

September 11, 2015

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NEXT WEEK IN WASHINGTON...

- * On Wednesday, September 16, the Senate Health, Education, Labor and Pensions (HELP) Committee will hold a hearing titled "Achieving the Promise of Health Information Technology: Improving Care through Patient Access to Their Records."
- * On Thursday, September 17, the Health Subcommittee of the House Energy and Commerce Committee plans a hearing on a bill to ban providers found to be violating the *Born-Alive Infants Protection Act of 2002* and the *Partial-Birth Abortion Ban of 2003* from participating in Medicare.

1. AAFP URGES CONGRESS TO INVEST IN KEY PROGRAMS

With few legislative days until the start of the new fiscal year, the House and Senate returned to Washington after the August recess to address a demanding must-do list. On Thursday, September 10, the American Academy of Family Physicians (AAFP) [wrote](#) to the bipartisan leaders in both chambers reiterating family medicine's priorities for fiscal year 2016. If Congress and the White House cannot agree on legislation to allow spending, the government will shut down on October 1.

Even a stop-gap short-term spending bill, or continuing resolution (CR), faces many obstacles. House Republican leaders and Appropriations Committee members may be working to offer a vote on a separate, stand-alone measure designed to eliminate funding for Planned Parenthood clinics. Other legislators want to use the must-pass measure to challenge federal funding for the implementation of the multilateral agreement with Iran on nuclear weapons or for spending on the *Affordable Care Act* programs. Meanwhile, the White House has notified Congress of its opposition to any appropriations bill that sticks to the 2011 *Budget Control Act* spending caps. The AAFP was one of more than 2,500 signers of a [letter](#) that urged Congress to enact relief from the arbitrary across-the-board budget cuts to non-defense discretionary spending.

2. COMPETITION AND CONSOLIDATION EXAMINED IN HOUSE

On September 10, the House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law held a [hearing](#) on competition in the healthcare marketplace. Rep. Tom Marino (R-PA), who chairs the subcommittee, said that this is the first in a series of hearings on healthcare competition, and that this hearing would be a broad examination of mergers and acquisitions in the healthcare market.

The witnesses and legislators focused on a wide range of mergers that impact the health care market including mergers of hospitals and hospital systems, physician practices, insurance plans, pharmaceutical companies, and medical device manufacturers. The majority of the focus was on the proposed insurance plans' mergers and on hospital consolidation. Witnesses criticized the insurance mergers and discussed how they would harm competition, while the representative of the health plans told the committee that consolidation could promote competition and benefit consumers. The members of the subcommittee were divided into those supporting and those opposing industry mergers, with the impact of the ACA at the forefront.

The AAFP has been following the this issue and has written to [Congress](#), the [Federal Trade Commission](#), and the [Department of Justice](#) calling for attention and careful review of these proposed mergers.

3. HOUSE OF REPRESENTATIVES APPROVED FOUR PUBLIC HEALTH BILLS

On Tuesday, September 8, the House approved by voice vote the following four public health bills:

- [HR 1344, the Early Hearing Detection and Intervention Act](#), authored by Reps. Brett Guthrie (R-KY) and Lois Capps (D-CA), which would reauthorize a program for early detection, diagnosis and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.
- [HR 1462, the Protecting Our Infants Act](#), sponsored by Reps. Katherine Clark (D-MD) and Steve Stivers (R-OH), which aims to combat the rise in prenatal opioid abuse and neonatal abstinence syndrome.
- [HR 1725, the National All Schedules Prescription Electronic Reporting \(NASPER\) Reauthorization Act](#), authored by Reps. Ed Whitfield (R-KY) and Joseph Kennedy (D-MA), which would reauthorize the NASPER program to support state prescription drug monitoring programs.
- [HR 2820, the Stem Cell Therapeutic and Research Reauthorization Act](#), which Reps. Chris Smith (R-NJ) and Doris Matsui (D-CA) sponsored to reauthorize the *Stem Cell Therapeutic and Research Act* that provides federal support for cord blood donation, a national bone marrow registry and related research.

4. COMMITTEE REVIEWS SMALL BUSINESS HEALTH INSURANCE BILL

The House Energy and Commerce Subcommittee on Health held a [hearing](#) on Wednesday, September 9 to consider the bipartisan *Protecting Affordable Coverage for Employees or "PACE" Act* (HR 1624). The bill would allow states to continue defining the small group health insurance market as employers with 1-50 employees.

Health Subcommittee Chairman Joe Pitts (R-PA), who indicated that there is considerable support for HR 1624, said it will reduce premiums for employees and employers. Rep. Gene Green (D-TX) and other Democrats on the panel pointed to the *Affordable Care Act's* successes and expressed interest in working across the aisle to improve the law.

5. FamMedPAC WELCOMES CONGRESS BACK TO WASHINGTON

FamMedPAC participated in fundraising events for two important legislators. The physician specialty societies in Washington organized these events. The PAC supported the following legislators this week:

- **Sen. Orrin Hatch (R-UT)**, who chairs the Senate Finance Committee, is a member of the Health, Education, Labor, and Pensions Committee.
- **Rep. Renee Ellmers (R-NC)**, a member of the Health Subcommittee of the House Energy and Commerce Committee, is the lead sponsor of legislation that the AAFP supports which addresses the meaningful use rules on electronic health records.

6. LEADERSHIP IN STATE GOVERNMENT ADVOCACY AWARD WINNERS ANNOUNCED

The recipients of the AAFP 2015 Leadership in State Government Advocacy Award are the California AFP, Pennsylvania AFP and Virginia AFP. The purpose of the award is to recognize outstanding contributions by chapters to further family medicine through legislative accomplishments or initiatives, or the support of public policy efforts. During the 2015 State Legislative Conference, which will be held on November 6 – 7 in Minneapolis, the award winners will present the details of their advocacy programs.

7. 2016 CHAPTER ADVOCACY DAY RECIPIENTS ANNOUNCED

We would like to congratulate the Louisiana AFP, Maryland AFP, Mississippi AFP, and the South Dakota AFP chapters; they are recipients of the AAFP Chapter Advocacy Day Assistance Program for 2016. Advocacy day events provide chapters an opportunity to connect members to elected officials in face-to-face meetings. Small and medium chapters can apply for up to \$5,000 in grant funds, provided that the chapter show evidence that it is contributing \$1 for every \$2 applied for from AAFP.

8. STATE LEGISLATIVE SESSIONS ADDRESS BUDGETS AND TAXES

For 2015, there are 36 states that have adjourned their regular legislative session. There are currently two states convened for special sessions. Alabama Governor Robert J. Bentley (R) announced a second special session of the state legislature as a last-ditch effort to fix a massive budget shortfall. Governor Bentley is asking lawmakers to approve a 25-cent-per-pack cigarette tax and other tax increases to avoid cuts to state services. The California legislature remains in special session on healthcare spending, primarily hoping to address funding for Medi-Cal. Recently, the California Assembly approved legislation that would let terminally ill patients end their own lives.

9. REGULATORY BRIEFS

- On August 25, CMS [announced](#) that Medicare ACOs qualified for more than \$422 million in shared savings in 2014 by meeting quality standards and their savings threshold. Eleven Pioneer ACOs earned \$82 million in shared savings and three owed \$9 million in shared losses. In addition, 92 Medicare Shared Savings Program ACOs earned more than \$341 million in shared savings.
- On August 28, CMS [posted](#) a list of the 2017 Essential Health Benefits (EHB) benchmark plan for each state. A summary of benchmark plan coverage and the supporting plan document are posted, as well as a list of how many prescription drugs are covered in each United States Pharmacopeia (USP) category and class.
- On August 31, CMS [released](#) guidance to states on a new opportunity under Medicaid to use Supplemental Nutrition Assistance Program (SNAP) gross income to support Medicaid income eligibility determinations for certain populations.
- On September 1, CMS [announced](#) the [Value-Based Insurance Design Model for Medicare Advantage](#) plans. It is designed to test the hypothesis that giving flexibility to offer extra supplemental benefits or reduced cost sharing to enrollees with CMS-

specified chronic conditions will lead to higher-quality and more cost-efficient care for those enrollees.

- On September 2, CMS [awarded](#) \$67 million in funding to help consumers sign-up for affordable Health Insurance Marketplace coverage in 2016 and reiterated that the Marketplace open enrollment is set to begin on November 1, 2015
- On September 3, HHS issued a proposed rule on health equity and new protections against sex discrimination. The proposed rule is open for public comment through November 6 and the Office of Civil Rights composed a [FAQ document](#) about it.
- On September 4, the CDC [announced](#) the launch of Prescription Drug Overdose: Prevention for States, a new program to help states end the ongoing prescription drug overdose epidemic and awarded \$20 million to help prevent overdose deaths related to prescription opioids.
- On September 8, CMS [released](#) the first plan to address health equity in Medicare.
- On September 9, CMS [announced](#) the PQRS 2016 Informal Review Process. In 2016, CMS will apply a cut to providers that did not satisfactorily report PQRS in 2014. Providers that have been incorrectly assessed the 2016 PQRS cut may submit an informal review between September 9, 2015 and November 9, 2015. All informal review requestors will be contacted via email of a final decision by CMS within 90 days of the original request for an informal review. All decisions will be final and there will be no further review or appeal.
- On September 9, CMS [announced](#) that the 2014 annual Quality and Resource Use Reports (QRURs) are available. The QRURs are now available for every group practice and solo practitioner nationwide.
- On September 10, CMS [released](#) a new Medicare Part D Prescriber Look-up Tool. It contains searchable information on drugs prescribed by physicians and other practitioners for Medicare beneficiaries.
- CMS will host the following free educational calls, [registration](#) is required:
 - Overview of the 2014 Annual Quality and Resource Use Reports, September 17, 2:30pm ET
 - Hospital Inpatient and LTCH PPS FY 2016 Final Rule, September 18, 1:30pm ET
 - Medicare Quality Reporting Programs: 2017 Payment Adjustments, September 24, 1:30pm ET
 - Dialysis Facility Compare: Rollout of Five Star Rating, October 7, 1:30pm ET
 - 2014 Supplemental QRUR Physician Feedback Program, October 15, 1:30pm ET