



## Health Policy Briefing

August 19, 2019

### Lawmakers Hold Listening Sessions for Follow-Up to Cures

Reps. Dianna DeGette (D-Colo.) and Fred Upton (R-Mich.) have begun listening sessions to inform follow-on legislation to their landmark 21st Century Cures bill which became law in 2016. The lawmakers had previously issued a joint statement on the four year anniversary of the House’s passage of the 21st Century Cures Act announcing that they are “beginning to work on new bipartisan legislation that will continue to build upon the progress we have made and help us take the next step toward finding even more life-saving cures.” While the announcement did not mention any specific policies, both lawmakers continue to serve as senior members on the House Energy and Commerce Committee.

The House and the Senate continue to meet in pro forma sessions but are not scheduled to return for votes until September 9.

#### *Grassley Requests Info on Withholding of Data by Novartis*

Senate Finance Committee Chairman Chuck Grassley (R-Iowa) has [written](#) to the CEO of Novartis regarding reports that the company withheld data on its drug Zolgensma from the Food and Drug Administration (FDA) before the gene therapy was approved. Chairman Grassley states that he wishes to “better understand the decision-making process that led to the intentional withholding of important information from the FDA,” and also requests further details regarding Novartis’ internal inquiry into data manipulation for the treatment.

#### *Inside*

Cummings, Sanders Investigate Pricing Collusion and Obstruction by Generic Manufacturers.....	2
Democrats Push for Withdrawal of Section 1557 Rule..	2
Upcoming Congressional Hearings and Markups.....	2

### ***Cummings, Sanders Investigate Pricing Collusion and Obstruction by Generic Manufacturers***

House Oversight Committee Chairman Elijah Cummings (D-Md.) and Sen. Bernie Sanders (I-Vt.) have [written](#) to a group of generic manufacturers regarding allegations of pricing collusion and an apparent coordinated obstruction campaign. The lawmakers first requested documents from Teva Pharmaceutical Industries, Mylan, and Heritage Pharmaceuticals in 2014 regarding price increases for generic drugs, but never received the information requested. In May, Connecticut and 43 other states filed a complaint against the companies for illegally colluding to keep generic prices high. The lawsuit also states that the manufacturers coordinated their responses to the 2014 congressional investigation. Cummings and Sanders are asking for the documents originally requested as a part of that investigation, as well as all communications between the firms related to the investigation.

### ***Democrats Push for Withdrawal of Section 1557 Rule***

In a [letter](#) sent to the U.S. Department of Health and Human Services (HHS), 125 House Democrats urged the administration against rolling back an Affordable Care Act (ACA) provision that protects against health care discrimination based on sex. The lawmakers request that HHS withdraw the proposed rule, which would remove protections for gender identity from the law's definition of "sex discrimination." Section 1557 of the ACA protects patients from being turned away because they are transgender and prohibits against the denial of coverage for services related to a patient's transgender status. It also protects women seeking abortions from discrimination in health care settings. The administration's proposal would also eliminate requirements to ensure that individuals with limited proficiency in English have access to health information in their own language. A similar [letter](#) was sent by Senate Health, Education, Labor, and Pensions (HELP) Committee Ranking Member Patty Murray (D-Wash.) and 35 Senate Democratic colleagues. Comments on the proposed rule were due last Tuesday.

## **Upcoming Congressional Hearings and Markups**

***Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights oversight hearing to examine enforcement of the antitrust laws; 2:30 p.m., 226 Dirksen Bldg.; September 17***