



Health Policy Briefing

June 7, 2021

Parliamentarian Provides Guidance on Budget Reconciliation Strategy

Senate Parliamentarian Elizabeth MacDonough has effectively ruled that Democrats can only use the budget reconciliation process one more time during 2021. MacDonough determined that a revision to the 2021 budget resolution cannot be automatically discharged from the Senate Budget Committee, requiring Democrats to secure at least one Republican vote on the panel whose members are split 11-11 along party lines. Democrats had hoped to use reconciliation to advance the President’s Build Back Better agenda – passing the American Jobs Plan, the American Families Plan, and health care reform proposals to expand the Medicare program and lower the price of prescription drugs over multiple reconciliation packages. Instead, it is likely that Democrats will only be able to use reconciliation to pass one legislative package with a simple-majority vote during the remainder of this year.

Lawmakers Push for Increased CMMI Transparency

A bipartisan group of two dozen members of the House of Representatives is [requesting](#) details from the Center for Medicare and Medicaid Innovation (CMMI) regarding the agency’s metrics for gauging the success of its health initiatives. The lawmakers argue that more transparency is needed around CMMI’s demonstration project decision making, stating that the center’s metrics are biased toward savings rather than improvements in beneficiary health or health disparities. “The Department of Health and Human Services needs to reveal the modeling which produces estimates of savings and how quality will be affected,” the lawmakers write. “Stakeholders need to know what analytics and standards are used to define a successful demonstration.” The letter was led by Reps. Terri Sewell (D-Ala.) and Adrian Smith (R-Neb.).

In related news, CMMI Director Liz Fowler recently spoke in favor of expanding mandatory payment models and re-examining current incentives in the health care system to pay for improved patient outcomes. During remarks at a National Academy of Medicine event last week, Fowler stated that the current system “can’t resist the siren song of the status quo,” and that it is too comfortable to remain in fee-for-service. She also stated plans to improve the infrastructure of CMMI’s demonstration projects to better gather data and measure outcomes and rewards.

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Pascrell Requests GAO Report on Private Equity in Health Care

House Ways and Means Subcommittee on Oversight Chair Bill Pascrell (D-N.J.) is requesting that the Government Accountability Office (GAO) investigate the impact of private equity investment in the health care industry. In his letter to GAO head Gene Dodaro, Pascrell argues that private equity ownership has resulted in an increase in surprise billing, nursing home mortality rates, and bankruptcies and closures of critical health care providers. He asks that GAO complete a longitudinal analysis covering 10-15 years examining private equity investment and subsequent bankruptcies, including how many facilities or providers declared bankruptcy following private equity investments; how many facilities closed; in what industries were such bankruptcies most common; how the closure or bankruptcy rates compare to those of other facilities; whether there are geographic trends; and to what extent a closure resulted in loss of services for a community. Pascrell also requests information about the extent to which private equity buyouts are associated with providers who disproportionately serve marginalized populations.

Wyden to Investigate AbbVie Earnings

Senate Finance Committee Chairman Ron Wyden (D-Ore.) is opening an [investigation](#) into AbbVie Inc.'s country-by-country earnings and its U.S. corporate income taxes. Wyden argues that the company "has been able to successfully exploit the incentives to offshore profit" created by former President Donald Trump's 2017 tax law. Wyden requests details about royalties for AbbVie's rheumatoid arthritis medication Humira as well as a list of foreign entities that reported pretax earnings for sales of the drug in the U.S., received any royalties or similar payments and the amount of earnings attributable to each. He requests similar data on the company's cancer drug Imbruvica.

Warren Seeks Gilead Testimony for Hearing on Pharmaceutical Competition

Sen. Elizabeth Warren (D-Mass.) has [invited](#) Gilead's chief executive Daniel O'Day to testify in a hearing on pharmaceutical market competition scheduled for June 16 before the Senate Finance Subcommittee on Fiscal Responsibility and Economic Growth. Warren, chair of the subcommittee, states that the panel is interested in focusing on anti-competitive behavior that impacts consumer access, innovation, and pricing. In her letter, she states that while "Gilead has taken some steps to expand access" to lifesaving medications, the company "is set to hold on to its monopoly over its hepatitis C medications using 'thickets' of questionable patents."

Abernethy Moves to Google's Verily

The *Washington Post* has reported that Amy Abernethy will join Alphabet as president of clinical research platforms at Verily, Google's health care innovation spinoff. Abernethy most recently worked as principal deputy chief of the Food and Drug Administration (FDA). She joined the FDA in December 2018 to modernize the agency's technology and data practices.

Hart Health Strategies COVID-19 Resources

Hart Health Strategies Inc. continues to update the following resources related to the coronavirus pandemic. Please remember to clear your cache to ensure you download the most recent documents.

- [Disaster Primer](#)
- [Federal Relief Overview](#)
- [Hospice and Palliative Care](#)
- [Nursing Resources](#)
- [Personal Protective Equipment](#)
- [Physician Provisions](#)
- [Re-Opening America](#)
- [Small Business Resources](#)
- [Small Business - Paycheck Protection Program](#)
- [State Resources](#)
- [Tax Provisions](#)
- [Telehealth Overview](#)
- [Testing](#)
- [Vaccines](#)

Upcoming Congressional Hearings and Markups

House Ways and Means Committee hearing on the President's Proposed Fiscal Year 2022 Budget with the Department of Health and Human Services Secretary Xavier Becerra; 10:00 a.m.; June 8

House Veterans' Affairs Committee hearing "U.S. Department of Veterans Affairs Budget Request for Fiscal Year 2022;" 10:00 a.m.; June 8

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing on the nominations of Dawn Myers O'Connell to be Assistant Secretary for Preparedness and Response (ASPR), and Miriam E. Delphin-Rittmon to be Assistant Secretary for Mental Health and Substance Use; 10:00 a.m.; June 8

Senate Budget Committee hearing "President's proposed budget request for fiscal year 2022;" 11:00 a.m.; June 8

House Oversight and Reform hearing "The SACKLER Act and Other Policies to Promote Accountability for the Sackler Family's Role in the Opioid Epidemic;" 12:00 p.m.; June 8

House Appropriations Subcommittee on the Departments of Labor, Health and Human Services, Education, and Related Agencies Member Day hearing; 10:00 a.m.; June 9

Senate Environment and Public Works Committee hearing "PFAS: the View from Affected Citizens and States;" 10:00 a.m.; June 9

Senate Appropriations Subcommittee hearing "President's FY22 Budget Request for the U.S. Department of Health and Human Services;" 10:00 a.m.; June 9

House Budget Committee hearing "President's Fiscal Year 2022 Budget;" 11:00 a.m.; June 9

House Homeland Security Committee hearing "Cyber Threats in the Pipeline: Using Lessons from the Colonial Ransomware Attack to Defend Critical Infrastructure;" 12:00 p.m.; June 9

House Foreign Affairs Subcommittee on International Development, International Organizations, and Global Corporate Social Impact hearing “United States Leadership in the International Response to the COVID-19 Pandemic;” 3:00 p.m.; June 9

Senate Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies hearing “FY22 Budget Request for the Food and Drug Administration;” 10:00 a.m.; June 10

Senate Finance Committee hearing “The President’s FY 2022 HHS Budget;” 10:00 a.m., June 10

House Education & Labor Subcommittee on Civil Rights and Human Services hearing “Ending Child Hunger: Priorities for Child Nutrition Reauthorization;” 12:00 p.m.; June 10

House Energy and Commerce Subcommittee on Health legislative hearing “Legislation to Promote Access to Safe Vaccines;” time TBD; June 15

Recently Introduced Health Legislation

S.Res.255 — A resolution designating May 2021 as “ALS Awareness Month”; Sponsor: Sen. Coons, Christopher A. [D-DE]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Voice Vote.

H.Res.446 — Expressing support for the goals and ideals of National Stroke Awareness Month; Sponsor: Rep. Beatty, Joyce [D-OH-3]; Committees: House - Energy and Commerce

H.Res.447 — Supporting the designation of May 28, 2021, as “National Food Allergy Prevention Awareness Day” to raise awareness and encourage the prevention of severe food allergies among children; Sponsor: Rep. Brownley, Julia [D-CA-26]; Committees: House - Energy and Commerce

H.Res.451 — Expressing support for the designation of May 2021 as “National Brain Tumor Awareness Month”; Sponsor: Rep. Quigley, Mike [D-IL-5]; Committees: House - Energy and Commerce

H.R.3561 — To assist survivors of stroke and other debilitating health occurrences in returning to work; Sponsor: Rep. Beatty, Joyce [D-OH-3]; Committees: House - Education and Labor

H.R.3563 — To amend the Internal Revenue Code of 1986 to permit high deductible health plans to provide chronic disease prevention services to plan enrollees prior to satisfying their plan deductible; Sponsor: Rep. Blumenauer, Earl [D-OR-3]; Committees: House - Ways and Means

H.R.3569 — To amend the National Organ Transplant Act to clarify the definition of valuable consideration, to clarify that pilot programs that honor and promote organ donation do not violate that Act, and for other purposes; Sponsor: Rep. Cartwright, Matt [D-PA-8]; Committees: House - Energy and Commerce

H.R.3572 — To increase the recruitment and retention of school-based mental health services providers by low-income local educational agencies; Sponsor: Rep. Chu, Judy [D-CA-27]; Committees: House - Education and Labor

H.R.3573 — To amend the Public Health Service Act to provide for behavioral and mental health outreach and education strategies to reduce stigma associated with mental health among the Asian American, Native Hawaiian, and Pacific Islander population; Sponsor: Rep. Chu, Judy [D-CA-27]; Committees: House - Energy and Commerce

H.R.3583 — To provide accountability with respect to international reporting and monitoring of outbreaks of novel viruses and diseases; Sponsor: Rep. Fitzpatrick, Brian K. [R-PA-1]; Committees: House - Foreign Affairs; Financial Services; Judiciary; Oversight and Reform

H.R.3584 — To require the creation of a national commission to prepare for future national emergencies, and for other purposes; Sponsor: Rep. Fitzpatrick, Brian K. [R-PA-1]; Committees: House - Transportation and Infrastructure; Ways and Means; Oversight and Reform; Homeland Security; Energy and Commerce; Armed Services

H.R.3589 — To provide for a 1-year delay for the recoupment of certain payments made under the accelerated or advance payment programs under the Medicare program; Sponsor: Rep. Issa, Darrell E. [R-CA-50]; Committees: House - Ways and Means; Energy and Commerce

H.R.3595 — To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize a grant program for law enforcement agencies and corrections agencies to obtain behavioral health crisis response training for law enforcement officers and corrections officers, and for other purposes; Sponsor: Rep. Kaptur, Marcy [D-OH-9]; Committees: House - Judiciary

H.R.3601 — To authorize physicians and other health care providers of the Department of Veterans Affairs to provide information regarding State-approved marijuana programs to veterans, and for other purposes; Sponsor: Rep. Lamb, Conor [D-PA-17]; Committees: House - Veterans' Affairs; Judiciary; Energy and Commerce

H.R.3630 — To amend title XVIII of the Social Security Act to provide for coverage of certain lymphedema compression treatment items under the Medicare program; Sponsor: Rep. Schakowsky, Janice D. [D-IL-9]; Committees: House - Energy and Commerce; Ways and Means

H.R.3635 — To amend the Public Health Service Act with respect to the Strategic National Stockpile, and for other purposes; Sponsor: Rep. Slotkin, Elissa [D-MI-8]; Committees: House - Energy and Commerce

H.R.3636 — To amend the Individuals with Disabilities Education Act to clarify that the term "child with a disability" includes a child who needs special education and related services due to a health impairment resulting from Lyme disease or another tick-borne disease; Sponsor: Rep. Smith, Christopher H. [R-NJ-4]; Committees: House - Education and Labor

H.R.3637 — To authorize the Secretary of Health and Human Services to fund prize competitions to accelerate innovation in the prevention, diagnosis, and treatment of Lyme Disease, and for other purposes; Sponsor: Rep. Smith, Christopher H. [R-NJ-4]; Committees: House - Energy and Commerce

H.R.3650 — To amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital stay requirement for coverage of skilled nursing facility services under Medicare, and for other purposes; Sponsor: Rep. Courtney, Joe [D-CT-2]; Committees: House - Ways and Means; Energy and Commerce

H.R.3655 — To amend the Public Health Service Act to make updates to the Vaccine Injury Compensation Program, and for other purposes; Sponsor: Rep. Doggett, Lloyd [D-TX-35]; Committees: House - Energy and Commerce

H.R.3656 — To amend the Internal Revenue Code of 1986 to provide authority to add additional vaccines to the list of taxable vaccines; Sponsor: Rep. Doggett, Lloyd [D-TX-35]; Committees: House - Ways and Means

H.R.3657 — To amend title XVIII of the Social Security Act to provide for payment for services of radiologist assistants under the Medicare program, and for other purposes; Sponsor: Rep. Doyle, Michael F. [D-PA-18]; Committees: House - Energy and Commerce; Ways and Means

H.R.3660 — To prohibit Federal funds from being used to implement, administer, enforce, or carry out programs with respect to digital health passes, and for other purposes; Sponsor: Rep. Gaetz, Matt [R-FL-1]; Committees: House - Energy and Commerce

H.R.3662 — To amend the Federal Food, Drug, and Cosmetic Act to ensure patients have access to certain urgent-use compounded medications, and for other purposes; Sponsor: Rep. Griffith, H. Morgan [R-VA-9]; Committees: House - Energy and Commerce

H.R.3671 — To amend the Public Health Service Act to reauthorize the program of payments to teaching health centers that operate graduate medical education programs; Sponsor: Rep. Pallone, Frank, Jr. [D-NJ-6]; Committees: House - Energy and Commerce

H.R.3674 — To direct the Secretary of Veterans Affairs to submit to Congress a report on mental health care furnished by the Department of Veterans Affairs in certain States; Sponsor: Rep. Phillips, Dean [D-MN-3]; Committees: House - Veterans' Affairs

H.R.3679 — To amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the programs and activities of the National Institutes of Health with respect to Tourette syndrome; Sponsor: Rep. Sires, Albio [D-NJ-8]; Committees: House - Energy and Commerce

H.R.3682 — To amend title XI of the Social Security Act to provide greater transparency for discounts provided by manufacturers; Sponsor: Rep. Spanberger, Abigail Davis [D-VA-7]; Committees: House - Energy and Commerce; Ways and Means

H.R.3683 — To require executive agencies to purchase pharmaceuticals from the United States, and for other purposes; Sponsor: Rep. Stauber, Pete [R-MN-8]; Committees: House - Oversight and Reform; Ways and Means