

American Nephrology Nurses Association

Daily Capitol Hill Update - Thursday, November 12, 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 has no public events scheduled
 - Trump meets with VP Mike Pence for lunch at 12:30pm; meets with Sec. of State Mike Pompeo, Treasury Sec. Steven Mnuchin at 4pm

CONGRESS

- House meets at 10am
- Senate meets at 11am, resumes consideration of judicial nominees
- 10:15am: House Speaker Nancy Pelosi, Senate Democratic Leader Chuck Schumer hold press conference

Congressional, Health Policy, and Political News

- **KHN: Nursing Homes Still See Dangerously Long Waits For COVID Test Results:** Nursing homes are still taking days to get back COVID-19 test results as many shun the Trump administration's central strategy to limit the spread of the virus among old and sick Americans. In late summer, federal officials began distributing to nursing homes millions of point-of-care antigen tests, which can be given on-site and report the presence or absence of the virus within minutes. By January, the Department of Health and Human Services is slated to send roughly 23 million rapid tests.
- **Bloomberg Government: Biden Taps Ron Klain as Chief of Staff:** Biden has selected long-time aide Ron Klain, who played a leading role during the economic and public health crises of the Obama administration, as his White House chief of staff, according to two people familiar with the decision. Biden offered Klain the top job this week and he has accepted, the people said.
 - White House chief of staff has long been one of the most powerful jobs in Washington. The person is the gatekeeper for the president, deciding who gets to speak with him and who doesn't, and is often one of the last advisers in the room before major decisions. It's generally one of the first jobs that a president-elect fills, setting the tone for a new administration.
 - Klain twice served as chief of staff to vice presidents -- Biden at the beginning of the Obama presidency and Al Gore at the end of Bill Clinton's administration. He also has experience on Capitol Hill that could prove important as the new administration contends with a potential Republican majority in the Senate. Klain's experience with Biden on implementing the American Recovery and Reinvestment Act in 2009, and his role leading the federal government's response to the 2014 Ebola epidemic, will be relevant to the work that the new administration will face in tackling coronavirus and the resulting economic downturn.

- **Bloomberg Government: Top-to-Bottom Rule Review Poses Test for HHS:** Ambitious plans to review all HHS regulations every decade would demand thousands of hours of staff time and open the agency up to a rash of new legal challenges, health-care attorneys and regulatory researchers say. The goal of the top-to-bottom review is to improve policies that are outdated or aren't working as intended. But combing through the Department of Health and Human Services' mountains of rules will be an extremely difficult undertaking – with the threat of regulations expiring if they aren't reviewed in time.
- **Bloomberg Government: Kavanaugh, Roberts Signal Inclination to Keep Obamacare Alive:** Two key U.S. Supreme Court justices indicated they are inclined to uphold the bulk of the Affordable Care Act as the court weighed the fate of a landmark law that provides health-insurance to 20 million people. Chief Justice John Roberts and Justice Brett Kavanaugh both suggested during oral arguments that they won't vote to strike down the entire law even if the court invalidates a provision that requires people to acquire insurance. A key question is whether the high court would "sever" that so-called individual mandate so that the rest of the law remains intact. Kavanaugh, speaking to a lawyer defending the law on behalf of the U.S. House, said "I tend to agree with you that it's a very straightforward case for severability under our precedents, meaning that we would excise the mandate and leave the rest of the act in place."
 - The Trump administration is joining Republican-led states in challenging Obamacare, which the GOP has been vying to repeal since it was enacted in 2010. The mandate originally carried a tax penalty for noncompliance, a provision that was central to a 2012 Supreme Court ruling that upheld the law. A Republican-controlled Congress zeroed-out the tax in 2017. Opponents now say the whole ACA must be invalidated.
 - Roberts, who wrote the 2012 ruling, signaled he disagreed. "I think it's hard for you to argue that Congress intended the entire act to fall if the mandate were struck down when the same Congress that lowered the penalty to zero did not even try to repeal the rest of the act," said Roberts, an appointee of George W. Bush.
- **Bloomberg Government: Labor-HHS-Education:** Senate Republican leaders are proposing a nearly \$2 billion hike in federal spending for the Health and Human Services Department, a move Democratic leaders called "woefully inadequate" amid an ongoing pandemic. The draft measure for fiscal 2021 would increase federal spending on health-care research and drug treatment programs but doesn't include money specifically for dealing with the coronavirus.
- **Modern Healthcare: Medicare Will Pay For COVID-19 Antibody Infusions:** Medicare will cover monoclonal antibody infusions to treat COVID-19 with no cost-sharing for beneficiaries during the public health emergency, CMS said Tuesday. The move came a day after the Food and Drug Administration allowed emergency use of Eli Lilly's bamlanivimab, an antibody that helps the immune system fight the virus. CMS expects Eli Lilly will give away bamlanivimab to providers early on. Medicare won't pay for antibody products that providers get for free, but it will pay providers to administer them.