American Nephrology Nurses Association

Daily Capitol Hill Update – Tuesday, October 6, 2020

The following information comes from directly from news sources including Bloomberg Government, Kaiser Health News, and other news sources.

Schedules: White House and Congress

WHITE HOUSE

- President Trump continues to recover from Covid-19 at White House; has no public events scheduled

CONGRESS

- Senate holds pro forma session at 11:30am
- House meets at 9am
- 1pm: House subcommittee on elections holds hearing on voting rights and election administration
- House Speaker Nancy Pelosi and Treasury Secretary Steven Mnuchin plan to talk again today to attempt to bridge gap between Democratic, Republican proposals for economic stimulus

Congressional, Health Policy, and Political News

- Bloomberg Government: Pelosi, Mnuchin Trade Stimulus Plans: Speaker Nancy Pelosi (D-Calif.) and Treasury Secretary Steven Mnuchin will resume negotiations today on another round of pandemic relief for the U.S. economy, but there’s still no clear path to a deal before Election Day. Pelosi and Mnuchin have spoken regularly by phone over the past week after reviving talks with their first in-person meeting since early August on stimulus legislation. While both sides have reported progress, significant gaps remain between the Democrat’s $2.2 trillion proposal and a $1.6 trillion offer backed by the White House.
  - Even with Trump urging the two parties during his recent hospital stay to “get it done” on a stimulus bill, Congress would have just four weeks to finalize and pass any legislation before the Nov. 3 election. And it’s unclear that an agreement authored by Mnuchin and backed by the White House would have the necessary support in the Republican-led Senate.

- AP: White House Nixes Updated FDA Guidelines On Vaccine Approval: The White House has blocked new Food and Drug Administration guidelines on bringing potential vaccines for COVID-19 to market that would almost certainly have prevented their introduction before the Nov. 3 election. At issue was the FDA’s planned instruction that vaccine developers follow patients enrolled in their trials for at least two months to rule out safety issues before seeking emergency approval from the agency. A senior administration confirmed the move Monday evening, saying the White House believed there was “no clinical or medical reason” for the additional requirement.
- **Bloomberg Government: Covid-19 Making a Dangerous Comeback**: Covid-19 is spreading again across most of the U.S., hammering rural America and smaller cities and raising anxiety in New York, as experts warn that school reopenings and colder weather might cause the situation to rapidly deteriorate. In 34 states, the seven-day average of new cases is higher now than it was a month ago. Although the virus has waned in populous states including California and Florida, it is wreaking unprecedented havoc in the Midwest and making an incipient return in parts of the Northeast.

- **Stat: Supreme Court To Review Contentious Law Governing PBMs**: Amid debate over prescription drug costs, the U.S. Supreme Court will hear a closely watched case on Tuesday that is expected to determine the extent to which the states can regulate pharmacy benefit managers, the controversial middlemen in the pharmaceutical supply chain. At issue is an Arkansas law that governs reimbursements rates that pharmacy benefit managers, or PBMs, must pay to pharmacies.

- **Bloomberg Government: Supreme Court Skips on Several Health Cases**: The Supreme Court yesterday decided to pass on reviewing a handful of legal battles for the justices’ current term, deferring to lower court rulings on issues related to Medicare, health-care fraud, and nursing home licenses. At the same time, the high court is preparing to tackle perhaps the biggest health-care issue in generations—the legality of the Affordable Care Act—with a ruling expected after the Nov. 3 election. The cases the court declined to review include:
  - A question over whether an appeals court relied upon an improper False Claims Act materiality standard before rejecting a whistleblower’s claims that a Kansas hospital defrauded Medicare.
  - A challenge from hospitals that stand to lose tens of millions of dollars in supplemental Medicaid payments due to a regulation changing the way such payments are calculated.
  - A petition from a home health-care provider raising questions about the fairness of the Department of Health and Human Services’ processes for reviewing Medicare overpayment determinations.
  - An appeal from a Florida nursing home that lost its license after several of its residents died in the days after Hurricane Irma in what it alleges was a violation of due process.
  - A case challenging how victims are defined when sentencing someone who has been convicted of health-care fraud after a former patient recruiter said a prison sentence she received for defrauding Medicare out of millions was too harsh.
  - A challenge to Pennsylvania’s Covid-19 shutdown rules, in a rebuffing of businesses and a political campaign that said their constitutional rights were being violated. The challenge centered on Gov. Tom Wolf’s (D) March 19 order closing all non-life-sustaining businesses to stem the spread of the coronavirus.