

American Nephrology Nurses Association

Daily Capitol Hill Update – Monday, August 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

- 11.15 A.M. – The President meets with Dr. Eric Lander, the President’s Science Advisor and Director of the Office of Science and Technology Policy, to discuss preparing for future pandemics

CONGRESS:

- Out of Session

Congressional, Health Policy, and Political News

- **Bloomberg Government: Health Insurers, Advocates Spar on ACA Proposals:** Insurers and consumer advocates are facing off over a Health and Human Services Department proposal to extend the Affordable Care Act’s enrollment period and permit full-year sign-ups for those with low incomes. In public comment letters on the update proposal of Obamacare benefits and payment parameters, major insurers like Anthem, Centene and UnitedHealthcare all opposed a plan to boost the period from 45 days to 75 days.
- **Modern Healthcare: Biden To Nix 'Most Favored Nation' Drug Rule:** The Biden administration plans to pull the plug on a contentious Trump-era demonstration that would tie Medicare outpatient drug pay to other wealthy countries' drug prices, according to a CMS proposed rule on Friday. Hospitals had opposed the "most favored nation" drug policy, arguing that it would hurt their bottom lines and put the entire onus of lowering drug prices on hospitals rather than drug companies or Medicare. The Trump-era rule also would have created the CMS Innovation Center's first nationwide, mandatory experiment – a massive departure from the agency's usual approach to testing new payment models among a smaller subset of healthcare organizations.
- **Bloomberg Government: Senate Deal Snarls Drug Rebate Battle:** A lawsuit against a rule to upend the payments drugmakers make to pharmacy liaisons could come to an end as lawmakers weigh delaying the rule and using the savings to pay for billions in infrastructure and health-care improvements. A group of pharmacy benefit managers – which help decide how a drug will be covered by health insurance – says the rule would significantly disrupt negotiations with drugmakers.
- **Bloomberg Government: 'Skinny Label' Ruling Comes Amid Effort on Hill:** Lawmakers vying to push down prescription drug prices may have had a wrench thrown into their efforts

due to a federal appeals court, following a verdict experts say will make it more complicated for generics to compete. Brand-name manufacturers often take out patents on new uses for older drugs. Generic makers often use “skinny labels” on their versions of drugs to carve out the brand’s new uses to prevent courts from holding them liable.

- But on Thursday, the U.S. Court of Appeals for the Federal Circuit may have made it harder for generic makers to use this practice to evade legal action. In reinstating a \$235 million patent infringement ruling against Teva Pharmaceutical Industries after finding the company encouraged doctors to prescribe its generic version of GlaxoSmithKline’s Coreg for unapproved use, experts say the court may have created complications for generic providers trying to get their own products into the market.
- **Bloomberg Government: HHS Proposes Nixing Foreign Drug Rate Rule:** The HHS on Friday proposed to withdraw a Trump-era drug payment model tying U.S. costs to foreign prices. The agency didn’t rule out releasing its own policy for cutting down skyrocketing drug costs. The proposal to withdraw the interim final rule “does not reflect any judgment by HHS regarding future policy,” the HHS said in a Federal Register release.
- **Politico: Biden's Infrastructure Bill On Cruise Control To Senate Passage:** President Joe Biden’s bipartisan infrastructure deal cleared its final serious Senate hurdle Sunday night, putting the legislation on a glide path to passage as soon as late Monday. In a 68-29 vote, the Senate closed down debate on a bill negotiated by a bipartisan group of 10 senators that spends \$550 billion in new money on the nation’s physical infrastructure. Sunday’s vote came after senators spent the weekend haggling over amendments and time agreements to consider them.
- **Modern Healthcare: Hospital-At-Home Program Boosted Inpatient Capacity, Access, Study Finds:** Brigham and Women's Hospital boosted inpatient capacity and access to care when providers treated acute patients at home, new research shows. The Boston-based facility's hospital-at-home program treated 65 acutely ill patients over a three-month span during the COVID-19 pandemic, which freed up 419 inpatient beds, according to a Brigham and Women's study published Friday in the Journal of General Internal Medicine. Home hospital patients dealing with infections or complications associated with heart failure, chronic obstructive pulmonary disease or asthma received daily in-home or remote visits from attending general internists, two daily in-home visits from registered nurses and they had access to 24-hour physician coverage and remote monitoring tools.