

American Nephrology Nurses Association

Weekly Capitol Hill Update – Monday, January 7, 2019

Congressional Schedule

Senate

- Senate out until Tuesday.

House

- House out until Tuesday.

Legislative Update

- **Week in Review**
 - *Nancy Pelosi elected House Speaker, reclaims gavel to lead Democrats' new majority.* "Nancy Pelosi was officially elected the new House speaker on Thursday in a majority vote by the House of Representatives on the first day of the 116th Congress. She defeated the Republican nominee Kevin McCarthy, winning 220 votes. McCarthy becomes the House minority leader. As House speaker, Pelosi will regularly face off against President Donald Trump and will preside over an emboldened and energized Democratic majority that is poised to launch aggressive oversight of the President and his administration."
 - Read more: <https://www.cnn.com/2019/01/03/politics/nancy-pelosi-house-speaker-vote-new-congress/index.html>
 - *With Senate votes, Trump gets a permanent drug czar – and his first science adviser.* "In the final hours of a lame-duck Congress, lawmakers on Wednesday confirmed the Trump administration's nominees for science adviser and 'drug czar,' following nearly two years in which those White House posts sat vacant. The confirmation of Kelvin Droegemeier, a former University of Oklahoma professor, means the White House's Office of Science and Technology Policy will have a director for the first time since the president's inauguration in January 2017. The Senate also confirmed James Carroll to lead the Office of National Drug Control Policy, giving the White House a top drug policy adviser amid a national epidemic in which 70,000 Americans die each year from drug overdoses. Carroll has filled the role in an acting position since February."

- Read more: <https://www.statnews.com/2019/01/02/with-senate-votes-trump-gets-a-permanent-drug-czar-and-his-first-science-adviser/>

- **Week Ahead**

- *Warren bill would get feds into generic drug manufacturing.* “Sen. Elizabeth Warren (D-Mass.), a likely 2020 presidential candidate, will release a bill on Tuesday that would effectively create a government-run pharmaceutical manufacturer to mass-produce generic drugs and bring down prices, several sources in her office told POLITICO on Monday in an exclusive preview of the legislation. The bill, dubbed the Affordable Drug Manufacturing Act, is unlikely to pass the Republican-led Senate, but it signals that a future Warren White House could try to radically revamp the federal government’s role in the pharmaceutical market in order to lower prices.”
 - Read more: <https://www.politico.com/story/2018/12/17/elizabeth-warren-bill-drug-manufacturing-prices-1067916>
- *House to vote next week on intervening to defend ObamaCare in court.* “The House will hold a vote next week on intervening to defend ObamaCare in court against a GOP-led lawsuit, which Democrats hope will be a tough vote for many Republicans. A spokesman for House Minority Leader Nancy Pelosi (D-Calif.) said the vote on having the House formally intervene in court to defend ObamaCare will come next week, in addition to a vote on Thursday on intervening in the lawsuit as part of the larger package of rules for the new session of Congress. Holding the separate additional vote next week will put Republican lawmakers on record, highlighting the political pressure that Democrats hope to put on vulnerable GOP lawmakers who campaigned last year pledging to support protections for people with pre-existing conditions.”
 - Read more: <https://thehill.com/policy/healthcare/423485-house-to-vote-next-week-on-intervening-to-defend-obamacare-in-court>

Regulatory and Administration Update

- **ESRD Quality Incentive Program: CY 2019 ESRD PPS Final Rule Call.** “During this call, learn about provisions for the End-Stage Renal Disease (ESRD) Quality Incentive Program (QIP) in the CY 2019 ESRD Prospective Payment System (PPS) final rule. Find out how CMS will conduct ESRD QIP for Payment Years 2021 and 2022. Topics include: Legislative framework; Updates to ESRD QIP measures, domain structure, and weights; Modifications to data submission requirements and the National Healthcare Safety Network Validation Study.” The call will be held January 15, 2019, from 2 to 3 pm EST.
 - Read more: <https://www.cms.gov/Outreach-and-Education/Outreach/NPC/National-Provider-Calls-and-Events-Items/2019-01-15-ESRD.html>
- **Medicare Program; End-Stage Renal Disease Prospective Payment System, Payment for Renal Dialysis Services Furnished to Individuals With Acute Kidney Injury, End-Stage Renal Disease Quality Incentive Program, Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program (CBP) and Fee**

Schedule Amounts, and Technical Amendments To Correct Existing Regulations Related to the CBP for Certain DMEPOS; Correction “This document corrects technical and typographical errors that appeared in the final rule published in the Federal Register on November 14, 2018.”

- Read more: <https://www.federalregister.gov/documents/2018/12/28/2018-28347/medicare-program-end-stage-renal-disease-prospective-payment-system-payment-for-renal-dialysis>
- ***Judge blocks Trump administration cuts to 340B hospital drug-discount program.*** “A federal judge has blocked a Trump administration policy that reduces payments to hospitals under a drug discount program, ruling Thursday that the government overstepped its authority in an attempt to address the high cost of prescription medications. The decision is a win for the 2000-plus hospitals participating in the program, known as 340B, most of which serve large numbers of low-income patients. In 2017, the Department of Health and Human Services reduced its reimbursements for some drugs by about 28 percentage points, or \$1.6 billion, starting on January 1, 2018.”
 - Read more: <https://www.statnews.com/2018/12/28/judge-blocks-trump-administration-hospital-340b-cuts/>
- ***Updates for Immunosuppressive Guidance.*** Guidance issued 12/31/2018; Implementation date 4/3/2019.
 - Read more: <https://www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/2018-Transmittals-Items/R4189CP.html>
- ***Proposed restrictions on payment for more frequent dialysis may be eased in the mid-West.*** “Medicare administrative contractor Wisconsin Physicians Services, one of seven contractors that proposed payment restrictions more than a year ago for more frequent dialysis, released revised language last month retracting the restrictions. Wisconsin Physicians Services (WPS), which covers states in the mid-West, has proposed to add the language, ‘Some patients due to chronic or long-term conditions may require dialysis that exceeds the usually covered 14 treatments per month’ to its local coverage determination (LCD) rule regarding payment for dialysis sessions that are prescribed more than three times a week. The number of additional treatments and the reasoning behind the order would need to be present in the dialysis documentation, the contractor wrote.”
 - Read more: <https://www.healio.com/nephrology/home-dialysis/news/online/%7B4b7ca12e-ff15-4d1f-ba50-abf812e1c580%7D/proposed-restrictions-on-payment-for-more-frequent-dialysis-may-be-eased-in-the-mid-west>
- ***Trump's Medicaid director leaves to join incoming Florida governor's office.*** “The Trump administration's Medicaid director is leaving after less than three months on the job. Mary Mayhew announced Friday her resignation as the director of the Center for Medicaid and CHIP Services (CMS). Mayhew said in an email to staff she has accepted a position with Florida Gov.-elect Ron DeSantis.”
 - Read more: <https://thehill.com/policy/healthcare/423930-trumps-medicaid-director-leaves-after-less-than-three-months-on-the-job>

Articles of Interest

- ***NRAA-Commissioned study examines accuracy of Medicare ESRD Prospective Payment System.*** “The National Renal Administrators Association has commissioned Dobson | DaVanzo & Associates to examine the accuracy of Medicare End-Stage Renal Disease Prospective Payment System rate setting as influenced by dialysis provider Medicare cost reports, according to a NRAA press release. The study identified areas where costs are reported inconsistently, patterns of cost which may differentiate sections of the industry and potential flaws in the payment system rooted in cost report data. This was done with the aim of evaluating how Medicare cost reports data affect payment rates for dialysis services and proposed cost report instruction and content changes to CMS as warranted.”
 - Read more: <https://www.healio.com/nephrology/chronic-kidney-disease/news/online/%7Bd0348a26-7e40-4822-bde9-77c7a5b9cd32%7D/nraa-commissioned-study-examines-accuracy-of-medicare-esrd-prospective-payment-system>
- ***Dem states take first step in appealing ObamaCare ruling.*** “A coalition of Democratic states defending ObamaCare filed notice Thursday to appeal a recent federal court ruling that struck down the health care law as unconstitutional, sparking what's likely to be a lengthy legal fight that could reach the Supreme Court and influence the 2020 elections. California Attorney General Xavier Becerra (D) said that by appealing to the Louisiana-based 5th Circuit Court of Appeals, the 17 states are standing up for Americans who count on health care.”
 - Read more: <https://thehill.com/policy/healthcare/423693-dem-states-take-first-step-in-appealing-obamacare-ruling>
- ***How the government shutdown affects health programs.*** “There seems to be no end in sight for the current partial government shutdown, the third since the beginning of the Trump administration. For the vast majority of the federal government’s public health efforts, though, it’s business as usual. The shutdown itself is not about health policies. It’s the result of differences of opinion between the administration and congressional Democrats regarding Trump’s so-called border wall. But it’s far-reaching, nonetheless. Here’s where things stand: Funding for ‘big-ticket’ health programs is already in place, alleviating much of the shutdown’s immediate potential impact; but some other public health operations are vulnerable because of complicated funding streams. Health services for Native Americans are also on hold, and public health efforts by Homeland Security and the EPA face serious constraints.”
 - Read more: <https://khn.org/news/how-the-government-shutdown-affects-health-programs/>
- ***Democrats won the House on ObamaCare. Here’s how they plan to defend it.*** “House Democrats in power for the first time in nearly a decade are opening a sustained campaign to hammer Republicans on Obamacare, seeking to force the GOP’s hand on popular policies like protecting patients with pre-existing conditions. The rising public support for ObamaCare was a winner for Democrats in 2018, and they want to capitalize

on that going into 2020, rolling out their own bills to preserve and expand coverage under the Affordable Care Act while plotting a potentially tendentious path toward eventual universal coverage or ‘Medicare for All.’”

- Read more: <https://www.politico.com/story/2019/01/04/house-democrats-obamacare-1060175>
- ***Democrats back a taxpayer funded health care plan like Medicare for All.*** “More than 4 in 5 Democrats want Congress to enact a taxpayer-funded, national health care plan such as Medicare for All, according to a new Harvard/POLITICO poll gauging the public’s health and education priorities for 2019. While support for a national, taxpayer-funded plan is concentrated on the Democratic side, 60 percent of Republican respondents backed allowing Americans under 65 to buy into Medicare (71 percent of respondents overall supported the idea, and 83 percent of Democrats).”
 - Read more: <https://www.politico.com/story/2019/01/07/politico-harvard-poll-medicare-for-all-1061791>
- ***Mills moves ahead with Medicaid expansion on first day.*** “Gov. Janet Mills’ first executive order Thursday took steps toward expanding Medicaid, something she had promised to do her first day in office to fulfill Maine voters’ demands. The Democrat’s order urges her administration to swiftly roll out Medicaid expansion to at least 70,000 low-income Mainers, a measure her Republican predecessor had long blocked. Mills ordered Maine’s health agency to adopt regulations to allow Mainers to enroll in Medicaid expansion and said she’s seeking ‘expedited’ approval of benefits retroactive to July 2. Mills’ order also directs the department to work with lawmakers to provide ‘sustainable’ funding for Maine’s expansion costs.”
 - Read more: <https://apnews.com/029bd0768b7040c39858442c30d86457>
- ***Billions of dollars are pouring into digital health, but Americans are still getting sicker and dying younger.*** “Silicon Valley has spent years promising to disrupt the \$3.5 trillion health-care industry. In 2018, venture investors – from the Bay Area, Boston and elsewhere – poured billions of dollars into the sector, funding start-ups that aim to bring down the costs of care while improving quality and access to the right providers. Recent reports from the Centers for Disease Control and Prevention suggest that life expectancy is dropping for the first time in decades. Suicide, alcoholism and the opioid epidemic are all partly to blame. Millennials are also overweight at a level that has them on pace to be part of the most obese generation in history.”
 - Read more: <https://www.cnbc.com/2019/01/04/billions-are-pouring-into-digital-health-but-people-are-dying-younger.html>
- ***Extreme temperatures may pose risks to some mail-order meds.*** “Take a look at your prescription bottles. Most say, ‘Store at room temperature’ or ‘Keep refrigerated.’ But what happens when drugs are delivered by mail? Were those instructions followed as the medicine wended its way from the pharmacy to your doorstep?”
 - Read more: <https://www.npr.org/sections/health-shots/2019/01/07/673806506/extreme-temperatures-may-pose-risks-to-some-mail-order-meds>