkillers has altered his course. Cleveland-based Judge Dan Polster issued an order Wednesday scheduling three Ohio trials for 2019 – a shift from his earlier plan to try to work out settlements without also preparing for trials.”
 - Read more: <http://abcnews.go.com/Health/wireStory/opioid-trials-begin-2019-settlement-pushed-54417509>
- ***Health care prices and spending accelerating.*** “In March 2018, the Health Care Price Index rose by 2.2% compared to the previous year, fractionally higher than in February, and the highest rate since January 2012. Driving overall price acceleration is high hospital price growth of 3.7%, barely down from 3.8% in February – a more than 8-year high. This was driven by continuing high hospital price growth for Medicare (4.6%) – the highest Medicare rate since November 2009.”
 - Read more: <https://altarum.org/about/news-and-events/health-care-prices-and-spending-accelerating>