

March 18, 2016

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### NEXT WEEK IN WASHINGTON...

- \* On Tuesday, March 22, the House Oversight and Government Reform Committee will hold a hearing on the abuse of heroin and opioids.
- \* On Wednesday, March 23, the House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies has a hearing on the budget for the Centers for Disease Control and Prevention.
- \* Also on Wednesday, the Energy and Commerce Committee will hold a panel discussion on cures for childhood diseases. Participants will include an 18-year-old with cystic fibrosis and parents of children with rare diseases as well as Roger Daltrey, founding member of The Who.
- \* The Senate is in recess until Monday, April 4; the House will recess on Wednesday, March 23 until Tuesday, April 12.

## 1. SUBCOMMITTEE REVIEWS IMPLEMENTATION OF PHYSICIAN PAYMENT REFORM

On March 17, the House Energy and Commerce's Health Subcommittee held a [hearing](#) on the implementation of the *Medicare Access and CHIP Reauthorization Act (MACRA)*. Pat Conway, MD, the Acting Principal Deputy Administrator for the Centers for Medicare & Medicaid Services (CMS), highlighted initiatives intended to transform payment systems. He also [discussed](#) efforts underway within the Center for Medicare and Medicaid Innovation to test payment and health delivery models to understand how to improve value and patient outcomes.

During the hearing, several legislators sought information about issues that are consistent with the AAFP's concerns. For example, Rep. Gene Green (D-TX) asked what CMS was doing to provide technical assistance for small and solo practices.

Reps. Marsha Blackburn (R-TN), Brett Guthrie (R-KY), Mike Burgess (R-TX) and Larry Bucshon (R-IN) asked about the Meaningful Use program and efforts to improve interoperability. Rep. Bucshon expressed his support for delaying Meaningful Use Stage 3 implementation, a position consistent with the AAFP's [advocacy](#) efforts.

Rep. Frank Pallone (D-NJ) expressed interest in using telemedicine as part of the MACRA program. Rep. Doris Matsui (D-CA) echoed those concerns and shared a letter urging CMS to advance telemedicine within MIPS.

## **2. AAFP EXPRESSES CONCERNS ABOUT HEALTH CARE AND PUBLIC HEALTH CUTS**

On Tuesday, March 15, the House Energy and Commerce Committee approved the *Common Sense Savings Act* (HR 4725) by a 28-19 vote. The bill would cut about \$25 billion in health spending over a decade, in an effort to garner conservative support for a congressional budget blueprint. The bill proposed to amend Medicaid and the State Children's Health Insurance Program, and to eliminate the Prevention and Public Health Fund. The AAFP sent a [letter](#) about the bill's potential harm to vulnerable populations and to public health priorities such as reducing obesity and tobacco cessation efforts.

## **3. MENTAL HEALTH REFORM IS SUBJECT OF SENATE BILL**

On March 16, the Senate Health, Education, Labor, and Pensions Committee [approved](#) the *Mental Health Reform Act* (S 2680) and a series of substance use disorder bills. S 2680 generally addresses reorganization of the Substance Abuse and Mental Health Services Administration programs.

The AAFP shared a [letter](#) that highlighted the bill's primary care and mental health integration and technical assistance grants, its support for vulnerable populations, the language to promote mental health parity, and provisions that would prioritize primary and mental health integration within the state Community Mental Health Services Block Grant Program. The letter also urged policy makers to avoid cutting programs authorized to support primary care in their efforts to build up the mental health workforce.

## **4. HHS AGENCIES WEIGH IN ON PRESCRIBING OPIOIDS FOR CHRONIC PAIN**

On Tuesday, March 15, the Centers for Disease Control and Prevention (CDC) issued new [recommendations](#) for prescribing opioid medications for chronic pain, excluding cancer, palliative, and end-of-life care. The AAFP had previously [commented](#) on the draft [CDC Guideline for Prescribing Opioids for Chronic Pain, United States, 2016](#) aimed at primary care providers in outpatient settings.

The HHS External Opioid Working Group met at the White House on March 17 to discuss organizations' progress on the commitments made last October by the AAFP and others toward the goal of ending opioid misuse, abuse and overdoses. The AAFP reported that in the first quarter of 2016 members achieved 37 percent of the two-year commitment to educate and train physicians in appropriate opioid prescriber practices.

The HHS Office of the Assistant Secretary of Health released the [National Pain Strategy](#) on Friday, March 18, outlining the government's coordinated plan for reducing the burden of chronic pain that affects millions of Americans.

## **5. FamMedPAC CONTINUES HIGH PROFILE SUPPORT OF KEY LEGISLATORS**

Thanks to strong support from AAFP members, FamMedPAC is keeping a high profile in Washington by supporting key legislators. The PAC participated in events for the following legislators this week:

- **Rep. Ben Ray Lujan (D-NM)**, a member of the Health Subcommittee of the House Energy and Commerce Committee and the Chair of the Democratic Congressional Campaign Committee which Democratic candidates for the U.S. House.
- **Rep. Pat Tiberi (R-OH)**, the Chair of the Health Subcommittee of the House Ways and Means Committee.
- **Rep. Joe Courtney (R-CT)**, the Co-Chair of the House Primary Care Caucus.

## 6. OTHER ITEMS OF INTEREST...

- *Sunlamp Proposed Rule:* The AAFP sent the FDA a [letter](#) on March 15 in response to two proposed rules relating to the restricted sale, distribution, and use of sunlamp products. The letter cited AAFP policy on skin cancer and recommends the FDA produce consumer education materials on the dangers of indoor tanning.
- *Senators Review of Spikes in Generic Drug Prices:* On March 17, the Senate Special Select Committee on Aging held a [hearing](#) on sudden increases in the price of drugs that have been available for years. During the meeting, Senators Susan Collins (R-ME) and Claire McCaskill (D-MO) introduced legislation to improve Food and Drug Administration (FDA) drug reviews. The *Increasing Competition in Pharmaceuticals Act* (S 2615) would prioritize the FDA's approval process for certain generic applications and establish a timeframe for the FDA to expedite the review of certain applications for generic drugs.
- *Release of Medical Records for Transitional Care:* In a [letter](#) on March 15, the AAFP asked CMS for assistance in the release of medical records from hospitals and other health care facilities to primary care physicians to promote Transitional Care Management (TCM). The letter cited a lack of communication between hospitals and other healthcare facilities with primary care physicians and that AAFP believes CMS should correct this situation by updating its rules and communications related to hospital discharge planning.
- *House Proposed FY 2017 Budget:* After a 9-hour discussion, the House Budget Committee passed its draft budget plan to repeal the *Affordable Care Act* (ACA) and cut \$6.5 trillion in federal spending by a vote of 20 to 16. Two Republicans joined the Democrats in voting against the budget. OMB Director Shaun Donovan wrote a [blog](#) critical of the House budget for among other things taking away affordable health coverage from 20 million Americans by repealing the ACA and transforming Medicare into a voucher program that risks increased costs for millions of seniors.
- *Family Physician for NHSC Advisory Council:* On March 17, the AAFP nominated Ephraim Eli Back, MD, MPH, FFAFP of Guilderland, New York to serve as a voting member on the National Advisory Council on the National Health Service Corps (NACNHSC).
- *Colorado Expansion of Medicaid:* A new Colorado Health Foundation [report](#) says state expansion of the Medicaid program has created 31,074 new jobs and added \$3.8 billion in economic activity in the state. The report concludes that "in the two years since implementation, expansion in the state has had a significant positive effect on the economy at no expense to the [state's] general fund."

## 7. UTAH MAKES PROGRESS IN STRUGGLE TO EXPAND MEDICAID

Last week, legislators passed Utah [HB 437](#) which implements a health coverage improvement program through the Medicaid waiver authority. State residents who are homeless, in the criminal justice system, or have substance abuse or mental health issues will be able to obtain coverage. This measure will extend traditional Medicaid coverage to 16,000 low-income adults. If the state were to fully expand Medicaid more than 100,000 people would be affected. The bill has been sent to Governor Gary Herbert (R), who is expected to sign it.

## 8. STATE LEGISLATIVE BILLS OF INTEREST

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

- **Graduate Medical Education** – Minnesota [HF 2628](#) establishes the greater Minnesota family medicine residency program to support current and new residency positions.
- **Medicaid** – Louisiana expanded Medicaid through an Executive Order in January. Several bills have been introduced to adjust current expansion plans. [HB 492](#) authorizes the collection of certain copayments, [HB 309](#) consists of several cost containment measures and coverage limitations, and [HB 517](#) establishes certain provider fees within the Medicaid program.
- **Medical Malpractice** – New Jersey [AB 471](#) would create a Special Medical Malpractice Part in the Superior Court.
- **Primary Care** – Minnesota [HF 3020](#) establishes the Primary Care Case Management program which aims to achieve better health outcomes, track health care expenditures, and reduce the cost of health care for the state.
- **Prescription Drug Abuse** – [Hawaii](#), [New Jersey](#), and [Washington](#) have introduced legislation providing health insurance coverage for abuse-deterrent opioids. Florida [SB 422](#), which requires the same prior authorization requirements for abuse-deterrent opioid products as opioid analgesic drug products, has passed the legislature and awaits approval from the Governor.

## 9. REGULATORY BRIEFS

- On March 11, HHS released a [report](#) showing that Health Insurance Marketplaces nationwide signed up 4.9 million new customers for 2016 coverage during the third Open Enrollment period. In total, 12.7 million people signed up or automatically renewed their plans for 2016 coverage.
- On March 14 the Department of Veterans Affairs [established](#) a call center to help resolve billing and payment issues in the Veterans Choice Program. Veterans and care providers experiencing problems can call the center at 877-881-7618 for assistance.
- On March 15 the Medicare Payment Advisory Commission [released](#) its March report to Congress. The report details fee-for-service payment recommendations for 2017, including recommendations for hospital services and post-acute care.
- On March 16 CMS [released](#) findings from the second annual evaluation report for the Strong Start for Mothers and Newborns Strategy II Initiative. Strong Start Strategy I contributed to a 64.5% nationwide drop in early elective deliveries from 2010 to 2013, and early results from the Strong Start Strategy II evaluation show additional promise.
- On March 16 CMS [released](#) the Community First Choice: Final Report to Congress. The report describes findings in four states (California, Montana, Maryland, and Oregon) that have implemented the Community First Choice (CFC) benefit as of December 2014, and summarizes the status of the CFC benefit in those states as of March 15, 2015.
- CMS will host the following free educational calls, [registration](#) is required:
  - Medicare Shared Savings ACO: Preparing to Apply for 2017 (4/5, 1:30pm ET)
  - Open Payments 2016: Prepare to Review Reported Data (4/12, 2:30pm ET)
  - IMPACT Act: Data Element Library (4/14, 2:00pm ET)
  - Medicare Shared Savings Program ACO Application Process (4/19, 1:30pm ET)
  - National Partnership to Improve Dementia Care and QAPI (4/28, 1:30pm ET)