

# American Nephrology Nurses Association

Daily Capitol Hill Update - Tuesday, November 9, 2021

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

- Commerce Secretary Gina Raimondo will join today's White House press briefing at 1 p.m.
- The president will speak at 4:40 p.m. to a virtual event for the Democratic National Committee.
- Biden will speak at a virtual fundraising event for the DNC at 5:45 p.m.

### CONGRESS:

- The House plans a committee work week, with no floor activity scheduled. The Senate is also on hiatus for floor work this week.

## Congressional, Health Policy, and Political News

- **Modern Healthcare: Supreme Court To Review Federal Laws Around Dialysis Coverage:** The U.S. Supreme Court has agreed to review federal laws outlining how employee health plans must treat patients with end-stage renal disease. The nation's highest court granted a petition to review regulations on Friday, after the Sixth U.S. Circuit Court of Appeals ruled that an Ohio hospital's health plan violated the federal Medicare Secondary Payer Act and the Employer Retirement Income Security Act when it categorized all dialysis providers as out of network. The decision also conflicted with an earlier ruling from the Ninth U.S. Circuit Court of Appeals.
- **Stat: Hospitals Charge Insurers More Than What Medicare Pays For Infused Drugs:** Nearly a dozen of the highest-rated hospitals in the U.S. charged commercial health insurers and cash-paying patients significantly more than what Medicare has recently paid for 10 infused medicines on which the government spends the most money, according to a new analysis. Median prices exceeded the Medicare Part B payment limit by a low of 169% at Rush University Medical Center in Chicago, while the Mayo Clinic Hospital in Phoenix exceeded the payment limit by 344%. Among cash-paying customers, the prices ranged from 149% of the Medicare payment limit at Rush to 306% at Brigham and Women's Hospital and Massachusetts General Hospital, both based in Boston.
- **KHN: Medicare Enrollment Blitz Doesn't Include Options To Move Into Medigap:** Medicare's annual open-enrollment season is here and millions of beneficiaries — prompted by a massive advertising campaign and aided by a detailed federal website — will choose a private Medicare Advantage plan. But those who have instead opted for traditional Medicare

face a critical decision about private insurance. Too often the import of that choice is not well communicated.

- **The Wall Street Journal: Fed Says U.S. Public Health Among Biggest Near-Term Risks To Financial System:** The potential for U.S. public health to worsen as the Covid-19 pandemic continues is one of the greatest near-term risks to the financial system, the Federal Reserve said, while noting that asset prices are susceptible to large declines should investor sentiment shift. Any deterioration in the public-health situation could slow the recent economic recovery, particularly if widespread business closures returned and supply chains were further disrupted, the Fed said. The number of new Covid-19 cases has fallen in recent months, but a resurgence this summer, tied to the Delta variant, coincided with a slowdown in hiring and economic growth.
- **Axios: Organ Donation Recovery Rates Worse For People Of Color, Data Show:** Organ donation success rates for people of color, especially for Black Americans, vary widely across the U.S. compared to white people, even in neighboring cities, according to an analysis of recently released 2019 CMS data. Fewer Black donors correlates to fewer Black recipients, which has led to more Black people dying on the organ transplant waitlist.
- **Bloomberg Government: Experts Say Health Worker Mandate Likely to Succeed:** In a separate vaccine mandate fight on the administration's requirement that health-care workers at facilities paid by Medicare and Medicaid get a Covid-19 vaccination – without a testing option – legal observers say it's likely to hold up against future court challenges, putting it on firmer ground than the vaccine-or-test rule for large companies that has already been halted.
  - The CMS rule requires medical employers to consider religious and medical exemptions and doesn't apply to employees who work fully remotely. "These provisions eliminate two of the most serious potential bases for contesting the mandate," said Brian Dean Abramson, who teaches vaccine law at Florida International University College of Law. In addition, federally administered programs are allowed to govern the terms of participation for facilities they fund – and can withhold funding for facilities that don't meet those standards.
- **Modern Healthcare: Tenet To Buy \$1.2 Billion Stake In 92 More Ambulatory Surgery Centers:** Tenet Healthcare will pay \$1.2 billion to acquire SurgCenter Development in a deal that will add 92 ambulatory surgical centers to the for-profit health system, the company announced Monday. The transaction includes a five-year partnership and development agreement between Dallas-based Tenet's ambulatory surgery subsidiary, United Surgical Partners International, and SurgCenter Development's principals to provide continuity and support for the facilities and their physician partners. After the deal closes, Tenet will own at least part of more than 440 ambulatory surgical centers in 35 states.
- **Bloomberg Government: Sanofi, Novartis Split Courts on HHS Drug Discount Enforcement:** Two federal courts handed down diverging rulings over the government's ability to force pharmaceutical giants to resume previously-limited drug discounts, with one backing the HHS and the other saying it was out of line. The rulings, in cases brought by Novartis Pharmaceuticals, Sanofi-Aventis U.S. and others, throw additional wedges into a swirl of litigation surrounding the 340B program, which assists low-income Americans by requiring drugmakers to offer products to certain health-care entities at discounted prices.