

American Nephrology Nurses Association

Weekly Capitol Hill Update - Monday, April 17, 2017

Congressional Schedule

*House and Senate*

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

Legislative Updates

• **Week in Review:**

- *Trump Administration to Pay Health Law Subsidies Disputed by House.* “The Trump administration says it is willing to continue paying subsidies to health insurance companies under the Affordable Care Act even though House Republicans say the payments are illegal because Congress never authorized them. The statement sends a small but potentially significant signal to insurers, encouraging them to stay in the market. The future of the payments has been in doubt because of a lawsuit filed in 2014 by House Republicans, who said the Obama administration was paying the subsidies illegally.”
  - To read more: <https://www.nytimes.com/2017/04/10/us/politics/affordable-care-act-trump-subsidies.html>
- *Trump dangles Obamacare payments to force Dems to the table.* “President Donald Trump wants to use a key Obamacare subsidy program as leverage to draw Democrats to the negotiating table on health care, three administration officials with knowledge of Trump’s thinking said. Trump could deliver an immediate and fatal blow to the Obamacare marketplaces if he scraps the subsidy program, worth an estimated \$7 billion this year. These cost-sharing subsidies, which help insurers pay medical bills for low-income customers, have been the subject of a long-running lawsuit that the White House could drop at any time. Until now, the president had appeared noncommittal, while his top advisers disagreed on whether to continue the payments as they weigh a broader repeal strategy.”
  - To read more: <http://www.politico.com/story/2017/04/donald-trump-obamacare-subsidies-negotiate-237174>

- ***Trump: I want to pass health care before doing tax reform.*** “President Donald Trump still wants to pass a health care bill before he turns to tax reform. “We're going to have a phenomenal tax reform, but I have to do health care first,” Trump said, according to an excerpt of an interview with Fox Business Network released Tuesday and set to air Wednesday. “I want to do it first to really do it right.” A House Republican plan to repeal and replace the Affordable Care Act, Barack Obama’s 2010 health care reform law, failed last month in what amounted to a huge setback for the White House, which had backed the bill.”
  - To read more: <http://www.politico.com/story/2017/04/trump-tax-reform-health-care-237125>
  
- ***Senior Republicans, Democrats Reach Deal on FDA User Fee Reauthorization.*** “Top Republicans and Democrats in Congress have reached a preliminary deal to extend funding for several programs that are crucial to the approval of new drugs and medical devices in the United States. The deal announced Friday would reauthorize four user fee agreements that drug and medical device makers and the Food and Drug Administration depend upon to get products approved. While the user fee agreements are set to expire at the end of September, the lawmakers aim to send the reauthorization to President Donald Trump before Congress’ August recess. Some lawmakers have floated including additional policies in the reauthorization, but the discussion draft is free of extraneous provisions. That could change, as some lawmakers are likely to seek language on contentious issues such as drug pricing and safety for pharmaceuticals and medical devices.”
  - To read more: <https://morningconsult.com/2017/04/14/senior-republicans-democrats-reach-deal-fda-user-fee-reauthorization/>
  
- **Week Ahead:**
  - ***Tax Day Is Zero Hour For Health Insurance, Too.*** “Your federal income taxes are due April 18 and, likely for several million people, so is a fine for failing to get health insurance. Despite a lengthy debate, Congress has not yet acted on a bill to repeal portions of the Affordable Care Act. That means the law and almost all of its regulations remain in force, for now. For the majority of tax filers, who had insurance through an employer or government program for 2016, all they have to do is check the box on Form 1040 that says they were covered for a full year. That’s it. Under a decision by the Trump administration, however, leaving that box blank will not get your tax return kicked back to you. The IRS under President Barack Obama also did not reject returns with the box left blank last year or the year before, but it had announced it would step up enforcement of what’s known as the “individual mandate” for tax year 2016. That plan was canceled under Trump’s executive order calling on federal agencies to “minimize the burden” of the health law.”
    - To read more: <http://khn.org/news/tax-day-is-choke-time-for-health-insurance-too/>

- ***G.O.P. Bill Would Make Medical Malpractice Suits Harder to Win.*** “Low-income people and older Americans would find it more difficult to win lawsuits for injuries caused by medical malpractice or defective drugs or medical devices under a bill drafted by House Republicans as part of their plan to replace the Affordable Care Act. The bill would impose new limits on lawsuits involving care covered by Medicare, Medicaid or private health insurance subsidized by the Affordable Care Act. The limits would apply to some product liability claims, as well as to medical malpractice lawsuits involving doctors, hospitals and nursing homes. Sean Spicer, the White House press secretary, said the bill would limit “frivolous lawsuits that unnecessarily drive up health care costs.”
  - To read more: <https://www.nytimes.com/2017/04/15/us/politics/republicans-health-care-bill-medical-malpractice-suits.html>

### Regulatory Updates

- ***What Trump Can Do Without Congress to Dismantle Obamacare.*** “House Republicans left for spring break last week, without reaching a deal to repeal and replace the Affordable Care Act. Their bill to overhaul the health care system collapsed on the House floor last month, amid divisions in the caucus. Even without Congress, however, President Trump has the authority to modify important provisions of the health law, including many that House Republicans sought to change or repeal. Here are some examples of actions he could take (or has already taken).”
  - To read more: <https://www.nytimes.com/interactive/2017/04/12/us/what-trump-can-do-to-dismantle-obamacare.html>
- ***Trump Administration Makes First Mark on Obamacare With Regulation.*** “The Trump administration on Thursday released a final rule that slashes the open enrollment period for Affordable Care Act coverage in 2018 in half, among other changes, in its first major regulatory change affecting Obamacare. The regulation, which aims to stabilize the ACA exchanges, could have a significant impact on the marketplace, but it leaves unanswered insurers’ biggest question: whether the government would continue funding the ACA’s cost-sharing subsidies, which help lower-income consumers afford out-of-pocket health costs. As it stands, Cara Kelly, a vice president at Avalere Health, warned the changes may not be enough to keep more insurers from dropping out of marketplaces next year.”
  - To read more: <https://morningconsult.com/2017/04/13/trump-administration-makes-first-mark-obamacare-regulation/>

### Articles of Interest

- ***Why I gave my kidney to a stranger – and why you should consider doing it too.*** “On Monday, August 22, 2016, a surgical team at Johns Hopkins Hospital in Baltimore removed my left kidney. It was then drained of blood, flushed with a preservative solution, placed on ice, and flown to Cincinnati. Surgeons in Cincinnati then transplanted the kidney into a recipient I’d never met and whose name I didn’t know; we didn’t correspond until this past month. The only thing I knew about him at the time

was that he needed my kidney more than I did. It would let him avoid the physically draining experience of dialysis and possibly live an extra nine to 10 years, maybe more. It's not just him, though. We were part of a chain of donations that led to four people getting kidneys, all told. My recipient (let's call him Craig) had a relative who was willing to donate a kidney to him. Unfortunately, the two didn't match. So Craig and his relative agreed to a trade: If Craig got a kidney from somebody, his relative would still go forward and donate to someone else who needed a kidney."

- To read more: <http://www.vox.com/science-and-health/2017/4/11/12716978/kidney-donation-dylan-matthews>
- ***Healthcare's new rural frontier.*** "Just before dusk on an evening in early March, Mimi Rosenkrance set to work on her spacious cattle ranch to vaccinate a calf. But the mother cow quickly decided that just wasn't going to happen. She charged, all 1,000 pounds of her, knocking Rosenkrance over and repeatedly stomping on her. "That cow was trying to push me to China," Rosenkrance recalls. Dizzy and nauseated, with bruises spreading on both her legs and around her eye, Rosenkrance, 58, nearly passed out. Her son called 911 and an ambulance staffed by volunteers drove her to Lost Rivers Medical Center, a tiny brick hospital nestled on the snowy hills above this remote town in central Idaho. Lost Rivers has only one full-time doctor and its emergency room has just three beds – not much bigger than a summer camp infirmary. But here's what happened to Rosenkrance in the first 90 minutes after she showed up: She got a CT scan to check for a brain injury, X-rays to look for broken bones, an IV to replenish her fluids and her ear sewn back together. The next morning, although the hospital has no pharmacist, she got a prescription for painkillers filled through a remote prescription service. It was the kind of full-service medical treatment that might be expected of a hospital in a much larger town."
  - To read more: <http://www.politico.com/agenda/story/2017/04/rural-healthcare-idaho-lost-rivers-000394>
- ***How U.S. Health Care Became Big Business.*** "Health care is a trillion-dollar industry in America, but are we getting what we pay for? Dr. Elisabeth Rosenthal, a medical journalist who formerly worked as a medical doctor, warns that the existing system too often focuses on financial incentives over health or science. "We've trusted a lot of our health care to for-profit businesses and it's their job, frankly, to make profit," Rosenthal says. "You can't expect them to act like Mother Teresas." Rosenthal's new book, *An American Sickness*, examines the deeply rooted problems of the existing health-care system and also offers suggestions for a way forward. She notes that under the current system, it's far more lucrative to provide a lifetime of treatments than a cure."
  - To read more: <http://www.npr.org/sections/health-shots/2017/04/10/523005353/how-u-s-health-care-became-big-business>
- ***FDA, industry fear wave of medical-device hacks.*** "Regulators and medical-device-makers are bracing for an expected barrage of hacking attacks even as legal and technical uncertainties leave them in uncharted territory. Tens of millions of electronic health records have been compromised in recent years, a number that is growing and, some say, underreported. High-profile attacks have hit hospitals and health insurers, and now attention is turning to a new vulnerability: medical devices like pacemakers

and insulin pumps. The Food and Drug Administration (FDA) has become increasingly concerned about the issue and is working to coordinate with other agencies on how to respond if a serious medical device hack were to occur.”

- To read more: <http://thehill.com/policy/healthcare/328120-fda-industry-fear-wave-of-medical-device-hacks>
- ***Pence’s Medicaid experiment confounds expectations on the left and right.*** “When former Indiana Gov. Mike Pence embraced Obamacare’s Medicaid expansion with conservative twists — such as requiring enrollees to contribute to their care — critics lamented poor people would be locked out while backers cheered the program’s focus on personal responsibility. Neither side’s expectations were quite borne out. Two years later, as the program emerges as a national model thanks to Pence’s role in the Trump administration, the reality on the ground shows what happens when political philosophy collides with the practical challenges of providing health care to tens of thousands of people, many of them in crisis.”
  - To read more: <http://www.politico.com/story/2017/04/mike-pence-medicaid-indiana-237241>
- ***Is Obamacare in a ‘Death Spiral’?*** “The Affordable Care Act’s marketplaces have faced a tough year. They aren’t imploding, but they have experienced high premium increases and insurer exits this year. Further difficulties are expected for 2018. All that has Democrats worried, and Republicans crowing, that this pillar of former President Barack Obama’s signature health care law has entered a “death spiral.” So, what is a death spiral, anyway, and how do you know when you’re in one?”
  - To read more: <http://www.politico.com/magazine/story/2017/04/obamacare-death-spiral-215011>
- ***This is how Obamacare might actually explode.*** “The Trump administration is sending mixed messages on billions of dollars in federal payments that make deductibles affordable for millions of Americans and are a top priority for health insurers considering whether to sell Affordable Care Act health plans next year. The administration said it will continue making the payments while a lawsuit that challenged whether they are legal is ongoing. But a spokeswoman stressed Tuesday that no final decisions have been made about the long-term future of the payments or the lawsuit. “The administration is currently deciding its position on this matter,” Alleigh Marré, a spokeswoman for the Department of Health and Human Services said in an e-mail. “No decisions have been made about how the administration will proceed.”
  - To read more: <https://www.washingtonpost.com/news/wonk/wp/2017/04/11/this-is-how-obamacare-might-actually-explode/>