

American Nephrology Nurses Association

Daily Capitol Hill Update - Tuesday, September 21, 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

- Biden is scheduled to address the United Nations General Assembly in New York at 10 a.m. before meeting with Australian Prime Minister Scott Morrison at noon.
- The president plans to depart New York after 2 p.m. and return to the White House shortly before 4 p.m. for a meeting with U.K. Prime Minister Boris Johnson at 4:45 p.m.

CONGRESS:

- The House could vote on several bipartisan measures under expedited procedure. The chamber could also begin consideration of a stopgap government funding bill, and the annual defense policy measure.
- The Senate is scheduled to vote on one of Biden's judicial nominations.

Congressional, Health Policy, and Political News

- **Modern Healthcare: ASCs Livid Over CMS Plan To Curb Approved Procedures:** Ambulatory surgery centers are fuming over potentially losing more than 250 procedures they can offer patients if the Centers for Medicare and Medicaid Services reinstates the inpatient-only list limiting them to hospitals, according to comments on CMS's proposed outpatient pay rule for 2022. Ambulatory surgery centers argue that CMS doesn't have enough information to support such a significant policy change. The providers also claim the agency made a series of flawed assumptions about the real-world impact of restoring the inpatient-only list and limiting the procedures allowed under the ambulatory surgery center covered procedures list, known as the ASC-CPL, according to the Ambulatory Surgery Center Association.
- **Bloomberg Government: Senators Eye Higher Penalties for Hiking Drug Prices:** A Senate panel is expanding plans to penalize drug makers that increase drug prices faster than inflation, Stat reports, citing a description of an internal Senate document. The description of policies were included in a slide deck presented to Senate Democrats on Sept. 14. The legislation has not been finalized. "The bill prohibits price gouging by requiring drug companies to pay the difference" when drug prices rise faster than inflation, it says.
- **Bloomberg Government: Pelosi Says Democrats May Adjust Reconciliation Figure:** House Speaker Nancy Pelosi (D-Calif.) said that Democrats must be prepared for adjustments to the reconciliation legislation and to an agreed to top-line spending number with the Senate,

according to a letter sent to House Democrats. Pelosi said the adjustments may need to be made according to the Byrd rule. House and Senate Budget Committees are reviewing the legislation now for possible Byrd violations in order to narrow exposure to such challenges.

- **Stat: U.S. Lawmakers Accuse Patent Office Of Weakening Challenges And Allowing Drug Prices To Rise:** A bipartisan group of lawmakers has accused the U.S. Patent & Trademark Office of “weakening” the system for challenging patents and, as a result, encouraging abuses by drug makers that seek to thwart the availability of lower-cost generic medicines. At issue is the inter partes review, or IPR, which went into effect in 2012 as a result of the America Invents Act. This type of patent challenge, which is heard by the Patent and Trials Appeal Board, was intended to provide an easier and faster alternative to patent infringement lawsuits filed in federal courts. For this reason, the IPR process has irked brand-name pharmaceutical companies.
- **Bloomberg Government: Bipartisan Support for Price Transparency in Hospitals:** House Energy and Commerce Chair Frank Pallone (D-N.J.) and ranking member Cathy McMorris Rodgers (R-Wash.) sent a letter to HHS Secretary Xavier Becerra “in support of the 2022 Medicare Outpatient Hospital Prospective Payment Rule’s provisions to increase penalties for hospitals not in compliance” with the Hospital Price Transparency Final Rule, citing “troubling reports for low hospital compliance.”
- **Bloomberg Government: Democrats Tee Up Votes on Workplace Protection Measures:** Two House measures that would beef up safeguards for nursing mothers in the workplace as well as older job applicants took a step toward floor consideration later this month under Democrats’ plans. One measure would broaden breastfeeding protections to workers not covered by the Fair Labor Standards Act. The other would restore federal protections for job applicants who allege ageism.
- **Modern Healthcare: Healthcare Workers Charged In \$1.1 Billion Telehealth Fraud Scheme:** Federal prosecutors allege that more than 40 healthcare workers across the U.S. have filed \$1.1 billion in false or fraudulent telehealth claims to Medicare and other government insurers since August 2020. Telemedicine executives allegedly paid 43 doctors and nurse practitioners to order unnecessary durable medical equipment, diagnostic and genetic tests and pain medicines with little to no telephone or virtual interactions with patients, according to a news release issued by the Justice Department on Friday.
- **Bloomberg Government: GOP and Democrats Both Top \$12 Million in August Fundraising:** The Republican National Committee raised \$12.2 million in August, equaling its Democratic rival while leaving it with more money in the bank as the two parties seek a financial edge before the 2022 midterm elections, according to their latest filings with the Federal Election Commission. Democrats also brought in \$12.2 million, with the Democratic National Committee reporting \$9.9 million in donations and the Democratic Grassroots Victory Fund, an allied committee, bringing in another \$2.3 million. The DNC has raised \$110 million in 2021, a record amount for the party at this point in the year before an election.
- **NPR: White House Lifts Ban On Vaccinated Foreign Nationals Flying To The U.S.:** The Biden administration is easing restrictions on foreign nationals wishing to fly to the United States. Starting in early November, they will be allowed to enter this country if they can show proof that they have been vaccinated for COVID-19 and that they have tested negatively for

the virus within three days of their flight. Jeffrey Zients, President Biden's COVID-19 response coordinator, announced the new policy Monday. It replaces a patchwork of travel bans on travelers, most of which began during the Trump administration.