

# American Nephrology Nurses Association

Daily Capitol Hill Update – Wednesday, November 4, 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

### CONGRESS

- House, Senate out

## Congressional, Health Policy, and Political News

- **KHN: No Winner For President Yet And Health Care Hangs In The Balance:** With the winner of the presidency and party control of the Senate still unclear the morning after Election Day, the future of the nation's health system remains uncertain. At stake is whether the federal government will play a stronger role in financing and setting the ground rules for health care coverage or cede more authority to states and the private sector. Should President Donald Trump win and Republicans retain control of the Senate, Trump still may not be able to make sweeping changes through legislation as long as the House is still controlled by Democrats. But – thanks to rules set up by the Senate GOP – the ability to continue to stack the federal courts with conservative jurists who are likely to uphold Trump's expansive use of executive power could effectively remake the government's relationship with the health care system even without signed legislation.
- **Bloomberg Government: Democrats' Chances for Senate Majority Diminish:** Democratic chances of taking control of the Senate were greatly diminished after several vulnerable Republican incumbents including Joni Ernst in Iowa and Steve Daines in Montana fended off well-financed Democratic challengers. While there were six Senate races still to be settled, Democrats would need an extraordinary surge to win three of them, which would give them the minimum 50 seats they'd need to control the Senate -- and only then if Biden prevails over Trump at the top of the ballot.
  - Former Gov. John Hickenlooper (D) defeated incumbent Sen. Cory Gardner (R) in the Colorado Senate race, Fox and NBC projected. Retired astronaut Mark Kelly won his race against Sen. Martha McSally in Arizona.
  - In races yet to be called, GOP Senators Susan Collins of Maine and Thom Tillis of North Carolina were holding on to leads in early vote counts.
  - The final outcome of the battle for the Senate might not be known for days while votes are tallied -- or even months if control of the chamber hinges on the Georgia runoff. Georgia Republican Senator Kelly Loeffler, who was appointed by the governor, will face off against Democrat Raphael Warnock, senior pastor of the Ebenezer Baptist Church in Atlanta, in the runoff. In the other Georgia contest, Republican incumbent David Perdue was leading Democratic challenger Jon Ossoff, who narrowly lost an Atlanta-area House special election in 2017.

- **Bloomberg Government: Democrats Holding House Majority, But Lose Several Incumbents:** Democrats are projected to keep control of the U.S. House in yesterday's elections, but with at least six incumbents losing their seats the party is falling far short of pre-election expectations of an expanded majority.

  - Among the Democrats defeated were several first elected in the 2018 "blue wave" that swept them into majority, as well as with House Agriculture Chairman Collin Peterson, who has represented his Minnesota district since 1991. While Republicans aren't threatening to take back control of the House, Speaker Nancy Pelosi (D-Calif.) will have less room to maneuver.
  - House Democrats might have to shelve their most ambitious plans for health care, fighting climate change and responding to the coronavirus epidemic. Independent analysts forecast heading into Tuesday's vote that Democrats would gain 10-15 seats. Instead they may face a net loss.
  
- **Modern Healthcare: Hospitals Expect Minimal Risks From Potential Election Turmoil:** Hospitals are taking few, if any, extra precautions to prepare for any potential election-related civil unrest, deeming the threat unlikely or minimal. Hospitals and physician practices in New York, Illinois, California, Washington, Ohio, Washington D.C. and North Carolina are keeping an eye on their facilities, employees and patients, but haven't significantly bolstered their safety protocols. Most providers don't see the need for any "extraordinary measures" to address potential election-related issues.
  
- **Modern Healthcare: Medical-Device Industry, MedPAC Oppose CMS' Proposed Coverage Determination Changes:** Medical-device associations are urging CMS to withdraw its proposal changing how Medicare determines if a service or item will be covered. In a proposed rule released in late August, CMS would modify Medicare's long-standing standards for coverage. Currently, CMS considers a service for coverage if it's a recognized Medicare benefit and "reasonable and necessary" for treatment or diagnosis, which isn't currently defined. CMS is proposing to define the "reasonable and necessary" stipulation as meaning an item or service is safe and effective, not experimental and appropriate. CMS then gave appropriateness several definitions including if a service or item is currently covered by commercial insurance.