

American Nephrology Nurses Association

Daily Capitol Hill Update - Friday, December 11, 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

- Senate meets at 9:30am; resumes consideration of the NDAA with procedural vote expected around 10:30am
 - Senate must also come to an agreement to keep the government running past Dec. 11

Congressional, Health Policy, and Political News

- **Bloomberg Government: House Sends Two Health Measures to Trump:** The House cleared two measures yesterday for President Donald Trump's signature: an amended version of H.R. 1503, which would improve a Food and Drug Administration database of drug approvals and patents, particularly used to check the availability of generic drugs; and H.R. 5663, which would authorize the secretary of Health and Human Services to destroy counterfeit medical devices.
- **Bloomberg Government: Funding Vote Today:** The Senate yesterday postponed a vote on a one-week stop-gap bill to keep the government running past tonight amid wrangling over demands for amendments to the bill and to an unrelated defense policy measure. An agreement to stage the vote in time for President Donald Trump to sign the measure before tonight's deadline still is seen as likely.
 - One reason for the holdup is an attempt by Sens. Bernie Sanders (I-Vt.) and Josh Hawley (R-Mo.) to get consent to vote on an amendment granting most Americans a \$1,200 stimulus payment. Sen. Rick Scott (R-Fla.) is also holding up the vote, which requires unanimous consent of all senators to proceed, seeking a vote on a bill to withhold lawmaker pay for failure to pass a budget.
 - If the deadline is missed, the White House budget office has some discretion to hold off on shutting federal agencies and furloughing workers over the weekend if a stopgap is expected to pass.
 - The Senate could vote on the measure today, along with the annual defense policy bill that was also delayed. The defense bill was delayed by a dispute over Trump's ability to withdraw U.S. troops from Afghanistan without congressional consent.
- **The Hill: Veterans Healthcare Fight Snagging Government Funding Deal:** A fight over how to pay for veterans' health care is the final big hurdle to getting a deal on a massive government funding omnibus, senators said Thursday. Negotiators have been working for weeks to try to cut an agreement on a mammoth omnibus — which would fund the

government until Oct. 1, 2021 – and have until Dec. 18 to pass the bill, after using a stopgap measure to delay the deadline a week past Dec. 11.

- **Bloomberg Government: Faster Drug Coverage Decisions Expected Under New Proposal:** Patients could get their medications faster under a Medicare agency proposal that tightens insurer response times for coverage decisions. Sometimes insurance plans demand to sign off on medications before they agree to cover them. In those situations, doctors have to explain to the insurance company why a patient needs a specific drug, as a way to encourage the use of cheaper, generic drugs. The process is called “prior authorization” or “step therapy” and it happens most often with expensive brand drugs.
 - Prior authorization eats up a lot of resources though and contributes to physician burnout, according to the Centers for Medicare & Medicaid Services. The proposal yesterday is meant to make the process more transparent and efficient.
- **Modern Healthcare: CMS Wants To Force Insurers To Ease Prior Authorization:** The Trump administration on Thursday proposed changes that aim to improve patient and provider access to medical records and reform prior authorization. The proposed rule would require payers – including Medicaid, Children's Health Insurance Program and exchange plans – to build application program interfaces to support data exchange and prior authorization. According to CMS, the changes would allow providers to know in advance what documentation each payer would require, streamline documentation processes and make it easier for providers to send and receive prior authorization information requests and responses electronically.
- **Bloomberg Government: High Court Upholds Law Reining in PBMs:** The U.S. Supreme Court upheld an Arkansas law yesterday that regulates powerful pharmacy drug middlemen that employer health coverage plans hire to manage prescription drug benefits. In an 8-0 verdict, the court held the law isn't preempted by the Employee Retirement Income Security Act. The Arkansas law was merely a form of cost regulation, Justice Sonia Sotomayor said.
- **Bloomberg Government: National Struggle to Get PPE to Frontline Workers:** The U.S. likely is producing enough masks, gowns, and other personal protective equipment. The supplies just aren't getting to all the health-care workers who need them most. Federal money and real-time data sharing have helped manufacturers boost domestic production of gear seen as critical for essential workers during the coronavirus pandemic. But a lack of a national centralized database to track supply and demand – in particular, who needs what and where – means many of those workers will continue to go without, lawmakers and policy consultants say.
-