

American Nephrology Nurses Association

Weekly Capitol Hill Update - Monday, January 9, 2017

Congressional Schedule

House

- Convenes at 2 p.m. for consideration of five bills under suspension of the rules. (CQ)

Senate

- Convenes at 2 p.m. for continued consideration of the Fiscal Year 2017 budget resolution. At 5:30 p.m., the Senate will take a vote related to an amendment from Sen. Rand Paul (R-KY). (CQ)

Legislative Updates

- ***This Week: Congress Takes Step Toward Obamacare Repeal.*** "Congress will be focused on the effort to undo President Obama's signature legislative accomplishment in the last full week of his term. Senate Republicans will lay the groundwork this week for repealing ObamaCare, despite deep uncertainty about what comes next. GOP leadership has little room for error to clear the repeal guidelines, which are attached to a shell budget resolution, through the upper chamber. Republicans have a 52-seat majority and will need 50 votes to pass the rules. No Democrat is expected to support the repeal effort, meaning Republicans can only afford to lose two GOP senators and still pass the measure. Sen. Rand Paul (R-Ky.) this week became the first Republican to say he would not support the budget resolution because it doesn't balance. "I was told again and again, swallow it, take it, they're just numbers," he said from the Senate floor. "If the numbers don't matter ... why don't we put in numbers that balance?" The Senate will vote on Monday evening on an alternative budget from Paul that balances over five years, though that provision is expected to fall short."
 - To read more, please visit: <http://thehill.com/blogs/floor-action/scheduling/313139-this-week-congress-takes-step-toward-obamacare-repeal>
- ***House, Senate Headed for Clash on Medicare.*** "Senate and House Republicans are headed for a clash over whether to tackle Medicare reform under President-elect Donald Trump. Senate Republican leaders prefer to focus narrowly on an ObamaCare

replacement bill that does not contain changes to Medicare – a cautious approach that reflects their slim majority. But House Republicans, firmly in control of the lower chamber, want to aim higher. They say unified Republican control of government is a chance to finally enact the entitlement reforms that they've been talking about for years. Rep. Pete Roskam (R-Ill.), a member of the Ways and Means Committee, which has jurisdiction over healthcare, said voters have endorsed the Republican argument that Medicare needs to be reformed."

- To read more, please visit: <http://thehill.com/policy/healthcare/311908-house-senate-headed-for-clash-on-medicare>
- ***Senate Readies for Blizzard of Confirmation Battles.*** "The Senate will begin a blizzard of confirmation hearings Tuesday for Donald Trump's prospective Cabinet, as Republicans race to get members of the president-elect's team in place on day one of his administration. The fast-tracking of nominees is frustrating Democrats, who want to use the hearings to press Trump's team on a host of issues. It has also drawn criticism from the federal Government Ethics Office, which in a letter to Democrats on Saturday argued that the confirmation process has become so rushed, it is difficult to do ethics probes. Democrats argue the picks deserve extra scrutiny because of the massive wealth of several nominees. Trump's cabinet in total is worth more than a third of American households."
 - To read more, please visit: <http://thehill.com/homenews/senate/313177-senate-readies-for-blizzard-of-confirmation-battles>
- ***GOP Zeroes in on Changes to Medicaid.*** "While Democrats have been pounding the drum against proposed changes to Medicare, Republicans appear far more likely to pursue an overhaul of Medicaid, the healthcare program for the poor. Medicaid has grown in size in recent years, with ObamaCare extending coverage to millions of low-income people who hadn't qualified before. But Republicans warn of the program's growing costs, and have pushed to "block grant" the program with money to the states – an idea President-elect Donald Trump endorsed during the campaign. Vice President-elect Mike Pence signaled in an interview with ABC this month that the incoming administration planned to keep Medicare as it is, while looking at ways to change Medicaid. "I think President-Elect Trump made it very clear in the course of the campaign that, as president, we're going to keep our promises in Social Security and Medicare," Pence told ABC. "With regard to Medicaid, though, I will tell you, there's a real opportunity, there's a real opportunity as we repeal and replace ObamaCare to do exactly what the president-elect also said on the campaign, and that is block granting Medicaid back to the states." Block grants would mean limiting federal Medicaid funds to a set amount given to the states, rather than the current federal commitment, which is more open-ended."
 - To read more, please visit: <http://thehill.com/policy/healthcare/312051-gop-zeroes-in-on-changes-to-medicare>
- ***GOP Splits On Need to Scrap Obamacare Taxes in Swift Repeal.*** "Congressional Republicans pushing for a swift Obamacare repeal are sharply divided on whether to scrap Obamacare's tax provisions at the same time or delay that move until a replacement is ready. Some conservatives say every part of the Affordable Care Act

must go immediately -- including its tax-revenue streams -- because that's what voters were promised. But repealing the tax increases, which pay for the subsidies needed to help millions of Americans afford coverage, could make it politically impossible to pay for a replacement plan down the line. The debate is a key stumbling block to GOP efforts to mount a lightning-strike bid to deliver on one of President-elect Donald Trump's main campaign promises. It's particularly acute in the Senate, where a repeal would be blocked if three Republican senators opposed it. At least four GOP Senators have expressed concerns about a repeal bill that delays a replacement, and others are concerned that the repeal bill may scrap the tax hikes prematurely."

- To read more, please visit: <https://www.bloomberg.com/politics/articles/2017-01-06/gop-splits-on-need-to-scrap-obamacare-taxes-in-fast-track-repeal>

- ***What Trump Can Accomplish on Day One.*** "Judging by his campaign promises, Donald Trump will be a busy man on his first day in the Oval Office. Trump has pledged to take sweeping, unilateral actions on Jan. 20 to roll back President Obama's policies and set the course for his administration. Many of Obama's policies he can reverse with the simple stroke of a pen." In regards to healthcare:

"Vice President-elect Mike Pence was unequivocal this week in declaring the ObamaCare rollback would begin on the new administration's first day. One executive action Trump could take would build on Obama's so-called "administrative fix," which allows state insurance commissioners to extend healthcare plans that would have been wiped out by the law. Trump could expand on that action, allowing people to keep cheap plans that otherwise might not qualify for inclusion under the law and rendering the penalty for not having coverage void. He could also reverse the requirement that insurers cover contraception, which would be viewed as a major victory for religious conservatives.

A more disruptive action Trump might take would be to cancel the payments that help low-income enrollees afford their deductibles, called "cost-sharing reductions," although there is some dispute over whether this can be done by executive action. The move would adversely affect insurance companies, which would still be required to provide discounts to their customers but would no longer be reimbursed by the federal government for them. That could blow a hole in their budgets and potentially speed their exits from the exchanges. House Republicans have already sued the Obama administration over the payments, arguing that they're unconstitutional. Trump could also take aim at the nation's abortion laws by reversing one of Obama's executive orders that barred states from withholding federal funds from Planned Parenthood."

- To view the article, please visit:
<http://thehill.com/homenews/administration/313140-what-trump-can-accomplish-on-day-one>

- ***Diane Black Might Be First Woman to Chair House Budget Committee.*** "Rep. Diane Black is the front-runner to replace Tom Price as the chair of the House Budget Committee, Politico reported, which would make her the first woman to lead the group. Price was recently picked by President-elect Donald Trump to lead the Health and Human Services Department. Black, a Tennessee Republican, is already a member of the

House Budget Committee. On budget and economy issues, she has voted to terminate the Home Affordable mortgage program, prioritize spending in case the debt limit is reached, and has also proposed auditing the Federal Reserve System. More recently, she has slammed the Obama administration for its ruling in early December to block states from defunding Planned Parenthood.”

- Read more here: <http://www.newsmax.com/Politics/Diane-Black-House-budget-committee/2016/12/28/id/765954/>

Regulatory Updates

- ***Upcoming ESRD QIP: Payment Year 2020 Final Rule Call.*** On January 17, 2017 from 1:30 to 3:00 p.m. EST, CMS experts will discuss the ESRD QIP for Payment Year 2020. The performance period for PY 2020 will begin on January 1, 2018.

Agenda:

- Legislative framework and how it fits in with CMS strategies to improve quality
 - Changes reflected in the final rule based on public comments
 - Final measures, standards, scoring methodology, and payment reduction scale
 - How the PY 2020 program compares to PY 2019
 - Where to find additional information about the program
 - Target Audience: Dialysis clinics and organizations; nephrologists; hospitals with dialysis units; billers/coders; and quality improvement experts. To register or for more information, visit [MLN Connects Event Registration](#).
- ***Updated ESRD PPS Website.*** CMS added new content to the ESRD PPS website and refreshed existing content. Check out these new resources:
 - [CY 2017 ESRD PPS Final Rule](#) (CMS-1651-F), including related addenda and wage index files
 - [Acute Kidney Injury and ESRD Facilities](#) webpage
 - [ESRD Reports and Educational Resources](#): Quick links to helpful information for the ESRD provider community
 - To view the new website: <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ESRDpayment/index.html>
 - For more information, please visit: https://www.cms.gov/Outreach-and-Education/Outreach/FFSProvPartProg/Provider-Partnership-Email-Archive-Items/2017-01-05-eNews.html#_Toc471276338

Articles of Interest

- ***Dialysis Chains Receive Subpoenas Related to Premium Assistance.*** “The nation’s two largest dialysis chains, Fresenius and DaVita, said on Friday that they had received subpoenas from the Justice Department for information about their relationship to a charity that provides assistance paying the insurance premiums of needy patients. A spokeswoman for the charity, the American Kidney Fund, also said it had been subpoenaed. The fund was the subject of an article last month in The New York Times that highlighted concerns over whether the fund favored patients of its largest donors, Fresenius and DaVita, over those from smaller dialysis clinics that did not donate money. The Kidney Fund’s agreement with the federal government forbids it from choosing patients on the basis of which clinic they are using for dialysis, an expensive treatment for patients with kidney failure...”

“A spokeswoman for the United States attorney for the District of Massachusetts, which issued the subpoenas, declined to comment. DaVita said in a statement that the subpoena sought “the production of information related to charitable premium assistance,” and that “the company looks forward to working with the government to allow for clarity on these complex issues.” A spokeswoman for the Kidney Fund said that it had received an administrative subpoena for more information about its premium assistance program. She said the fund was “fully cooperating” with the request.”

- To read more, please visit:

http://www.nytimes.com/2017/01/06/business/american-kidney-fund-fresenius-davita-subpoena.html?_r=0