

American Nephrology Nurses Association

Weekly Capitol Hill Update - Tuesday, May 10th, 2016

Congressional Schedule

House

- “On Tuesday, the House will meet at 2 p.m. for legislative action on several measures under suspension of the rules, including a bill (H.R. 5048) that would require a review of state laws that shield from liability individuals who help persons experiencing opioid overdose. On Wednesday, the House will meet at noon for legislative action on several suspenders and a bill (H.R. 4641) that would establish an interagency task force to update medical best practices for pain management and prescribing pain medication. Later in the week, the House will consider a bill (H.R. 5046) that would establish two Justice Department grant programs to help in combating opioid abuse, as well as a motion to conference with members of the Senate on a similar bill from the other chamber (S. 524).” (CQ)

Senate

- “Convenes at 3 p.m. and will resume consideration of the expected vehicle for the fiscal 2017 Energy-Water appropriations bill (H.R. 2028). At 5:30 p.m., the chamber will hold a third cloture vote on the substitute amendment that contains the spending text.” (CQ)

Legislative Updates

- **Week Ahead: House Takes on Opioid Crisis.** “The House will turn its attention to the opioid abuse crisis in the coming week as Congress looks for a bipartisan achievement in an election year. The House is expected to vote on the *Comprehensive Opioid Abuse Reduction Act*, which authorizes \$103 million in grants for programs such as substance abuse treatment and training for first responders. It is a companion piece to legislation that already passed the Senate on an overwhelmingly bipartisan vote in March. The House is also expected to vote on a range of other bills aimed at addressing the opioid abuse crisis, including one to set up an interagency task force. The bills are expected to receive wide bipartisan support, though Democrats have also been calling for adding \$600 million in emergency funding.”
 - For the full article, please see the following link:
<http://thehill.com/policy/healthcare/279046-week-ahead-house-takes-on-opioid-crisis>

- ***GOP Subpoenas ObamaCare Documents.*** “House Republicans are subpoenaing documents related to ObamaCare payments that they say break the law. Two House committees issued the subpoenas on Wednesday, saying the administration has refused to comply with document requests for over a year. The administration counters that the matter is part of an ongoing lawsuit. ‘Now, 15 months after our first request, we still don’t have the most basic information about the \$5 billion in unlawful payments to insurance companies,’ Reps. Fred Upton (R-MI) and Kevin Brady (R-TX), the chairmen of two committees, said in a statement. ‘Enough is enough,’ they added. ‘Complying with Congress is not optional, and the American public deserves the courtesy and respect of cooperation. Our pursuit of the facts and the truth continues.’ The top Democrats on the same two committees, Reps. Frank Pallone Jr. (NJ) and Sandy Levin (MI), fired back in a statement, saying that Republicans are dusting off ‘the same old playbook’ of attacking the *Affordable Care Act* (ACA) and trying to make ‘an end run around the judicial process,’ since the matter is already the subject of a lawsuit.”
 - For the full article, please see the following link:
<http://thehill.com/policy/healthcare/278762-house-gop-subpoenas-obamacare-documents>
- ***Medicare Part D Bill Introduced.*** Last week, Senate Finance Committee Ranking Member Ron Wyden (D-OR) introduced legislation that would protect Medicare beneficiaries and states from a sharp rise in Part B premiums and deductibles in 2016. Wyden’s bill, the *Protecting Medicare Beneficiaries Act of 2016* (S. 2148) ensures that Medicare premiums and deductibles will not increase in 2016.
 - To review the legislation, please see the following link:
[https://www.congress.gov/bill/114th-congress/senate-bill/2148/text?q={%22search%22%3A\[%22%22s2148%22%22\]}&resultIndex=1](https://www.congress.gov/bill/114th-congress/senate-bill/2148/text?q={%22search%22%3A[%22%22s2148%22%22]}&resultIndex=1)

Regulatory Updates

- ***Centers for Medicare and Medicaid Services (CMS) on Track for End-Stage Renal Disease (ESRD) Rule.*** The Calendar Year (CY) 2017 ESRD Prospective Payment System (PPS) and Quality Incentive Program (QIP) proposed rule has been sent to the Office of Management and Budget (OMB). We expect the proposed rule to be released in June or July of 2016.
 - For more information, please see the following link:
<http://www.reginfo.gov/public/do/eoDetails?rrid=126306>
- ***Feds Announce Much Tougher E-Cigarette, Cigar Rule.*** “Electronic cigarettes will now be regulated much like tobacco cigarettes and their sale to children banned, according to a new federal rule issued last week. Under the rule, the Food and Drug Administration (FDA) would have to approve all tobacco products not currently regulated that hit stores after February 2007. The e-cigarette industry was virtually non-existent before then. Premium, hand-rolled cigars, as well as hookah and pipe tobacco, are also included in the new regulation, which federal officials call ‘historic.’ The rule prohibits selling ‘covered tobacco products’ to people younger than 18, and buyers must show photo ID. It also requires health warnings be displayed on cigarette tobacco, roll-your-own tobacco, and covered tobacco product packages and in advertisements; and bans

free samples and the sale of covered products in vending machines not located in adult-only facilities.”

- For the full article, please see the following link:
<http://www.usatoday.com/story/news/politics/2016/05/05/feds-expected-announce-final-e-cigarette-rule-could-nearly-ban-them/83951786/>
- **HHS Launches Contest to Make Bills Simpler.** “The Department of Health and Human Services wants to make people’s medical bills easier to understand. HHS Secretary Sylvia Burwell is announcing a competition to design a medical bill that is clearer and simpler. The winner will receive a \$5,000 prize. ‘People who use health care in the U.S. today can often receive bills from multiple hospitals, doctors, labs or specialists for the same episode of care that vary in content, presentation and use of health industry jargon,’ HHS says. ‘Because of this, it can be difficult for patients to understand what they owe, what their insurance plan covers, and whether the bills are correct or complete.’ The ‘A Bill You Can Understand’ challenge seeks to change that. A range of hospitals, which together have over 10 million patients, have agreed to try out the winning medical bill design.”
 - For the full article, please see the following link:
<http://thehill.com/policy/healthcare/279187-hhs-launches-contest-to-make-bills-simpler>
 - For HHS’ contest page, please see the following link:
<http://www.abillyoucanunderstand.com/>
- **FDA Panel Urges Mandatory Opioid Training for Doctors.** “An advisory panel to the Food and Drug Administration overwhelmingly endorsed mandatory training for doctors who prescribe opioid painkillers, in an effort to stem what has become a national epidemic of deaths and addiction from the drugs. The recommendation followed a two-day hearing on the medical evidence regarding opioids and ways to improve their safety. Overall, the committee voted unanimously to recommend an overhaul of current federal requirements to train doctors and patients about the risks of overusing the pain drugs. On the mandatory doctor-training question and some other safety recommendations, the panel’s chairman, Dr. Almut Winterstein of the College of Pharmacy at the University of Florida, said the group had shown ‘fairly overwhelming agreement.’”
 - For the full article, please see the following link: <http://www.wsj.com/articles/fda-panel-urges-mandatory-opioid-training-for-doctors-1462405146>

Articles of Interest

- **Report Suggests Paying Kidney Donors Could Increase the Number of Donors.** “Within the past 12 years, more than 63,000 patients in the United States have died waiting for a kidney transplant, while more than 100,000 currently remain on the transplant list. Meanwhile, the amount of living kidney donors in 2015 only reached a little over 5,000. Now, a new study from the University of Florida College of Medicine suggests offering compensation to living donors could increase the likelihood of kidney donations, which is currently prohibited. In a survey of 1,011 registered voters, 59 percent of respondents would be more likely to donate a kidney if offered \$50,000, while 32 percent of respondents were indifferent. The report also supports the concept by citing other paid

medical procedures, such as egg and sperm donation. In addition to the data about compensation, 91 percent of respondents said they would be open to donating one of their kidneys to a family member or a stranger.”

- To see the full article, please see the following link: <http://dpcedcenter.org/report-suggests-paying-kidney-donors-could-increase-number-donors#overlay-context=penn-researchers-find-females-more-resistant-organ-damage-following-kidney-transplant>
- To see the study, please see the following link: <http://archsurg.jamanetwork.com/article.aspx?articleid=2505683>
- ***New Report Highlights Statistics on Chronic Kidney Disease in the United States.*** “A recent report assessing chronic kidney disease in the United States offers statistics on the condition that affects almost 14 percent of the U.S. population. The data, compiled by researchers at the University of Virginia, focuses on prescriptions used by chronic kidney disease patients with Medicare Part D. ‘This report is a one-stop shop to try to understand the prevalence of kidney disease, how it’s being treated and how the burden affects various populations,’ said researcher Rajesh Balkrishnan of the University of Virginia School of Medicine. ‘If we can identify which treatment modalities are working and how they’re used and link these treatments to outcomes, we can inform the government of the most cost-effective ways to manage and treat the growing burden of kidney disease in the U.S.’”
 - For the full article, please see the following link: <http://dpcedcenter.org/new-report-highlights-statistics-chronic-kidney-disease-united-states#overlay-context=report-suggests-paying-kidney-donors-could-increase-number-donors>
- ***Nurse's Unpaid Overtime Claim Teaches Lessons.*** “A recent case filed by an Illinois nurse who claims that she is owed unpaid overtime by her former employer illustrates the importance of proper timekeeping procedures and accurate records. The court’s decision in *Roberts v. Advocate Health Care* demonstrates the types of off-the-clock wage claims that employees may bring against you, and offers lessons on how records can support or undermine your defense of those claims. Nurse Sharon Roberts worked as a team lead in the cardiac catheterization lab of Advocate Illinois Masonic Medical Center from 2009 to 2013. Following her termination from employment, she sued the hospital for unpaid overtime, claiming that she was forced to perform eight to 12 hours of unpaid overtime each week during her employment. The first category of off-the-clock work, according to Roberts’ allegations, consisted of frequently being forced to work through her lunch break. She claimed, for example, that she often had to respond to messages received on her hospital-issued pager. She also alleged that her supervisor consistently convened impromptu meetings after she had clocked out for the day. The second category of alleged off-the-clock work consisted of Roberts claiming that she received communications via email, text, and page from her supervisor outside regular business hours, and that she was forced to spend unpaid time reading and responding to these communications.”
 - For the full article, please see the following link: http://www.laborlawyers.com/nurses-unpaid-overtime-claim-teaches-lessons?utm_source=Mondaq&utm_medium=syndication&utm_campaign=View-Original

Hearings

Wednesday, May 11th:

- **House Energy and Commerce Subcommittee on Health Hearing** – *Healthcare Solutions: Increasing Patient Choice and Plan Innovation*
 - 10:00 a.m. @ 2322 Rayburn House Office Building
- **House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade Hearing** - *Daily Fantasy Sports: Issues and Perspectives*
 - 10:15 am @ 2123 Rayburn House Office Building
- **House Ways and Means Committee Health Subcommittee Hearing** - *Implementation of Medicare Access & CHIP Reauthorization Act of 2015 (MACRA)*
 - 2:00 pm @ 1100 Longworth House Office Building

Thursday, May 12th:

- **House Committee on Veterans Affairs Hearing** - *Combating the Crisis: Evaluating Efforts to Prevent Veteran Suicide*
 - 10:00 am @ 334 Cannon House Office Building

Friday, May 13th:

- **House Energy and Commerce Subcommittee on Oversight and Investigations Hearing** - *Concussions in Youth Sports: Evaluating Prevention and Research*
 - 9:30 am @ 2123 Rayburn House Office Building