

September 23, 2016

On the Horizon ...

- * On September 28, the House Ways and Means Oversight Subcommittee will hold a hearing to examine how Medicare fraud and improper payments are investigated.
- * The final MACRA regulation is expected in October.
- * The final 2017 Medicare physician fee schedule is expected in November.

U.S. CONGRESS

1. ONE WEEK LEFT FOR CONGRESS TO AVOID SHUTDOWN

Congressional leaders face several obstacles to avoid a government shutdown when the new federal fiscal year begins on October 1. Senate Majority Leader Mitch McConnell (R-KY) introduced a short term “continuing resolution” or CR to fund the government through December 9, but Democrats have roundly criticized the measure which contains flood aid for Louisiana but does not address the water contamination crisis in Flint, Michigan. The Republican-only CR includes a compromise on Zika of \$1.1B in new funding for the Centers for Disease Control and Prevention (CDC) and the National Institutes of Health to address the emergency without blocking a Planned Parenthood partner in Puerto Rico from receiving Zika funds. It also provides \$37 million in new funding to fight the crisis of opioid addiction. Negotiations between congressional leaders are expected to continue toward a spending compromise next week now that legislators have left town for the weekend.

2. STAKEHOLDERS WORKING GROUP ON OPIOIDS MEETS IN WASHINGTON

AAFP Government Relations staff participated in a meeting of the opioids working group with other stakeholders on September 22. The AAFP reported on the live and enduring continuing medical education opportunities on opioid prescribing, pain management and medication-assisted treatment (MAT) offered to family physicians. The White House Office of National Drug Control Policy is promoting the October 22 National Take Back Day. Government attendees promoted the Centers for Disease Control and Prevention’s [guideline](#) for prescribing opioids for chronic pain.

3. AAFP URGES PRIMARY CARE INVOLVEMENT IN ANTIBIOTIC RESISTANCE EFFORTS

On September 19, the Presidential Advisory Council on Combating Antibiotic Resistant Bacteria ([PACCARB](#)) held a public [meeting](#) to review recommendations for prevention and antibiotic stewardship. The AAFP submitted a brief [comment](#) to restate its support for the council’s efforts, to assert family physicians’ role as a leader in the fight against antibiotic resistance, to urge officials to include more primary care physicians within PACCARB, and to highlight the value of leveraging health IT to help physicians follow best practices.

4. HOUSE AND SENATE PANELS AIR CONCERNS ABOUT HIGH DRUG PRICES

On September 21, the House Oversight and Government Affairs Committee held a [hearing](#) titled, the *Rising Price of EpiPens* with the CEO of Mylan Pharmaceuticals and with Dr. Doug

Throckmorton, the Deputy Director, Center for Drug Evaluation and Research with the U.S Food and Drug Administration (FDA). During the hearing, Chairman Jason Chaffetz (R-UT) criticized the Mylan executive for raising the price of EpiPens. Also on September 21, the Senate Appropriations Subcommittee on Agriculture, Rural Development, the Food and Drug Administration, and Related Agencies also conducted a [hearing](#) titled *FDA's Role in the Generic Drug Marketplace*.

THE EXECUTIVE BRANCH

1. PHYSICIANS COMMENT ON COVERAGE FOR CONTRACEPTIVE SERVICES

In a September 20 [letter](#) sent to the Department of Health and Human Services (HHS), the AAFP along with the American Congress of Obstetricians and Gynecologists and the American Academy of Pediatrics responded to a request for information regarding the coverage for contraceptive services. HHS sought input in assessing whether there is a feasible alternative to the existing birth control coverage accommodation for religious entities. Our coalition of physician organizations reiterated a commitment to increasing birth control access, emphasized that all individuals of reproductive age should have access to affordable birth control, and called for insurance coverage to be provided for all FDA-approved contraceptive methods.

2. REGULATORY BRIEF

- On September 19, CMS released a [blog](#) about evaluation [reports](#) pertaining to bundled payment models that focus on heart attacks, heart bypass surgery, and hip fracture surgery.
- On September 19, HHS posted a [blog](#) on combating antibiotic resistance.
- On September 19, the Department of Veterans Affairs [announced](#) awarding of 12 contracts between 5 firms totaling \$6.8 billion to improve the Medical Disability Examination process for Veterans.
- On September 19, the U.S. Government Accountability Office (GAO) released a [report](#) citing the need for improvements in the oversight of community care physicians' credentials.
- On September 21, GAO released a [report](#) highlighting the need for further analysis of the size, readiness, and efficiency of the medical force.
- HHS recently updated a [website](#) which enables individuals or organizations to file a Health Insurance Portability and Accountability Act (HIPAA) or Affordable Care Act complaint for non-compliance with provisions of HIPAA.
- HHS recently issued [FAQs](#) on language access requirements that take effect October 17 regarding requirements that prohibit discrimination based on race, color, national origin, sex, age or disability in health programs and activities receiving federal financial aid.
- On September 22, CMS released [data](#) on 2017 Medicare Advantage premiums and enrollment rates, data on the Prescription Drug Plan, and state-by-state [information](#) on the utilization of preventive services at no cost sharing to beneficiaries in Medicare.
- CMS will host the following free educational call, [registration](#) is required:
 - SNF Value-Based Purchasing Program Call, Sep 28, 1:30pm ET
 - 2015 Annual QRURs Webcast, Sep 29, 1:30pm ET
 - Emergency Preparedness Requirements Call, Oct 5, 1:30pm ET
 - IMPACT Act: Data Elements and Measure Development Call, Oct 13, 1:30 pm ET

CENTERING ON THE STATES

1. Missouri Seeks Waiver Approval for Medicaid Co-Payments

On September 14, the Missouri state legislature overrode Governor Jay Nixon (D)'s veto of [SB 608](#). SB 608 requires the Department of Social Services to seek a federal waiver to allow Medicaid providers to charge enrollees for missing, or failing to cancel, an appointment. The law

would also allow \$8 co-pays for Medicaid patients who receive non-emergency care in an emergency room. The Governor stated that this measure would punish the state's most vulnerable citizens without improving access to care. The federal Centers for Medicare and Medicaid Services has 90 days to respond to the state request.

2. Don't miss out on the State Legislative Conference!

This year's [State Legislative Conference](#) will take place October 27-29 at the Hyatt Regency Downtown in Phoenix, Arizona. The room block for the Hyatt Regency – Phoenix will close September 28. Session topics include Medicaid managed care, prescription drug abuse, MACRA and various public health topics.

FAMMEDPAC

Members attending the AAFP Congress of Delegates this week donated a record \$35,000 to FamMedPAC. The special guest at the FamMedPAC VIP reception in Orlando was Congressional candidate Val Demings of Orlando (D-FL-10), who delivered remarks to attendees. The PAC Board voted to support her campaign. In Washington, the PAC also supported the following candidates:

- **Rep. Lloyd Doggett (D-TX)**, a member of the House Ways and Means Committee.
- **Rep. Steve Stivers (R-OH)**, member of the House Rules Committee.
- **Rep. Mike Thompson (D-CA)**, a leader in the fight against gun violence and supporter of the Teaching Health Center Graduate Medical Education program.
- **Rep. Earl Blumenauer (D-OR)**, a member of the House Ways and Means Subcommittee on Health.
- **Rep. Bill Pascrell (D-NJ)**, a member of the House Ways and Means and Budget Committees.
- **Rep. Mark Pocan (D-WI)**, a member of the House Budget Committee and the Congressional Primary Care Caucus, and a supporter of AHRQ and Title VII funding.
- **Rep. Peter Roskam (R-IL)**, a member of the House Ways and Means Committee.
- **Rep. Elizabeth Esty (D-CT)**, a member of the Congressional Primary Care Caucus and supporter of the Teaching Health Center Graduate Medical Education program.

Your donations are growing – to join us, please visit the [FamMedPAC Donation Page](#).

TAKE ACTION

1. CONGRESS OF DELEGATES CONSIDERS ADVOCACY RESOLUTIONS

This week Family Physicians from across the country and around the world traveled to the Congress of Delegates (COD) and FMX in Orlando, Florida. The COD considered myriad advocacy resolutions, including single payer health care, OTC contraceptives for adolescents, OTC contraceptive coverage in Medicaid, Medicare drug price negotiations, removal of pain as the fifth vital sign, transgender use of public facilities, the minimum wage, medical foods, and the Prescription Drug Monitoring Program. Government Affairs staff will be addressing these resolutions soon.

2. FAMILY PHYSICIAN ACTION NETWORK

The AAFP unveiled the Family Physician Action Network at the Congress of Delegates and continued to recruit and engage members during the Family Medicine Experience (FMX). One hundred eight members registered for the Network, bringing the total number to 168. If you would like more information on the Network, or to register, please visit the temporary [website](#).