

COVID-19: A Weekly Health Care Update from Washington
May 11-15, 2020

IN BRIEF

What Happened This Week: A handful of Congressional committees conducted COVID-related hearings this week – all with modified layouts and with some witnesses appearing remotely in an effort to adhere to social distancing guidelines. On Tuesday, Speaker Pelosi and the House Democratic Leadership unveiled their next COVID-19 legislative response proposal (CARES Act “2.0”) and plan to vote on the measure later this evening (Friday, May 15). Meanwhile, the Trump Administration announced plans to distribute \$11 billion to states in support of COVID-19 testing efforts.

What to Expect Next Week: Expect the Senate to reconvene in Washington next week. The House schedule is still fluid, although it’s possible that Members could be called on to return to Washington as well (depending on when the vote on their latest COVID response proposal takes place).

DEEP DIVE

House Democratic Leadership Pushes Ahead with Vote on “Phase Four” COVID-19 Legislative Proposal

House Democratic leadership appears to be pushing forward with a vote on their newly released “phase four” COVID-19 legislative proposal, despite opposition from Republicans and a number of lawmakers in their own party. The \$3 trillion Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act ([H.R. 6800](#)) includes:

- **Support for State and Local Governments:**
 - Approximately \$1 trillion to support state and local governments.
- **Payments to Individuals and Families:**
 - \$1,200 in payments per family member (up to \$6,000 per household).
- **Testing and Contact Tracing Infrastructure:**
 - \$75 billion in grants to state, local, Tribal, and territorial health departments to support testing, contact tracing, and isolation or quarantine.
- **Health Care Coverage:**
 - Provides subsidies for the cost of COBRA premiums to allow workers to maintain their employer-sponsored coverage if workers lose employment or been furloughed.
 - Allows State Medicaid programs to cover COVID-19 treatment for uninsured patients.
 - Establishes special enrollment periods for Medicare beneficiaries.
- **State Medicaid Program Support:**
 - Increases the Federal Matching Assistance Percentage (FMAP) by 14 percentage points through June 30, 2021.
- **Access to COVID-19 Treatment:**
 - Eliminates cost sharing for COVID-19 treatment for Medicaid and Medicare beneficiaries as well as those covered by private health insurance.

- Requires coverage of items and services related to the treatment of COVID-19 in group and individual market health plans and waives cost-sharing requirements for consumers.
- Establishes zero cost sharing for COVID-19 treatment for TRICARE, Veterans and Federal Civilians.
- Mandates coverage of the COVID-19 vaccine with no cost-sharing for beneficiaries under the Medicaid program, to align with free coverage of the vaccine in private insurance and in the Medicare program established in the CARES Act.
- Requires that Part D drugs intended to treat COVID-19 are covered for Medicare patients without cost-sharing or utilization management requirements.
- **Hospital and Health Care Provider Funding:**
 - Appropriates an additional \$100 billion into the Provider Relief Fund.
 - Increases payments to facilities that serve a high proportion of Medicaid patients through September 30, 2021.

Looking ahead, if / when the bill does make it through the House, the proposal is not expected to move as quickly through the Senate as previous pieces of COVID-19 legislation (shortly after the bill was introduced, Majority Whip John Thune (R-SD) told reporters that the Democrats' bill was "not going anywhere" in the Senate; President Trump also recently said the bill was "dead on arrival"). As such, expect negotiations on the details of this and any other forthcoming legislation to continue. A one pager on the HEROES Act – in its current form – can be found [here](#) and a section-by-section summary can be found [here](#).

Senate HELP Committee Holds Hearing on Reopening the Nation's Businesses and Schools

The Senate HELP Committee held a hearing on Tuesday, May 12 looking at reopening the nation's businesses and schools amid the COVID-19 pandemic. Several members of the White House's Coronavirus Task Force testified, including:

- Anthony Fauci, MD NIH Director, National Institute of Allergy and Infectious Diseases
- Robert Redfield, MD, CDC Director
- ADM Brett Giroir, MD, HHS Assistant Secretary for Health
- Stephen Hahn, MD, FDA Commissioner of Food And Drugs

In his opening statement, Chairman Lamar Alexander (R-TN) acknowledged that while vaccines and treatments are the "ultimate solutions," he added that "[s]taying at home indefinitely is not the way to end this pandemic." The Chairman later said he intends to conduct several other hearings this year focused both on the current COVID-19 pandemic and on the nation's efforts to prepare for future pandemics.

In her own remarks, Ranking Member Patty Murray (D-WA) criticized the Trump Administration's response to COVID-19 thus far, calling it a "disaster all of its own." She later asked Dr. Fauci about his recent warning that "needless suffering and death" could occur if the nation reopens too soon. In response, Dr. Fauci explained: "[t]here is a real risk that you will trigger an outbreak that you might not be able to control, which in fact paradoxically will set you back not only leading to some suffering and death that could be avoided, but could even set you back on the road to trying to get economic recovery."

A full summary of the hearing can be found [here](#).

Newly Formed House Coronavirus Oversight Subcommittee Conducts First Briefing to Examine What's Needed to Safely Reopen the Nation Amid the COVID-19 Pandemic

The House's newly formed Select Subcommittee on the Coronavirus Crisis heard from a group of public health experts during its first briefing on Wednesday, May 13 to examine the requirements for reopening the nation amid the coronavirus pandemic. Panelists included:

- Dr. Scott Gottlieb, Former FDA Commissioner; Current Resident AEI Fellow
- Dr. Mark McClellan, Former FDA Commissioner; Former CMS Administrator; Founding Director, Duke-Margolis Center for Health Policy, Duke University
- Dr. Ashish Jha, Harvard Global Health Institute Director
- Dr. Tom Inglesby, Johns Hopkins Bloomberg School of Public Health Center for Health Security Director
- Dr. Georges Benjamin American Public Health Association Executive Director

The discussion during the hearing was politically charged at times, with Democratic members criticizing the Administration's response to the pandemic, and Republicans questioning whether the Committee itself was "designed to go after this president."

At one point during the hearing, Dr. Gottlieb (who recently co-authored a report along with Dr. McClellan titled "[National Coronavirus Response: A Road Map to Reopening](#)") stressed that getting to a "new normal" in the US will require better testing, contact tracing, and improved data collection. Tom Inglesby later said getting back to "normal" will be a "marathon, not a sprint."

Democratic Lawmakers Introduce Health Data Privacy Bill

On Thursday, May 14, Reps. Anna Eshoo (D-CA), Jan Schakowsky (D-IL), Suzan DelBene (D-WA), and Sens. Richard Blumenthal (D-CT), and Mark Warner (D-VA) introduced a health data privacy bill ([Public Health Emergency Privacy Act](#)) that would require all COVID-19 contact tracing apps and digital monitoring tools to include opt-in consent and would allow consumers to sue companies and/or government agencies if their health data was not protected.

Former BARDA Official Rick Bright Testifies Before House Energy and Commerce Health Subcommittee

On Thursday, May 14, members of the House Energy and Commerce Health Subcommittee heard [testimony](#) from Rick Bright, the [former](#) Director of HHS' Biomedical Advanced Research and Development Authority (BARDA). When asked whether the US was adequately prepared to respond to the pandemic both now and in the future, Bright suggested that the nation still has "a lot of work to do to be prepared."

Trump Administration Reportedly Considering "Made in America" Executive Order for Certain Essential Drugs and Medical Treatments

The Trump Administration is reportedly considering a new Executive Order that would require certain essential drugs and medical treatments to be made in the US. A draft version of the EO that was circulated among [media outlets](#) this week reads: "[i]t is critical that we reduce our dependence on foreign manufacturers for essential medicines, medical countermeasures" in an effort to "ensure sufficient and reliable long-term domestic manufacturing" that prevents shortages and supplies to "mobilize our nation's public health industrial base." In an effort to ensure price competition,

the EO will reportedly require that production of these drugs and treatments be distributed among several different companies. The specific list of drugs and treatments is expected to be determined at a later date, though it is expected to only apply to anything related to public health emergencies / biohazard attacks.

Trump Administration to Distribute \$11 Billion to States to Support COVID-19 Testing Efforts

On Monday, May 11, the Trump Administration [announced](#) it will be distributing \$11 billion to states to assist in their COVID-19 testing efforts. Although the White House said additional details on the distribution of these funds is forthcoming, the money will reportedly be distributed to areas with high COVID-19 burden and population size. That same day, the White House also announced that after coordinating with leadership from each state to set state-specific testing objectives, HHS and FEMA will be distributing 12.9 million test swabs and over 9.7 million tubes of media to states nationwide during the month of May.

CDC Posts Guidance for States on Reopening Bars, Restaurants and Workspaces

The CDC posted [guidance](#) this week for states to use when making decisions about reopening public areas such as bars, restaurants, and workspaces.

UPCOMING CONGRESSIONAL HEARINGS

[Senate Banking, Housing and Urban Affairs Committee](#)

Topic: The Quarterly CARES Act Report to Congress

Date: Tuesday, May 19 at 10am

Witnesses:

- The Honorable Steven Mnuchin, Treasury Secretary
- The Honorable Jerome Powell, Federal Reserve Chairman

[House Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies](#)

Topic: Department of Veterans Affairs' Response to COVID-19

Date: Tuesday, May 19 at 12pm

Witnesses:

- The Honorable Robert Wilkie, Veterans Affairs Secretary
- Dr. Paul Lawrence, Veterans Affairs Under Secretary for Benefits
- Jon Rychalski, Veterans Affairs Assistant Secretary for Management and Chief Financial Officer
- Dr. Jennifer MacDonald, Veterans Affairs Chief Consultant to the Deputy Under Secretary for Health

[House Education and Labor Subcommittee on Workforce Protections](#)

Topic: Examining the Federal Government's Actions to Protect Workers from COVID-19

Date: Tuesday, May 19 at 10:15am

Witnesses:

- TBA

[House Committee on Small Business](#)

Topic: Bipartisan Virtual Forum: "The Effects of COVID-19 on Rural Economies"

Date: Wednesday, May 20 at 1pm

Witnesses:

- TBA

[Senate \(Special Committee on\) Aging](#)

Topic: Caring for Seniors Amid the COVID-19 Crisis

Date: Thursday, May 21 at 1pm

Witnesses:

- TBA

ADMINISTRATION ANNOUNCEMENTS

Department of Health and Human Services

- [HHS To Award \\$5 Million for Health Services Research Related to COVID-19](#)
- [NIH Begins Clinical Trial Of Hydroxychloroquine And Azithromycin To Treat COVID-19](#)
- [SAMHSA Seeks Applications For \\$40 Million Emergency COVID-19 Grants For Suicide Prevention](#)
- [HHS Awards \\$15 Million To Support Telehealth Providers During The COVID-19 Pandemic](#)
- [AHRO's COVID-19 Resources Provide Critical Support For Healthcare Professionals](#)
- [Podcast Learning Curve: HHS Secretary Alex Azar On The Race To A Vaccine](#)
- [Coordinated Strategy To Accelerate Multiple COVID-19 Vaccine Candidates Is Key, NIH Experts Say](#)

Centers for Medicare & Medicaid Services

- [Trump Administration Announces Call for Nominations for Nursing Home Commission](#)
- [CMS Issues Nursing Homes Best Practices Toolkit to Combat COVID-19](#)

Centers for Disease Control and Prevention

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

Food and Drug Administration

- [FDA Takes New Actions To Accelerate Development Of Novel Prevention, Treatment Options For COVID-19](#)
- [FDA Updates On Surveillance Inspections During COVID-19](#)
- [Click here for the full list of all new FDA updates.](#)

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](#)