



Weekly Health Care Checkup: *COVID-19 and Beyond* June 29 – July 3, 2020

IN BRIEF

What Happened This Week: Congress and the Trump Administration continued efforts to respond to the coronavirus pandemic from a variety of different angles this week as the US [recorded](#) tens of thousands of new COVID-19 cases. On Tuesday, the Senate HELP Committee held another [hearing](#) looking at safely getting back to work and school (four Trump Administration officials testified), and the House Energy and Commerce Health Subcommittee held a [hearing](#) to examine several [bills](#) tied to improving mental health during the pandemic. That same day, Federal Reserve Chairman Jerome Powell [spoke](#) to the importance of containing the virus as states and businesses begin to reopen.

With police reform legislation at a [standstill](#), the Senate began debate on its annual defense authorization bill ([S. 4049](#)) this week (though that measure also seems to be [stalling](#)). Earlier in the week, the Senate also extended the deadline ([S. 4116](#)) for small businesses to apply for the CARES Act's Paycheck Protection Program through August 8 (and the House subsequently approved this legislation on Wednesday).

Meanwhile, over in the House, lawmakers voted on a number of Democrat-backed bills, including a COVID-19 housing assistance bill introduced by Rep. Maxine Waters (D-CA) ([H.R. 7301](#)), an ACA improvement bill ([H.R. 1425](#)), and a \$1.5 trillion infrastructure proposal ([H.R. 2](#)). All three measures now head to the Senate for consideration. None of the proposals are likely to move given the Republican majority, though many Democrats are using the opportunity to highlight these issues for voters ahead of the November elections.

What to Expect Next Week: Both chambers are expected to break for a two-week July 4 recess. When lawmakers return the week of July 20, [expect](#) the negotiations on the next COVID response bill to pick up in the Senate. While speaking to reporters on Tuesday, Senate Majority Leader Mitch McConnell (R-KY) [suggested](#) that his goal is for both chambers to take up and pass the next relief bill before the August recess. That timeframe, he said, "dovetails nicely with the perfect time, to take an assessment of the economy and the progress we're making on the health care front and see if there is additional assistance needed for our health care providers." It also appears that the White House also is on board with this timeframe. During a hearing earlier this week, Treasury Secretary Steve Mnuchin [said](#) the Trump Administration is supportive of Congress enacting additional stimulus bill by the end of next month.

DEEP DIVE

Senate HELP Committee Revisits Safely Getting Back to Work and School Amid the COVID-19 Pandemic: The Senate HELP Committee held another hearing to examine the progress on safely getting back to work and school amid a global pandemic on Tuesday, June 30. Witnesses included: Dr. Anthony Fauci, Director, NIH National Institute of Allergy and Infectious Diseases; Dr. Robert Redfield, CDC Director; ADM Brett Giroir, MD, HHS Assistant Secretary for Health; and Dr. Stephen Hahn, FDA Commissioner. During the hearing, Dr. Fauci warned that the virus “clearly” is not under control in the US and suggested that the country could see as many as 100,000 new cases daily if the spread is not successfully contained in the near future. A full summary of the discussion can be found [here](#).

House Energy and Commerce Subcommittee Debates Improvements to Mental Health Treatment Amid the Pandemic: The House Energy and Commerce Health Subcommittee held a hearing on Tuesday, June 30 to examine over 20 mental health bills. During the hearing, lawmakers on both sides of the aisle seemingly both agreed that the COVID-19 pandemic has only worsened the nation’s mental health problems, though there were some disagreements on some of the provisions in the proposed legislation. A full summary of the discussion can be found [here](#). In separate, but related news, CMS and SAMHSA recently released mental health and substance use disorder [resources](#) in an effort to remind health insurance issuers in the individual and group markets about the importance of ensuring access to mental health and substance use disorder resources.

Treasury Secretary Mnuchin and Fed Chairman Powell Testify Before House Committee on COVID-19 Response: On Tuesday, June 30, Treasury Secretary Steve Mnuchin and Federal Reserve Chairman Jerome Powell [testified](#) before the House Financial Services Committee on the Treasury Department’s response to the virus. During the hearing, Chairman Powell suggested that while the nation’s “bounceback” in economic activity was welcome news, “it also presents new challenges—notably, the need to keep the virus in check.” When asked about whether the Administration would support a fourth COVID response bill, Secretary Mnuchin said the White House “look[s] forward to working with Congress on a bipartisan basis in July on any further legislation that will be necessary.”

Senate Appropriations Subcommittee Holds Hearing on COVID Vaccine Development: The Senate Appropriations Labor-HHS-Education Subcommittee held a [hearing](#) today (Thursday, July 2) to examine [Operation Warp Speed](#), the Trump Administration’s effort to deliver 300 million doses of COVID vaccines by January 2021. In his [opening statement](#), Subcommittee Chairman Roy Blunt (R-MO) emphasized the importance of managing expectations. “As much as we want a vaccine as soon as possible, the most important thing is that it is safe.” During the hearing, members heard from CDC Director Robert Redfield, NIH Director Francis Collins, and Acting ASPR Director Gary Disbrow, Ph.D. In their joint [prepared testimony](#), witnesses thanked Congress for the funding provided thus far for vaccine development, adding that “placing big financial bets on these vaccines is a fiscal investment for the nation.”

Speaker Pelosi (D-CA) Extends Proxy Voting in the House in Response to Ongoing Pandemic: In a [letter](#) to House lawmakers earlier this week, Speaker Nancy Pelosi (D-CA) announced an extension of proxy-voting procedures for another 45 days (through August 18), saying the rising numbers of COVID-19 cases nationwide as well as a notification from the Sergeant at Arms that the COVID-19 public health emergency remained “in effect” prompted her to make the decision.

In [response](#), House Republican Leaders said they “strongly oppose” Speaker Pelosi’s decision, adding: “[o]ur work on behalf of the American people is the definition of essential work—now more than ever. We have demonstrated that in-person voting—and the accountability that comes with it—can be done in the House of Representatives in a safe and

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responsible manner. The United States Senate has proven it can be done for months now. And we believe you know that our Congress—a literal coming together of people and ideas—works best when it happens in-person, face-to-face.”

The House voted mostly along party lines (217-189) earlier this spring to temporarily allow for proxy voting ([H.Res. 965](#)) for 45 days (or unless the Speaker, in consultation with the Sergeant-at-Arms and Capitol Physician, authorizes an extension). Under the modified voting procedure, Members are permitted to designate another Member to cast a vote for them; the lawmaker who has been designated to cast the vote may do so for up to 10 of their colleagues. Rep. Brendan Boyle (D-PA) cast the first proxy vote in the House in May on behalf of Rep. Zoe Lofgren (D-CA). Since then, the House has moved to pass four bills with “proxy” votes – the majority coming from Democrats (so far, only one Republican – Rep. Francis Rooney (FL) – has authorized a colleague to vote by proxy).

GOP Health Committee Leaders Ask HHS OIG to Investigate COVID-19 Nursing Home Deaths: In a [letter](#) sent Monday, June 29, House Energy and Commerce Committee Ranking Member Walden (R-OR) and Senate Finance Committee Chairman Grassley (R-IA) asked HHS OIG to investigate whether the [decision](#) by some states to admit COVID-19 patients into nursing homes “violated, or was in any way inconsistent with, guidelines or requirements for participation in Federal health care programs.” The lawmakers asked OIG to report back to them by September 30, 2020.

House Members Introduce Bipartisan Telehealth Expansion Bill: Earlier this week, Reps. Mikie Sherrill (D-NJ) and Kevin Hern (R-OK) [introduced](#) the Protect Telehealth Access Act, which would make Medicare reimbursement for telehealth services permanent (beyond the COVID-19 public health emergency as it stands now). More specifically, the bill would: remove the requirement that (1) an individual receiving telehealth services must be located in a rural area or health professional shortage area, and (2) an individual may only receive telehealth services at home in certain limited circumstances. In a statement, Rep. Sherrill said “[w]e’ve seen the benefits of expanded telehealth services during the COVID-19 pandemic and the importance of making sure access to care is available if patients have to stay at home. That value won’t go away when the pandemic ends.”

Democratic Lawmakers Ask HHS About Use of Provider Relief Funding to Pay Shareholders and Private Equity Owners: A group of Senate Democrats sent a [letter](#) to HHS Secretary Alex Azar requesting information about the use of funding appropriated by Congress to the Public Health and Social Services Emergency Fund being used to pay shareholders and private equity owners. “We are deeply concerned that HHS has not placed adequate limits on the extent to which wealthy health care companies can use taxpayer funding to line the pockets of executives and private equity owners, while cutting pay, furloughing, or firing doctors, nurses, and other essential workers that are preventing the spread of COVID-19 and saving lives—often without adequate personal protective equipment,” the Senators wrote. “Such payments to shareholders at the expense of frontline health care workers are inconsistent with the goal of the Fund and therefore we ask that you prohibit them.”

HHS Extends its COVID-19 Testing Public-Private Partnership: Earlier this week, HHS [announced](#) it would be extending its partnerships with several national pharmacy and grocery retail chains in an effort to allow them to continue providing testing for COVID-19. The partnership is part of the Department’s Community-Based Testing Program, which the HHS says has scaled up over 600 COVID-19 testing sites in 48 states and Washington, DC to date – approximately 70 percent of which are located in communities with moderate-to-high social vulnerability. The participating retail chains include CVS, Rite-Aid, Walgreens, Quest (through services at Walmart) and eTrueNorth (through services at Kroger, Health Mart, and Walmart).

FDA Finalizes Vaccine Approval Guidance: In a [guidance document](#) titled, “Development and Licensure of Vaccines to Prevent COVID-19,” the FDA offered recommendations on the data needed to facilitate the manufacturing, clinical

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development, and approval of an eventual COVID-19 vaccine. In a statement, FDA Commissioner Stephen Hahn said he “recognize[s] the urgent need to develop a safe and effective vaccine,” he added that the FDA “will not cut corners in our decisions and are making clear through this guidance what data should be submitted to meet our regulatory standards.”

CDC Updates Information on Antibody Testing: The CDC recently posted updated [information](#) on where to get a COVID-19 antibody test and an explanation of what the test results (positive or negative) might mean. In a recent [blog post](#), NIH Director Dr. Francis Collins discussed the findings in a recent study, which revealed that while most individuals do produce antibodies that can effectively neutralize COVID-19, 99 percent of the participants in the study “didn’t make enough neutralizing antibodies to mount an ideal immune response.”

OTHER NOTEWORTHY HEALTH-RELATED ANNOUNCEMENTS COMING OUT OF WASHINGTON

House Democrats Approve ACA Improvement Bill: On Monday, June 29, House Democrats voted 234-179 to approve a bill aimed at “improving” the Affordable Care Act, though the measure is not likely to move in the Senate given the Republican majority. 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; and allow Medicare to negotiate lower drug prices.

In her [floor remarks](#) just before the vote, House Speaker Nancy Pelosi (D-CA) expressed support for the legislation and voiced frustration over the Trump Administration’s recent [move](#) to ask the Supreme Court to overturn the ACA. “We need to build on the progress of the Patient Protection Affordable Care Act to lower health costs and prescription drug costs, not rip Americans’ health care in the middle of a pandemic,” she said.

Many Republicans, meanwhile, were quick to express their own frustration over several provisions in the House bill, including the proposal to allow Medicare to negotiate for drug prices. In a statement shortly after the vote, House Energy and Commerce Committee Ranking Member Greg Walden (R-OR) [suggested](#) the provision would “kill American research jobs and results in fewer treatments and cures,” adding: “I’m all for working to lower drug costs, and I have a bipartisan alternative ready. Unfortunately, when each day brings more human and financial loss, Democrats continue to waste valuable time with partisan bills that are never intended to become law.”

Senate Republicans Introduce Price Transparency Bill: A group of Senate Republicans – including Sens. Chuck Grassley (R-IA), Mike Braun (R-IN), Joni Ernst (R-IA), Mike Enzi (R-WY), John Kennedy (R-LA), and Kelly Loeffler (R-GA) – introduced the [PRICE Transparency Act](#) earlier this week. According to the press release, the bill would codify the two health care price transparency rules from the Trump Administration which require hospitals and insurers to publish information on the prices and negotiated rates for consumers to see. “An extra dose of transparency will bring more accountability and competition to the health care industry,” said Senator Grassley, Chairman of the Senate Finance Committee. He added: “[i]t’s time for Americans to have more financial information available to them when going to the hospital and working with their insurance companies. I applaud President Trump’s continued commitment to bring more sunlight to the health care industry.”

SFC Chairman Grassley (R-IA) Vows to Forge Ahead on Rx Drug Pricing Without Support from His Democratic Colleague: Despite the Finance Committee’s previous [efforts](#) to address prescription drug pricing in a bipartisan fashion, it now appears that Senate Finance Committee Chairman Chuck Grassley (R-IA) will move to reintroduce the bill ([S. 2543](#)) without the support of the Committee’s Ranking Member, Ron Wyden (D-OR). The two exchanged a public back-and-

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forth earlier this week, with Chairman Grassley [writing](#) in the *Wall Street Journal*: “[u]nfortunately, over the past couple of months, Democrats have left the negotiating table. Democratic colleagues tell me this was a decision made by their party’s leadership. I can only assume the Democratic Party would rather use the issue of drug prices as a political hammer in November’s election than work to address it now.” In [response](#), Ranking Member Wyden (D-OR) argued that Democrats never “walked away from the table” on drug pricing because “Republicans never showed up in the first place.” He added: “Unfortunately, McConnell and many other Senate Republicans are too afraid of Big Pharma to join our effort, so there is no reason to expect our bill will receive a vote on the Senate floor. Senate Democrats are not interested in aiding Republicans as they play political games and pretend to support lowering prescription drug prices.” Nevertheless, the Chairman is expected to reintroduce the drug pricing package in the near future – without the support from his Democratic colleague.

UPCOMING NOTEWORTHY CONGRESSIONAL HEARINGS

There are no upcoming hearings scheduled in the House or Senate due to the July 4 recess.

ADMINISTRATION ANNOUNCEMENTS

Department of Health and Human Services

- [Trump Administration Re-Establishes Ready Reserve Corps as Part of the United States Public Health Service](#)
- [HHS Extends COVID-19 Testing Public-Private Partnership](#)
- [Maximizing the Impact of Federally Funded Health Services Research and Primary Care Research](#)
- [Trump Administration Secures New Supplies of Remdesivir for the United States](#)
- [Assistant Secretary for Health Admiral Brett Giroir, M.D., Statement on Texas Community-Based Testing Sites 1.0 Extension](#)

Centers for Medicare & Medicaid Services

- [CMS Proposes to Expand Coverage Policy for Transcatheter Edge-to-Edge Repair \(TEER\) for Patients with Mitral Valve Regurgitation](#)

Food and Drug Administration

- [FDA Takes Action to Help Facilitate Timely Development of Safe, Effective COVID-19 Vaccines](#)
- [FDA Approves First-Line Immunotherapy for Patients with MSI-H/dMMR Metastatic Colorectal Cancer](#)
- [FDA Approves Breast Cancer Treatment That Can Be Administered At Home By Health Care Professional](#)
- [Click here for the full list of all new FDA updates.](#)

Noteworthy Guidance from the Centers for Disease Control and Prevention

- [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](#)

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