



Weekly Health Care Update: *COVID-19 and Beyond* June 22-26, 2020

IN BRIEF

What Happened This Week: Both Congress and the Trump Administration continued their efforts to respond to the pandemic from a variety of different angles this week as the US [recorded](#) nearly 40,000 new COVID-19 cases yesterday – the highest single-day increase in cases since the beginning of the pandemic. On Tuesday, four members of the Trump Administration appeared before the House Energy and Commerce Committee during an oversight [hearing](#) on the Administration’s response to COVID-19. That same day, the Senate HELP Committee held another COVID-19 “lessons learned” [hearing](#) as part of the Chairman’s larger effort to draft and pass pandemic preparedness legislation by the end of the year. Two more House panels ([Budget / Education & Labor](#)) examined the ways in which the pandemic is worsening racial inequities (following last week’s E&C Subcommittee [hearing](#) to examine racial and ethnic disparities in COVID-19 and the health care system). Meanwhile, the Trump Administration issued a [proposal](#) yesterday to make the temporary COVID-19 telehealth benefits for Home Health Agencies permanent. And in case you missed it, MCRT’s Dean Hingson recently chatted with House E&C Health Subcommittee Ranking Member Michael Burgess (R-TX) on the latest *14th and G Podcast* about the next COVID-19 support package, track and trace efforts, and the need for a federal data privacy standards. Click [here](#) to tune in.

But as lawmakers continue to grapple with the ever-changing landscape of a global pandemic, much of Congress’ attention has been focused on other major legislative items, including police reform following the death of George Floyd last month. On Wednesday, Senate Democrats [blocked](#) a proposal introduced by the chamber’s only African American Republican Senator, Tim Scott (SC), arguing that the measure was “deeply, fundamentally and irrevocably flawed” and stressed that more bipartisan negotiations on the details of the bill would be needed in exchange for their support. House Democrats voted late last night to [pass](#) their own police reform proposal; however, the fate of that bill is uncertain as Senate Republicans and the White House have said they will not support it in its current form.

What to Expect Next Week: Both chambers are expected to be in session next week before a two-week July 4 recess. With movement on police reform legislation now at a standstill, expect the Senate to move ahead with debate on its annual defense authorization bill ([S. 4049](#)). Meanwhile, over in the House, likely floor action next week includes: 1) a vote on House Democrats’ newly introduced health care affordability and accessibility proposal ([H.R. 4125](#)); and 2) a vote on House Democrats’ \$1.5 trillion infrastructure proposal ([H.R. 2](#)). Neither proposal is likely to move in the Senate given the Republican majority, though many Democrats are using the opportunity to vote on the legislation ahead of the November elections. It’s also possible that the chamber could move to take up a bill ([H.R. 7301](#)) introduced by Rep.

Maxine Waters (D-CA) that would authorize close to \$200 billion for renters and homeowners in need of assistance with housing, foreclosures, evictions, etc. as a result of the pandemic.

DEEP DIVE

Congress Juggles COVID-19 Response and Police Reform Ahead of July 4 Recess: As lawmakers continue to grapple with the ever-changing landscape of a global pandemic, much of the attention in Washington has been focused on police reform following the death of George Floyd last month. House Democrats and Senate Republicans have each introduced their own legislation in recent weeks, although the path forward for either bill is uncertain at this point.

On Wednesday, a procedural vote to move forward with debate on the Senate Republican proposal ([S. 3985, the Just and Unifying Solutions to Invigorate Communities Everywhere \(JUSTICE\) Act](#)) was blocked by Democrats, who [called](#) the bill “deeply, fundamentally and irrevocably flawed” and stressed that more bipartisan negotiations on the details of the bill would be needed in exchange for their support. In response, the author of the Senate GOP bill, Senator Tim Scott (R-SC), [said](#) he was “amazed that my colleagues on the other side of the aisle refused to vote for legislation that would provide real life solutions for the American people.” He added: “[i]f my colleagues had issues with the legislation, they should have accepted that we were willing to give them multiple amendment votes so that we can make the necessary adjustments to get this across the president’s desk.”

Meanwhile, over in the House, Democrats voted late last night to [pass](#) their own police reform proposal ([H.R. 7120, the Justice in Policing Act](#)). In a speech on the House floor just before the vote, House Speaker Nancy Pelosi (D-CA) called the proposal a “bill that American people are insisting on, that this moment in history demands, and what is shameful, bad faith act to dismiss the will of the public out of hand.” She added: “[t]oday, with this bill, we have the opportunity and the obligation to ensure that George Floyd’s death and the deaths of so many are not in vain. Their lives matter. Black lives matter.” The legislation passed mostly along party lines (236-181), with three Republicans voting in favor of it; however, its fate is uncertain as the White House has said it will not support it in its current form.

House Energy and Commerce Committee Conducts Oversight Hearing on Trump Administration’s Response to COVID-19: Four members of the Trump Administration appeared before the House Energy and Commerce Committee on Tuesday, June 23 during an oversight hearing on the Administration’s response to COVID-19. Witnesses included: Dr. Anthony Fauci, NIH’s Director of the National Institute for Allergy and Infectious Diseases; ADM Brett Giroir, M.D., HHS Assistant Secretary for Health; Dr. Stephen Hahn, FDA Commissioner; and Dr. Robert Redfield, CDC Director. When asked where the US stood in its fight against COVID-19, Dr. Fauci said it’s a “mixed bag” across the country. “In some respects, we’re doing well in bringing cases down...that said, we’re also seeing a disturbing surge of infections in some areas that looks like an increase in community spread.” Fauci added that the next couple of weeks will be “critical” in the nation’s ability to address the surges. A full summary of the discussion can be found [here](#).

Senate HELP Committee Conducts COVID-19 “Lessons Learned” Hearings: The Senate HELP Committee held another COVID-19 “lessons learned” hearing on Tuesday, June 23. Witnesses included: William Frist, M.D., Former U.S. Senate Majority Leader; Joneigh Khaldun, MD, MPH, FACEP, Chief Medical Executive and Chief Deputy Director for Health, Michigan Department of Health and Human Services; Julie Gerberding, MD, MPH, Executive Vice President and Chief Patient Officer, Merck & Co., Inc., Co-Chair, CSIS Commission on Strengthening America’s Health Security; and Governor Michael Leavitt, Former U.S. Secretary of Health And Human Services. During the hearing, Ranking Member Patty Murray (D-WA) suggested that while planning for future pandemics is important, “it’s even more clear that there’s a lot that needs to be done to respond to this one.” In response, Chairman Lamar Alexander (R-TN) stressed the

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importance of long-term investments to combat future pandemics. “While the nation is in the midst of responding to COVID-19, the United States Congress should take stock now of what parts of the local, state, and federal response worked, what could work better and how, and be prepared to pass legislation this year to better prepare for the next pandemic, which will surely come,” he said. A full summary of the discussion can be found [here](#). The Committee’s “lessons learned” hearing series is part of the Chairman’s larger effort to draft and pass pandemic preparedness legislation by the end of the year). As a starting point to help inform members and staff, the Chairman solicited stakeholder feedback on a white paper earlier this month entitled, [Preparing for the Next Pandemic](#). Feedback is due to the Committee NLT today – June 26. For more details on submitting comments, click [here](#).

Ways and Means Committee Holds Hearing to Examine COVID-19 in Nursing Homes: Members of the Ways and Means Committee head from a range of witnesses during a hearing on COVID-19 in nursing homes this week, including a [nursing home worker](#) from Connecticut, an [individual](#) whose family member died after contracting COVID-19 in a nursing home, and an [AARP state director](#). Recent [reports](#) have suggested that while individuals in nursing homes make up less than one percent of the US population, they make up at least 40 percent of all COVID-19 deaths. Click [here](#) for more information on this week’s hearing.

Lawmakers Introduce COVID-19 Drug Pricing Legislation: A group of four House lawmakers (four Democrats and one Republican) introduced a pair of bills this week aimed at preventing price-gouging, prohibiting monopolies, and ensuring transparency of COVID-19 drugs. The first bill, the [Taxpayer Research and Coronavirus Knowledge \(TRACK\) Act](#), would establish a single database (using government funding) for all COVID-19 biomedical research and development. The second bill, the [Make Medications Affordable by Preventing Pandemic Pricegouging Act \(MMAPPP\) Act](#), would waive new drug exclusivity licenses for drugs that treat or prevent COVID-19 in an effort to prevent price gouging. The bill would also require the government to “mandate reasonable, affordable pricing of any new, taxpayer-funded COVID-19 drug used to diagnose, mitigate, prevent, or treat COVID-19” and require manufacturers to publicly report a specific breakdown of total expenditures on any COVID-19 drug, including what percentage of those expenditures were derived from federal funds.

Senate Democrats Send Letter to HHS on Disbursement of Remaining Funds for COVID Testing / Tracing: Senate Democratic Leader Chuck Schumer (D-NY) and Senate HELP Committee Ranking Member Patty Murray (D-WA) sent a [letter](#) to HHS Secretary Alex Azar earlier this week calling for the Trump Administration to distribute the remainder of funds Congress appropriated to increase testing and contact tracing capacity. “Regarding funding for ramping up testing and contact tracing capacity, the Administration has full discretion to spend, as it sees fit, more than \$8 billion of the \$25 billion provided by Congress,” the Senators wrote. “With COVID-19 cases spiking in numerous states, the Administration has not released a plan to distribute this funding. It is critical that the Administration disburse the \$8 billion immediately with an emphasis on addressing two major unmet needs: contact tracing and collecting data on COVID-19 racial and ethnic disparities.”

Democratic Lawmakers Concerned That Recent Removal of BARDA Staff Could Delay Progress of COVID-19 Vaccine: On Tuesday, June 16, Senate HELP Committee Ranking Member Patty Murray (D-WA) and House Appropriations Subcommittee on Labor, Health and Human Services, and Education Chairwoman sent a [letter](#) to HHS Secretary Alex Azar expressing concern for the recent removal of BARDA employees from leadership positions, suggesting that the move “undermines scientists and threatens to create unnecessary delays” in the development of the urgently needed COVID-19 vaccine. “We write to express concern and request information about recent changes in leadership related to COVID-19 vaccine contracts managed by the Biomedical Advanced Research and Development Authority (BARDA) as part of the Trump Administration’s Operation Warp Speed effort,” the lawmakers

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wrote. "Recently, it has come to our attention that the Administration has removed BARDA from project leadership in relation to several of the vaccine contracts and replaced it with other agencies. Such reassignments undermine the mission and expertise of BARDA scientists and delay progress toward COVID-19 vaccine production and manufacturing. These disruptions threaten to prolong the COVID-19 pandemic and put lives at risk. In order to avoid this unnecessary delay, we urge HHS to immediately reinstall BARDA employees as the project leads on COVID-19 vaccine contracts."

States Rolling Back Plans to Reopen After US Sees Highest Number of New COVID Cases in Single Day Since Beginning of Pandemic: The US [recorded](#) nearly 40,000 new COVID-19 cases on Thursday – the highest single-day increase in new cases since the beginning of the pandemic. In response, a number of state governors are [rolling back](#) plans to reopen. During an interview earlier this morning, Dr. Fauci suggested that the Administration has been having "intense discussions" about a new [testing strategy](#) aimed at finding infected individuals and isolating them quickly ("pool testing").

CMS Releases Data on Impact of COVID-19 on Medicare Beneficiaries: On Monday, June 22, CMS released [data](#) showing that Black Medicare beneficiaries who contracted COVID-19 were hospitalized nearly four times more than white beneficiaries. "The disparities in the data reflect longstanding challenges facing minority communities and low income older adults, many of whom face structural challenges to their health that go far beyond what is traditionally considered 'medical'," said CMS Administrator Seema Verma. She added: "[n]ow more than ever, it is clear that our fee-for-service system is insufficient for the most vulnerable Americans because it limits payment to what goes on inside a doctor's office. The transition to a value-based system has never been so urgent. When implemented effectively, it encourages clinicians to care for the whole person and address the social risk factors that are so critical for our beneficiaries' quality of life." The data also showed that while end-stage renal disease (ESRD) patients had the highest rate of hospitalization among all Medicare beneficiaries, they were also more likely to have chronic comorbidities associated with increased COVID-19 complications and hospitalization, such as diabetes and heart failure.

CMS Proposes to Make Home Health Agency's Temporary Telehealth Benefits Permanent: Through its annual [proposal](#) to update the Home Health Prospective Payment System for 2021, CMS is also proposing to make temporary [regulatory changes](#) related to home health agencies' use of telehealth permanent. If finalized, the proposal would allow home health agencies to continue using telehealth after COVID-19 public health emergency declaration ends so long as the technology is related to the skilled services being furnished, is outlined on the plan of care, and is tied to a specific goal indicating how such use would facilitate treatment outcomes. The Agency will accept comments on its proposal through July 8, 2020.

OTHER NOTEWORTHY HEALTH-RELATED ANNOUNCEMENTS COMING OUT OF WASHINGTON

Trump Administration Urges Supreme Court to Overturn ACA: In a [briefing](#) filed late yesterday (Thursday, June 25), the Trump Administration's Justice Department asked the Supreme Court to overturn the Affordable Care Act. Within the document, the Department suggests that because the "individual mandate and the guaranteed-issue and community-rating provisions are invalidated, the remainder of the ACA cannot survive." In response, Senate HELP Committee Ranking Member Patty Murray (D-WA) said a Republican victory in the lawsuit "would be an American catastrophe," adding: "[i]f President Trump gets his way, tens of millions of people will lose their health care in the middle of a global pandemic, families' health care costs will skyrocket just as unemployment is doing the same, and communities of color will suffer even more as the health disparities already exacerbated by COVID-19 become even worse."

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House Democrats to Vote on Newly Introduced Health Care Affordability / Accessibility Bill Next Week: On Monday, June 29, House Democrats are expected to vote on a newly introduced bill aimed at health care affordability and accessibility. But despite its expected passage in the House next week, it is highly unlikely this bill will see any movement in the Republican-controlled Senate. Broadly speaking, the *Patient Protection and Affordable Care Enhancement Act* ([H.R. 1425](#)) would:

- Expand eligibility for premium tax credits beyond 400 percent of the federal poverty line and increase the size of tax credits for all income brackets.
- Create a national reinsurance program in an effort to cover the costs of consumers with expensive medical conditions.
- Provide funding to states to establish their own State-Based Marketplaces.
- Allow Medicare to negotiate lower drug prices.

E&C Committee Democrats Release Report on Short Term Limited Duration Health Plans: Democrats on the House Energy and Commerce Committee released a [report](#) this week highlighting the results of a years-long investigation looking into short-term limited duration health plans (STLDIs). Within their report, the lawmakers said the plans “represent a significant and growing proportion of the individual health care market,” with approximately 600,000 more sign-ups between the 2018 and 2019 plan years. The report also states that the plans are a “bad deal for consumers and oftentimes leave patients saddled with thousands of dollars in medical debt.”

The Trump Administration finalized a [rule](#) expanding access to STLDIs in 2018 by allowing individuals to purchase policies if they: are less than 12 months; contain clear language that lets the individual know the kind of coverage they are getting; and are renewable for up to 36 months. In a statement, the Democratic lawmakers said their investigation “finds that the Trump Administration’s policy to expand unregulated and misleading plans is a threat to the health and financial well-being of American families, particularly during the COVID-19 crisis.”

UPCOMING NOTEWORTHY CONGRESSIONAL HEARINGS

Senate HELP Committee

Topic: COVID-19: Update on Progress Toward Safely Getting Back to Work and Back to School

Date: Tuesday, June 30 at 10am

Witnesses:

- Anthony Fauci, MD, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health
- Robert Redfield, MD, Director, United States Centers for Disease Control and Prevention
- ADM Brett Giroir, MD, Assistant Secretary for Health, United States Department of Health and Human Services
- Stephen Hahn, MD, Commissioner of Food and Drugs, United States Food and Drug Administration

Senate Foreign Relations Committee

Topic: Full Committee Hearing: COVID-19 and U.S. International Pandemic Preparedness, Prevention, and Response: Additional Perspectives

Date: Tuesday, June 30 at 10am

Witnesses:

- The Honorable Mark Dybul, M.D., Co-Director of the Center for Global Health Practice and Impact and Professor in the Department of Medicine, Georgetown University Medical Center
- Dr. Ashish K. Jha, M.D., Director, Harvard Global Health Institute

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- The Honorable Jimmy J. Kolker, Former Assistant Secretary for Global Affairs, U.S. Department of Health and Human Services
- Mr. Jeremy Konyndyk, Senior Policy Fellow, Center for Global Development, Washington, DC

Senate Finance Committee Hearing

Topic: Full Committee Hearing: "2020 Filing Season and IRS COVID-19 Recovery

Date: Tuesday, June 30 at 10:30am

Witnesses:

- The Honorable Charles P. Rettig, Commissioner, Internal Revenue Service

House Energy and Commerce Committee

Topic: Health Subcommittee will hold a hearing to examine Legislation to Improve Mental Health During Crisis

Date: Tuesday, June 30, at 11am

Legislation to be Considered:

- H.R. 884, the Medicare Mental Health Access Act
- H.R. 945, the Mental Health Access Improvement Act of 2019
- H.R. 1109, the Mental Health Services for Students Act of 2019
- H.R. 1646, the Helping Emergency Responders Overcome Act of 2019
- H.R. 2519, the Improving Mental Health Access from the Emergency Department Act of 2019
- H.R. 2874, the Behavioral Health Coverage Transparency Act
- H.R. 3165, the Mental Health Parity Compliance Act
- H.R. 3539, the Behavioral Health Intervention Guidelines Act of 2019
- H.R. 4428, the Greater Mental Health Access Act"
- H.R. 4564, the Suicide Prevention Lifeline Improvement Act of 2019
- H.R. 4585, the Campaign to Prevent Suicide Act
- H.R. 4861, the Effective Suicide Screening and Assessment in the Emergency Department Act of 2019
- H.R. 5201, the Telemental Health Expansion Act of 2019
- H.R. 5469, the Pursuing Equity in Mental Health Act of 2019
- H.R. 5619, the Suicide Prevention Act
- H.R. 5855, the Bipartisan Solution to Cyclical Violence Act of 2020
- H.R. 6645, Directs HHS Secretary to conduct/support research on the mental health consequences of COVID-19
- H.R. 7080, the Stopping the Mental Health Pandemic Act
- H.R. 7147, the Creating Resources to Improve Situations of Inherent Severity Act
- H.R. 7159, the Crisis Care Improvement and Suicide Prevention Act of 2020"
- H.R. 7293, the Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2020
- H.R. ____, To amend the Public Health Service Act to provide for the establishment or operation of a center to be known as the Emergency Mental Health and Substance Use Training and Technical Assistance Center [the text of this bill is nearly identical to section 30619 of H.R. 6800, "The Heroes Act", which passed the House on May 15, 2020, and is currently pending in the Senate].

Senate Energy and Natural Resources Committee

Topic: Full Committee Hearing to Examine the Impact of COVID-19 to U.S. Territories

Date: Tuesday, June 30 at 2:30pm

Witnesses:

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- The Honorable Gregorio Kilili Camacho Sablan, Congressman – Northern Mariana Islands
- The Honorable Amata Coleman Radewagen, Congresswoman – American Samoa
- The Honorable Stacey Plaskett, Congresswoman – U.S. Virgin Islands
- The Honorable Jenniffer Gonzalez-Colon, Congresswoman – Puerto Rico
- The Honorable Michael San Nicolas, Congressman - Guam

House Foreign Affairs Committee

Topic: Subcommittee on Western Hemisphere, Civilian Security and Trade Hearing: The Trump Administration's Response to COVID-19 in Latin America and the Caribbean

Date: Wednesday, July 1 at 1:00pm

Witnesses:

- The Honorable Michael G. Kozak, Acting Assistant Secretary, Bureau of Western Hemisphere Affairs, U.S. Department of State
- Mr. Josh Hodges, Senior Deputy Assistant Administrator, Bureau for Latin America and the Caribbean, United States Agency for International Development

Senate Indian Affairs Committee

Topic: Oversight Hearing on Evaluating the Response and Mitigation to the COVID-19 Pandemic in Native Communities and Legislative Hearing to Receive Testimony on S. 3650

Date: Wednesday, July 1 at 2:30pm

Witnesses:

- TBA

Senate Appropriations Committee

Topic: Subcommittee hearing to examine the progress of a coronavirus vaccine.

Date: Thursday, July 2 at 10am

Witnesses:

- Dr. Francis Collins, NIH Director
- Dr. Robert Redfield, CDC Director
- Dr. Gary Disbrow, Acting Director of HHS' BARDA

ADMINISTRATION ANNOUNCEMENTS

Department of Health and Human Services

- [HHS Announces Partnership with Morehouse School of Medicine to Fight COVID-19 in Racial and Ethnic Minority and Vulnerable Communities](#)
- [NIH Investigators Hope CD47 Study Leads To Broad-Spectrum Infectious Diseases Immunotherapy](#)
- [HHS Announces MENTAL Health Innovation Challenge](#)

Centers for Medicare & Medicaid Services

- [CMS Issues Special Trends Report on Health Insurance Exchange Enrollment Data During COVID-19](#)
- [CMS Ends Emergency Blanket Waiver for the Nursing Home Staffing Data Submission Requirement](#)
- [CMS Unveils Major Organizational Change to Reduce Provider and Clinician Burden and Improve Patient Outcomes](#)

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- [CMS Proposes Calendar Year 2021 Payment and Policy Changes for Home Health Agencies and Calendar Year 2021 Home Infusion Therapy Benefit](#)
- [CMS Unveils Major Organizational Change to Reduce Provider and Clinician Burden and Improve Patient Outcomes](#)

Food and Drug Administration

- [Joint Statement from USDA and FDA on Food Export Restrictions Pertaining to COVID-19](#)
- [Click here for the full list of all new FDA updates.](#)

Noteworthy Guidance from the Centers for Disease Control and Prevention

- [Updated guidance on performing errands and leaving the house for a number of different activities](#)
- [List of things to consider when planning or coordinating events and gatherings](#)
- [Guidance on keeping children healthy while school is out for the summer](#)
- [Information for people experiencing homelessness during the COVID-19 pandemic](#)
- [Guidance to support teens and young adults during the pandemic](#)
- [Guidance in support of Veterans during the COVID-19 pandemic](#)
- [Guidance to support people who are experiencing abuse during the COVID-19 pandemic](#)
- [Resources on coping with stress during the COVID-19 pandemic](#)
- [Guidance on experiencing grief during the COVID-19 pandemic](#)
- [Guidance and resources on excessive alcohol use and how to help](#)
- [Updated guidance on animals and COVID-19](#)
- [Toolkit for public health and animal health officials](#)
- [Spanish resources for COVID-19 and mining](#)
- [Click here for the full list of all new CDC 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](#)

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