



Health Policy Briefing

August 12, 2019

President Signs Medicaid Extenders into Law

President Trump signed a Medicaid extensions bill into law last week. The *Sustaining Excellence in Medicaid Act of 2019* (H.R. 3253) extends or increases funding for several programs within Medicaid, including the Certified Community Behavioral Health Clinics (CCBHC) demonstration program, the Money Follows the Person (MFP) Rebalancing Demonstration Grant program, and the Family-to-Family Health Information Centers program. The bill would also modify Medicare payments for new Part B drugs and extends a measure related to spousal income protections.

Senate to Consider Ebola Legislation in September

The Senate has agreed to consider the *Ebola Eradication Act* by September 26. S. 1340 would provide relief through USAID for the current Ebola outbreak taking place in the Democratic Republic of Congo. The legislation would clear the way for “multi-sectoral, non-humanitarian, and non-trade related” support, prioritizing activities to improve access to affected communities. It would authorize amounts necessary to effectively respond to the outbreak. USAID would be required to report to Congress on its efforts and any additional authorities required to improve the nation’s response to the outbreak within 30 days. The Congressional Budget Office (CBO) estimates that the bill would cost \$70 million through fiscal 2024. As of July 31, the current Ebola outbreak has killed more than 1,800 Congolese. A similar measure (H.R. 3085) has been introduced in the House of Representatives, but it has yet to be considered by the House Foreign Affairs Committee.

W&M to Draft Separate Surprise Billing Legislation

The House Ways and Means Committee is working to draft its own policy to hold patients harmless against surprise insurance gaps, according to the panel’s Chairman Richard Neal (D-Mass.) and its Ranking Member Kevin Brady (R-Texas). Their effort will be separate from the legislation that has already been advanced by the House Energy and Commerce Committee.

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WH Announces Plans for September Health Policy Release

White House counselor Kellyanne Conway announced last week that the President will release his “elaborate” plan to overhaul the health care system next month. The details of the proposal remain unclear, and congressional Republicans have stated that they are also unfamiliar with any forthcoming proposals. A spokesperson for the President confirmed that the plan will protect people with pre-existing conditions, lower drug prices, end surprise medical bills, and ensure the highest quality of care.

Grassley Pushes for Surprise Inspections of Foreign Drug Manufacturers

Chairman of the Senate Finance Committee Chuck Grassley (R-Iowa) is [requesting](#) that the Food and Drug Administration (FDA) reinstate unannounced inspections of foreign drug manufacturers. His letter notes that a pilot program under the Obama administration which used unannounced inspections found violations that “otherwise would have been hidden because of the advanced warning system.” Sen. Grassley also points toward the importance of unannounced inspections given the recent push by the Administration to import drugs from Canada in an effort to reduce drug prices. The August 6 letter was sent to leaders of both the FDA and the U.S. Department of Health and Human Services (HHS).

Appropriators Raise Concerns About Infectious Diseases in DHS Facilities

Reps. Rosa DeLauro (D-Conn.) and Lucille Roybal-Allard (D-Calif.) have [written](#) to HHS Secretary Alex Azar and Department of Homeland Security (DHS) Acting Secretary Kevin McAleenan regarding how their agencies are handling concerns regarding the risk of infectious diseases at DHS facilities holding children who have entered the country through the southern border. DeLauro, Chair of the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, and Roybal-Allard, Chair of the Subcommittee on Homeland Security, question whether “poor conditions in these facilities may be exacerbating the spread of infectious diseases that poses significant health risks to the other children around them.” The lawmakers note their particular concern about influenza, given the impending start of flu season, and point to a letter they received from doctors from Harvard and Johns Hopkins about the threat of infectious diseases inside these facilities.

E&C Request Details on Bioterrorism Detection System

Bipartisan leadership of the House Energy and Commerce Committee has sent a [letter](#) to the Government Accountability Office (GAO) requesting that the agency examine the deployment of DHS’s new biodetection technology system, BioDetection 21 (BD21). The BD21 pilot program is supposed to replace BioWatch, the early warning system designed to detect large-scale bioterrorism threats. The lawmakers also ask that GAO evaluate DHS’s implementation of previous recommendations for the biodetection program. The letter was signed by Chairman Frank Pallone (D-N.J.), Ranking Member Greg Walden (R-Ore.), Oversight and Investigations Subcommittee Chair Diana DeGette (D-Colo.), and Subcommittee Ranking Member Brett Guthrie (R-Ky.).

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

Recently Introduced Health Legislation

H.R.4141 — To amend title XIX of the Social Security Act to provide a consistent standard of health care to the incarcerated, and for other purposes; Sponsor: Rep. Kuster, Ann M. [D-NH-2]; Committees: House - Energy and Commerce, Judiciary

H.R.4144 — To enable States to better provide access to whole genome sequencing clinical services for certain undiagnosed children under the Medicaid program, and for other purposes; Sponsor: Rep. Peters, Scott H. [D-CA-52]; Committees: House - Energy and Commerce

H.R.4145 — To establish a commission to prevent exertional heat stroke deaths among high school and collegiate athletes, and for other purposes; Sponsor: Rep. Smith, Christopher H. [R-NJ-4]; Committees: House - Education and Labor, Energy and Commerce

H.R.4154 — To direct the Under Secretary of Health of the Department of Veterans Affairs to contact certain veterans to encourage such veterans to receive medical examinations furnished or paid for by the Secretary of Veterans Affairs; Sponsor: Rep. Lee, Susie [D-NV-3]; Committees: House - Veterans' Affairs

H.R.4158 — To prohibit price gouging in the sale of drugs; Sponsor: Rep. Pingree, Chellie [D-ME-1]; Committees: House - Energy and Commerce

H.R.4159 — To amend the Health Insurance Portability and Accountability Act to ensure coverage for individuals with preexisting conditions, and for other purposes; Sponsor: Rep. Riggleman, Denver [R-VA-5]; Committees: House - Energy and Commerce, Ways and Means, Education and Labor

H.R.4161 — To amend title XVIII of the Social Security Act to provide for the application of Medicare secondary payer rules to certain workers' compensation settlement agreements and qualified Medicare set-aside provisions; Sponsor: Rep. Thompson, Mike [D-CA-5]; Committees: House - Ways and Means, Energy and Commerce

S.2412 — A bill to amend title XVIII of the Social Security Act to provide coverage of addiction counselor services under part B of the Medicare program; Sponsor: Sen. Tester, Jon [D-MT]; Committees: Senate - Finance

S.2414 — A bill to amend the Internal Revenue Code of 1986 to extend the Health Coverage Tax Credit; Sponsor: Sen. Portman, Rob [R-OH]; Committees: Senate - Finance

S.2424 — A bill to reauthorize the Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009; Sponsor: Sen. Klobuchar, Amy [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions

S.2428 — A bill to amend title XVIII of the Social Security Act to provide for certain reforms with respect to Medicare supplemental health insurance policies, and for other purposes; Sponsor: Sen. Brown, Sherrod [D-OH]; Committees: Senate - Finance

S.2438 — A bill to prevent, treat, and cure tuberculosis globally; Sponsor: Sen. Menendez, Robert [D-NJ]; Committees: Senate - Foreign Relations

S.2440 — A bill to amend the Internal Revenue Code of 1986 to expand permissible distributions from an employee's health flexible spending account or health reimbursement arrangement to their health savings account; Sponsor: Sen. Sasse, Ben [R-NE]; Committees: Senate - Finance

S.2441 — A bill to amend the Internal Revenue Code of 1986 to allow individuals who are not enrolled in a high deductible health plan to have access to health savings accounts, and for other purposes; Sponsor: Sen. Sasse, Ben [R-NE]; Committees: Senate - Finance