



## Health Policy Briefing

June 3, 2019

### House To Vote on PAHPA and First Spending Bill Next Week

This week, the House is scheduled to consider the Senate-passed *Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019* (S. 1379) under suspension of the rules. The bill would reauthorize programs related to emergency preparedness and public health response efforts. Also, Majority Leader Steny Hoyer (D-Md.) announced that the House of Representatives will begin consideration of fiscal year (FY) 2020 appropriations bills during the month of June, starting on Wednesday, June 12.

#### *Measles Cases Hit Record High*

The Centers for Disease Control and Prevention (CDC) has reported that the number of measles cases this year has reached 971, the highest annual total in more than 25 years. The incidence rate is largely due to outbreaks in Orthodox Jewish communities in New York, which began eight months ago amid an increase of anti-vaccination attitudes. The nation risks losing its World Health Organization (WHO) designation for having eliminated measles if the outbreaks continue.

#### *Lawmakers Await White House Compliance with Request for ACA Legal Decision Details*

The administration has missed the deadline set by House lawmakers in their request for information related to the Department of Justice’s (DOJ) decision not to defend the constitutionality of the Affordable Care Act (ACA) in court. The chairmen of the House committees on Oversight and Government Reform, Energy and Commerce, Ways and Means, Education and Labor, and Judiciary may start issuing subpoenas when they return from recess on June 4, their next option for obtaining the details and testimony requested from the White House. The U.S. Court of Appeals for the Fifth Circuit has scheduled oral arguments in the expedited appeal of the case, *Texas v. United States*, for July 9.

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### ***New Report Shows Continued Declines in CHIP Enrollment***

A new [report](#) from Georgetown University researchers shows that total Medicaid and Children's Health Insurance Program (CHIP) enrollment fell by more than two percent last year, amounting to 828,000 fewer children being covered by public health insurance programs in 2018 compared to the previous year. The decline follows a steady reduction in enrollment that the researchers characterize as an "alarming trend." While the report, which draws on data from the U.S. Department of Health and Human Services (HHS), clarifies that there is a lack of data specifying the reasons for disenrollment that could lead to losses in coverage, it argues that there is little evidence to suggest that a strong economy and low-income families gaining employer-sponsored insurance are entirely responsible for the enrollment decline. Instead, the researchers conclude that reduced funding for outreach and consumer assistance and changes to immigration policies could be impacting decisions by potential enrollees to join the programs. The report also points to more administrative barriers for enrollees to navigate given the increased usage of work requirements and income reviews. Declines in enrollment were especially significant in California, Florida, Illinois, Missouri, Ohio, Tennessee, and Texas.

### ***Durbin Urges Action on Juul Labs and E-Cigarette Usage***

Sen. Dick Durbin (D-Ill.), Democratic Whip, has [called](#) on Acting Commissioner of the Food and Drug Administration (FDA) Ned Sharpless to act immediately to reduce the use of e-cigarettes among children. Durbin expressed disappointment with Sharpless following a meeting with the FDA leader earlier this month, and states that Sharpless would not commit to take action until 2021 to address Juul's claim that its e-cigarette products are smoking cessation devices. Sen. Durbin also urges the agency to remove kid-friendly e-cigarette flavors from the market.

### ***HHS Task Force Recommends Careful Use of PDMPs***

A U.S. Department of Health and Human Services (HHS) task force has [recommended](#) that state prescription drug monitoring programs (PDMPs) should not be used to stop a patient's opioid prescription without appropriate consultations. The 29-member Pain Management Best Practices Interagency Task Force, which is comprised of both federal officials and specialists, warned that PDMPs may contain errors. Their report emphasizes the importance of individualized, patient-centered care in the diagnosis and treatment of pain.

## Upcoming Congressional Hearings and Markups

*House Energy and Commerce Subcommittee on Health hearing on health care extenders “Investing in America’s Health Care;” 10:00 a.m., 2123 Rayburn Bldg.; June 4*

*House Ways and Means Committee members’ day hearing; 10:00 a.m.; 1100 Longworth Bldg.; June 4*

*Senate Banking, Housing, and Urban Development hearing to examine confronting threats from China, focusing on assessing controls on technology and investment and measures to combat opioid trafficking; 10:00 a.m., 538 Dirksen Bldg.; June 4*

*Senate Committee on the Judiciary hearing “The Countdown: Fentanyl Analogues and the Expiring Emergency Scheduling Order; 10:00 a.m., 226 Dirksen Bldg.; June 4*

*House Appropriations Committee markup of FY2020 Transportation, Housing, Urban Development, and Related Agencies Appropriations Bill and FY2020 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, and Report on the Further Revised Suballocation of Budget Allocations for FY2020; 10:30 a.m., 2359 Rayburn Bldg.; June 4*

*House Veterans’ Affairs Subcommittee on Technology Modernization hearing “Modernizing Health Records for Servicemembers and Veterans: The Contractor Perspective;” 2:00 p.m., 210 Capitol Bldg.; June 4*

*House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations hearing “Eradicating Ebola: Building on Lessons Learned and Medical Advancements;” 2:00 p.m., place TBD; June 4*

*Senate Finance Committee hearing “Foreign Threats to Taxpayer – Funded Research: Oversight Opportunities and Policy Solutions;” 9:45 a.m., 215 Dirksen Bldg.; June 5*

*Senate Judiciary Subcommittee on Intellectual Property hearing to examine the state of patent eligibility in America; 2:30 p.m., 226 Dirksen Bldg.; June 5*

*Senate Committee on the Judiciary hearing “Your Doctor/Pharmacist/Insurer Will See You Now: Competitive Implications of Vertical Consolidation in the Healthcare Industry;” 2:30 p.m., 226 Dirksen Bldg.; June 12*

## Recently Introduced Health Legislation

*H.R.3021 — To amend title XVIII of the Social Security Act to restructure the payment adjustment for non-emergency ESRD ambulance transports under the Medicare program; Sponsor: Rep. LaHood, Darin [R-IL-18]; Committees: House - Energy and Commerce, Ways and Means*

*H.R.3022 — To amend title XIX of the Social Security Act to repeal the reductions in Medicaid DSH allotments, and for other purposes; Sponsor: Rep. Engel, Eliot L. [D-NY-16]; Committees: House - Energy and Commerce*