

COVID-19: A Weekly Health Care Update from Washington
April 27 – May 1, 2020

IN BRIEF

What Happened This Week: On Thursday, the Trump Administration announced additional regulatory waivers and flexibilities intended to increase Medicare / Medicaid beneficiary access to COVID-19 testing and boost access to telehealth. CDC and FDA also released guidance intended to assist states with developing and implementing the testing plans laid out in administration's Opening Up America Guidelines. All of this and more is summarized in the "deep dive" section of this week's health care update.

What to Expect Next Week: Expect the Senate to reconvene in Washington on Monday, while the House continues to work remotely.

DEEP DIVE

Senate to Return to Washington May 4; House to Continue Working Remotely

The Senate is expected to return to Washington on Monday, May 4 after working remotely for weeks due to the coronavirus. Several in-person hearings have already been scheduled, including one Senate HELP Committee on Thursday, May 7 to examine new testing for the coronavirus. Invited [witnesses](#) can be found below:

- Francis Collins, MD, PhD, Director, National Institutes of Health
- Gary Disbrow, PhD, Acting Director, Biomedical Advanced Research and Development Authority, Office of the Assistant Secretary for Preparedness and Response, United States Department of Health and Human Services

The House was also expected to meet next week; however, House Democratic Leadership [reversed](#) that decision, citing concerns from the House physician about the virus. Instead, the chamber is expected to continue working remotely.

Looking ahead, it is almost certain that both chambers will move to take up additional measures to address the public health crisis ("CARES 2.0"). So far, Democrats have been vocal about the need to bolster state and local response efforts with more funding. Republicans, meanwhile, continue to emphasize the importance of balancing the nation's response with the impact to the economy and the growing national debt. Senate Majority Leader Mitch McConnell did recently express interest in taking up legislation that included liability protections for business owners who decide to open their doors and suggested that he would be open to passing a bill with some assistance for states, however what that legislation will look like and when that will happen is still up in the air.

CDC and FDA Release Guidance Intended to Assist States with Developing and Implementing the Testing Plans Laid Out in Administration's *Opening Up America Guidelines*

On Monday, April 27, the Trump Administration released a new Opening Up America Again [Testing Overview](#) and [Testing Blueprint](#) intended to assist states with developing and implementing the testing and rapid response

programs described in the Administration's [Opening Up America Again Guidelines](#). Alongside this announcement, several retailers, including Kroger, Walmart and CVS said they would be opening up new testing sites nationwide.

CMS Announces Additional Regulatory Flexibilities and Waivers

On Thursday, April 30, the Centers for Medicare & Medicaid Services (CMS) [announced](#) additional regulatory flexibilities and waivers intended to increase COVID-19 testing for Medicare and Medicaid beneficiaries and further the Agency's efforts to increase beneficiaries' access to telehealth. To view the full list of flexibilities and waivers, click [here](#).

Senate Republicans Reportedly Preparing to Introduce Privacy Bill Focused on COVID-19 Contract Tracing Efforts

A group of Senate Republicans – led by Senate Commerce Committee Chairman Roger Wicker (R-MS) – are [reportedly](#) planning to introduce a COVID-19-related data privacy bill upon their return to Washington next week. According to a draft that was circulated this week among several major news outlets, the bill would allow tech companies to develop platforms to trace the virus (in an effort to stop the spread) but would "hold businesses accountable to consumers if they use personal data to fight the COVID-19 pandemic." The legislation would require that companies obtain consent prior to patient data collection. Sens. Marsha Blackburn (R-TN) and Jerry Moran (R-KS) are said to be co-sponsors of the legislation.

21st Century Cures Act "2.0" Reportedly in the Works

The authors of the bipartisan 21st Century Cures Act ([H.R. 34](#)) – Reps. Diana DeGette (D-CO) and Fred Upton (R-MI) – said this week they are working on the next version of their bill based on feedback they received recently from "nearly 500" stakeholders. On Monday, the duo released a [concept paper](#) with six "components" that they are reportedly focusing on:

1. Public Health and Pandemic Preparedness
2. Caregiver Integration
3. Patient Engagement in Health Care Decision-Making
4. Diversity in Clinical Trials
5. Food and Drug Administration Modernization
6. CMS Modernization

In a joint statement, Reps. DeGette and Upton said this next bill "offers hope for today's pandemic and tomorrow's challenges. It's more important than ever that we continue our efforts to modernize the way we treat the world's most vexing diseases." The lawmakers are reportedly hoping to introduce the bill before the end of the year.

ADMINISTRATION ANNOUNCEMENTS

Department of Health and Human Services

- [Secretary Azar Remarks at White House Protecting America's Seniors Event](#)
- [HHS Awards \\$20 Million to Combat COVID-19 Pandemic through Telehealth](#)
- [NIH Clinical Trial Shows Remdesivir Accelerates Recovery From Advanced COVID-19](#)

- [Secretary Azar Statement on Positive Results from NIH Remdesivir Trial](#)
- [Eligible Providers Can Submit Information to Receive Additional Provider Relief Fund Payments](#)
- [Trump Administration Putting Boots on the Ground to Help States Combat COVID-19](#)
- [HHS Launches COVID-19 Uninsured Program Portal](#)
- [Tribal and Urban Indian Organization Leader Message on COVID-19](#)
- [SAMHSA Awards Grants Expanding Community-Based Behavioral Health Services, Strengthens COVID-19 Response](#)

Centers for Medicare & Medicaid Services

- [CMS Announces Independent Commission to Address Safety and Quality in Nursing Homes](#)
- [Trump Administration Issues Second Round of Sweeping Changes to Support U.S. Healthcare System During COVID-19 Pandemic](#)

Centers for Disease Control and Prevention

- [Click here for the full list of all new CDC guidance and updates.](#)

Food and Drug Administration

- [FDA Includes Ventilator Developed by NASA in Ventilator Emergency Use Authorization](#)
- [FDA Continues to Ensure Availability of Alcohol-Based Hand Sanitizer During the COVID-19 Pandemic, Addresses Safety Concerns](#)

QUICK LINKS

- [Mehlman Castagnetti's Infographics Analysis on Post-Pandemics Politics and Policy](#)
- [Additional Mehlman Castagnetti Resources on COVID-19](#)
- [Johns Hopkins University Map of Global Cases of Coronavirus](#)
- [CDC Map of Coronavirus Cases in the US](#)
- [CMS COVID-19 Stakeholder Call Recording/Transcripts](#)
- [Kaiser Family Foundation: State Data and Policy Actions to Address Coronavirus](#)
- [CRS Report: COVID-19 – Global Implications and Responses](#)