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NEXT WEEK IN WASHINGTON...

On Tuesday, January 26:

- * The House will vote on overriding the President's veto of ACA repeal bill.
- * The House Energy and Commerce Health Subcommittee has a hearing on Medicaid and CHIP's Federal Medical Assistance Percentage (FMAP).
- * The House Oversight and Government Reform Committee will hold a hearing on the prescription drug market.
- * The Senate Judiciary Committee will hold a hearing on mental health and the criminal justice system.

1. WHITE HOUSE HOSTS HHS OPIOID WORKING GROUP

The HHS External Opioid Working Group met at the White House on January 21 to discuss the organizational commitments made last October by the AAFP and others toward the goal of ending opioid misuse, abuse and overdoses. White House Domestic Policy Council member Carole Johnson reminded those who attended that the President made this a priority in his final State of the Union Address. Richard Frank, the HHS Assistant Secretary of Planning and Evaluation, described the government's work to support expanded naloxone use; improved access to medication assisted treatment for opioid addiction; and increased availability of buprenorphine. Shawn Martin described the AAFP's efforts to bolster family physicians' ability to prevent and manage opioid abuse. The AMA's representative described the work, supported by the AAFP, of the AMA Task Force to Reduce Opioid Abuse. Dr. Norman B Kahn, a family physician who is Executive Vice President and Chief Executive Officer of the Council of Medical Specialty Societies, urged the government to align the work of federal agencies which have not been collaborating, noting that the FDA was working with specialty groups before the CDC published its own prescribing guidelines.

2. SENATE PANEL EXAMINES CHALLENGES FACING INSURANCE CO-OPS

On Thursday, January 21, the Senate Finance Committee held a hearing entitled "Healthcare Co-Ops: A Review of the Financial and Oversight Controls." The sole witness at the hearing was Andy Slavitt, Acting Administrator of the Centers for Medicare and Medicaid Services (CMS).

The hearing focused as much on *the Affordable Care Act (ACA)* as a whole as on the co-ops themselves that were established by the ACA. Senator Orrin Hatch (R-UT), who chairs the Finance Committee, opened the hearing by using the co-ops (“consumer-oriented and operated plans”) as an emblem of the failures of the ACA. Sen. Hatch pointed out that \$2.4 billion in tax dollars have been devoted to 23 co-ops, yet 12 have failed. Senator Ron Wyden (D-OR), the senior Democratic member, defended the co-op program as a private, market-driven alternative to large health insurers, which has faced stiff headwinds in part because Congress itself substantially weakened the program in the *American Taxpayer Relief Act of 2012*. Mr. Slavitt also defended the co-op program, elaborating on the steps that CMS has taken to shore it up, including hiring an independent firm to review the plans, and conducting 27 operational reviews of the plans. Mr. Slavitt stated that the two principal goals now are (1) to make it easier for the remaining co-ops to attract outside capital and partners, and (2) to work with the states to take more concrete steps to protect consumers.

3. PACE QUICKENS FOR INSURANCE COVERAGE ENROLLMENTS

On Wednesday, January 20, the Centers for Medicare and Medicaid Services announced that nearly 154,000 people had selected health plans on HealthCare.gov between in the week of January 10. That brings the total to 8.8 million since open enrollment began. Florida continues to have the most sign-ups of any state, with roughly 1.6 million people since Nov. 1. Texas has the second highest number, at roughly 1.2 million.

4. STATE LEGISLATURES CONVENE

This week, 3 state legislatures convened to start their 2016 state legislative session. The state legislatures in session and their convening dates are:

- January 19—Alaska, New Mexico
- January 20—Hawaii

One state legislature is scheduled to go into session next week.

5. STATES HOPE TO RAISE SMOKING AGE TO 21

Smoking remains the number one preventable cause of death in the U.S. A recent [study](#) found that every year Americans spend a total of \$326 billion on the habit, including direct health care costs and loss of productivity. States are now looking at new ways to fight the addiction. Last year, [Hawaii](#) became the first state to raise the cigarette-buying age to 21. New Jersey almost became the second state after both chambers passed [SB 602](#), only to have it be pocket [vetoed](#) by Governor Chris Christie (R). Similar measures have been introduced for the 2016 session in [New Jersey](#), [Utah](#), and [West Virginia](#). There are additional measures awaiting further legislative action in [California](#), [Massachusetts](#), [New York](#), [Pennsylvania](#), [Vermont](#), and [Washington](#).

6. STATE LEGISLATIVE BILLS OF INTEREST

Following are a few bills of interest in the 2016 session:

- **Electronic Health Records**—Virginia [HB 1205](#) directs the Secretary of Health and Human Resources to (i) evaluate interoperability of electronic health records systems among health systems and health care providers and the ability of health systems and health care providers to share patient records in electronic format and (ii) develop recommendations for improving the ability of health systems and health care providers to share electronic health records.
- **Firearm Ownership and Medical Records**—Indiana [HB 1297](#) prohibits a practitioner or medical records custodian from disclosing certain information relating to a patient's ownership of a firearm. The bill also prohibits a political subdivision or the board regulating a practitioner from requiring the practitioner to: (1) inquire whether a patient owns a firearm; (2) document in a patient's medical record whether the patient owns a

firearm; or (3) notify any governmental entity of the patient's identification solely on the basis of the patient's ownership of a firearm.

- **Medicaid Reform**—Alaska [HB 227](#) seeks to reform the Medicaid program issued through an executive action by Governor Bill Walker (I) last year. The bill seeks to apply for a section 1115 waiver to use innovative service delivery system models to improve care, increase efficiency, reduce costs and expand services provided to Indian Health Service beneficiaries through the Indian Health Service and tribal health facilities.
- **Prescription Drug Abuse**—Massachusetts [HB 3817](#), [HB 3947](#) and [SB 2103](#) are the Governor's, House of Representatives', and Senate's various bills addressing the opioid epidemic. A conference committee has been appointed to sort through the different versions. These measures include mandatory continuing medical education, prescribing limits, prescription drug monitoring program requirements, and pathways to treatment.
- **Scope of Practice**—Rhode Island [SB 2050](#) and Washington [HB 2304](#) expand the scope of practice for naturopathic physicians.