



Weekly Health Care Checkup October 5 - 9, 2020

IN BRIEF

What Happened This Week? President Trump [returned](#) to the White House on Monday after a three-day stay at Walter Reed National Military Medical Center for treatment of COVID-19. He spent quite a bit of time on Twitter while continuing to recover at the White House this week, at one point throwing [cold water](#) on the prospect of a larger bipartisan COVID-19 stimulus package coming together before the November elections. He called on lawmakers to take up a smaller, more targeted airline relief bill in the interim, a proposal that House Democrats later [rejected](#), claiming they would not support a stand-alone airline relief bill without a larger stimulus bill attached. But wait, there's more – yesterday afternoon, the President [reportedly](#) reinstructed Treasury Secretary Mnuchin to go *back* to the bargaining table with Speaker Pelosi to negotiate a larger stimulus package, and suggested during an interview today that he would like to see a "bigger stimulus package than frankly either the Democrats or Republicans are offering." Stay tuned...

On Wednesday, Vice President Mike Pence and Democratic candidate for Vice President Kamala Harris spent much of their first – and only – 2020 [debate](#) quarreling over the pandemic. At one point, Harris called the Administration's response to COVID-19 the "greatest failure of any presidential administration," though Pence pivoted to suggest that the President's decision to suspend travel to / from China in the early days of the outbreak bought "invaluable time" and "saved hundreds of thousands of American lives" as a result. Health care issues also featured prominently in the Democratic candidate's attack on the nomination of Judge Amy Coney Barrett to serve as the next Supreme Court Justice. With the high Court slated to hear a constitutional challenge to the Affordable Care Act, Harris also emphasized that health care security and access would be on the ballot this fall.

The White House could [release](#) more details as early as today about its plan to distribute \$200 drug "discount cards" to Medicare beneficiaries reportedly using money from the Medicare Trust Fund. While the details of much of Trump Administration's plan to distribute the cards – and whether the Administration would even be permitted to do so without Congressional approval – is still unclear, reports indicate that the Administration is aiming to send letters to 39 million Medicare beneficiaries next week informing them of the cards.

What to Expect Next Week: The Senate is now expected to be in recess (pro forma sessions only) through October 19 after three Republican Senators tested positive for COVID-19; however, Judge Amy Coney Barrett's multi-day Supreme Court confirmation [hearing](#) is still expected to go on as planned beginning Monday, October 12 (albeit in a hybrid format to adhere to social distancing guidelines). The House is in recess for the remainder of October (pro forma sessions only).

The next Presidential debate is scheduled to take place on Wednesday, October 15; however, it is unclear at this point if President Trump will participate given his most recent [comments](#) that he would not participate under a new virtual format.

DEEP DIVE

House Democrats Reject Idea of Targeted Airline Relief Bill After President Trump Backs Away From Larger COVID Stimulus Deal: In a series of [Tweets](#) on Tuesday, President Trump seemingly threw cold water on the prospect of a larger bipartisan COVID-19 stimulus package coming together before the November elections and called on lawmakers to take up a smaller, more targeted airline relief bill in the interim. Media reports earlier this week indicated that both House Speaker Nancy Pelosi (D-CA) and Treasury Secretary Steve Mnuchin engaged in [discussions](#) about a smaller, more pared down relief bill; though it [appears](#) that those talks failed to produce any headway – while speaking to reporters yesterday (Thursday, October 8), Pelosi said Democrats would not support a stand-alone airline relief bill without a larger stimulus bill attached. But wait, there's more – yesterday afternoon, the President [reportedly](#) reinstructed Treasury Secretary Mnuchin to go *back* to the bargaining table with Speaker Pelosi to negotiate a larger stimulus package, and suggested during an interview today that he would like to see a “bigger stimulus package than frankly either the Democrats or Republicans are offering.” Looking ahead, the question of whether Congress takes up and passes another COVID stimulus response bill – either pared down or in full – before the November elections remains fluid, but unlikely.

President Trump Returns to White House After Receiving Treatment at Walter Reed for COVID-19: President Trump [returned](#) to the White House on Monday after a three-day stay at Walter Reed National Military Medical Center for treatment of COVID-19. In a [video](#) posted to Twitter shortly after his return, Trump said he was “feeling great” and touted the effectiveness of an experimental antiviral drug made by biotech company, [Regeneron](#), even going so far as to suggest it “cured” him, though there is no scientific evidence to support the President’s claim (Regeneron has since [submitted](#) an Emergency Use Authorization (EUA) request to the FDA for the drug).

First Lady Melania Trump – who also tested positive for COVID-19 last Friday – has been recovering throughout the week at the White House after reportedly only experiencing mild symptoms. While it is impossible to pinpoint where and when the President and First Lady contracted the virus, many have [speculated](#) that a September 26 ceremony at the White House Rose Garden to formally nominate Amy Coney Barrett to the Supreme Court could be to blame after more than 30 staffers and two GOP Senators tested positive in the days after the event (a third GOP Senator – Ron Johnson (WI) – tested positive this week; however, it is believed he contracted the virus elsewhere as he did not attend the Rose Garden ceremony).

Senate Recesses for Two Weeks After Three GOP Senators Test Positive for COVID-19; Leader McConnell (R-KY) Vows to Move “Full Steam Ahead” on Judge Barrett’s Supreme Court Confirmation Vote Later This Month: Senate Majority Leader Mitch McConnell (R-KY) [announced](#) Monday that the chamber will be in recess (pro forma sessions only) through October 19 after three Republican Senators tested positive for COVID-19, though he vowed to move “full steam ahead” with a vote on Judge Amy Coney Barrett’s nomination to the Supreme Court when the chamber reconvenes later this month. In the meantime, McConnell said Barrett’s multi-day Senate Judiciary Committee confirmation [hearing](#) will still go on as planned beginning Monday, October 12 (albeit in a hybrid format to adhere to social distancing guidelines).

In a statement shortly after Leader McConnell’s remarks, Senate Democratic Leader Chuck Schumer (NY) suggested that the three positive COVID-19 cases in the Senate “makes clear that the Senate cannot proceed with business as usual as the virus continues to run rampant.” He called the decision to move forward with Barrett’s hearing and a subsequent vote “reckless and dangerous”.

Looking ahead, it is entirely possible for Senate Republicans – who hold a 53-47 majority in the Senate – to move forward with Judge Barrett’s confirmation vote ahead of the November 3 elections, despite the very narrow window for opportunity. The modified filibuster rules for Supreme Court nominees (which Senate Republicans voted to change during

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the first year of the Trump Administration) would allow Barrett to be confirmed by a simple majority in the Senate (rather than 60 votes), and so far, only two Republican Senators (Collins (ME) and Murkowski (AK)) have indicated that they will not vote to confirm Judge Barrett *prior* to the elections.

FDA Issues Guidance on Emergency Use Authorizations (EUAs) for COVID-19 Vaccines: The FDA issued [guidance](#) on emergency use authorizations (EUA) for COVID-19 vaccines this week after the White House [reportedly](#) attempted to block its release. As [expected](#), the standards / data requirements for COVID-19 vaccine EUAs will more closely mirror what is typically required for a full drug approval (which essentially makes it highly unlikely that a vaccine would be approved for emergency use before the November election). In response to the more stringent requirements, President Trump surprisingly [blasted](#) his own Agency's efforts as a "political hit job" earlier this week, though he did [concede](#) that the drugs likely would not be available before the November election.

CMS Issues New COVID-19 / Flu Reporting Requirements for Hospitals: On Monday, October 5, CMS [announced](#) it will enforce new COVID-19 and flu reporting requirements on hospitals beginning Wednesday, October 21. According to the guidance document, any hospital that fails to adhere to the new requirements could run the risk of having their federal funding for Medicare / Medicaid terminated. The Agency has reportedly been reaching out to hospitals throughout the week to inform them of their current reporting requirements and what – if any – specific data they need to report, though several hospital groups are [criticizing](#) the Department's latest move and at least one Member of Congress is asking the Department for more information. On Thursday, October 8, the Chairman of the House Oversight Economic and Consumer Policy Subcommittee, Rep. Raja Krishnamoorthi (D-IL), sent a [letter](#) to HHS Secretary Alex Azar requesting information about the Department's plans to impose penalties against hospitals that fail to comply with the new reporting requirements.

Vice Presidential Candidates Spar Over Pandemic Response, Protections for Pre-Existing Conditions During First – and Only – VP Debate: Vice President Mike Pence and Democratic candidate for Vice President Kamala Harris spent much of the first part of their only 2020 [debate](#) quarreling over the Trump Administration's response to the pandemic on Wednesday evening. At one point, Harris called the Trump Administration's response to the pandemic the "greatest failure of any presidential administration." In response, Pence alternatively suggested that the President's decision to suspend travel to / from China in the early days of the outbreak bought "invaluable time" and "saved hundreds of thousands of American lives" as a result.

Harris later suggested that the pending Supreme Court [case](#) against the Affordable Care Act (brought by several states represented by Republican Governors and Attorneys General, and joined by the Trump Administration) threatened pre-existing conditions protections for millions of Americans. In response, Pence called the ACA a "disaster" and referenced the President's recent [Executive Order](#) on pre-existing conditions (which seeks to make it the US "policy" to protect people with pre-existing conditions).

When asked about whether she had had a conversation with her running mate Joe Biden, about the potential for a transfer of power scenario given the Presidential candidate's age, Harris dodged the question and instead spoke about her and Biden's "shared purpose" of "lifting up the American people."

CMS Reportedly Finalizing Plans to Issue Medicare Drug "Discount Cards": The White House could [release](#) more details as early as today about its plan to distribute \$200 drug "discount cards" to Medicare beneficiaries reportedly using money from the Medicare Trust Fund. While the details of much of Trump Administration's plan to distribute the cards – and whether the Administration would even be permitted to do so without Congressional approval – is still unclear, reports indicate that the Administration is aiming to send letters to 39 million Medicare beneficiaries next week *informing*

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them of the cards. The timing for when beneficiaries would actually *receive* the cards is also unknown; however, [Politico](#) reported recently that a draft White House proposal (which was circulated among White House officials last week) seemed to suggest that they would be distributed later this month. As expected, the Administration's efforts are already being met with criticism from groups like the [Alliance for Retired Americans](#) and Congressional Democrats. On Twitter yesterday, House Ways and Means Oversight Subcommittee Chairman Bill Pascrell (D-NJ) [called](#) the President's plan an effort to "buy election votes with you picking up the tab." President Trump first teased the discount cards during a [speech](#) on health care last month.

CMS Extends Loan Repayment Period for Medicare Accelerated and Advance Payment Program: CMS [announced](#) yesterday that the loan repayment period for the Medicare Accelerated and Advance Payment Program will now begin one year from the issuance date of each provider or supplier's accelerated or advance payment (as opposed to August 2020). After that first year, CMS says Medicare will automatically recoup 25 percent of Medicare payments otherwise owed to the provider or supplier for 11 months. At the end of the 11-month period, recoupment will increase to 50 percent for another 6 months. If the provider or supplier is unable to repay the total amount of the AAP during this time-period (a total of 29 months), CMS will issue letters requiring repayment of any outstanding balance, subject to an interest rate of 4 percent. The Agency was able to extend the loan repayment period using an authority provided under the Continuing Appropriations Act of 2021 and Other Extensions Act. Click [here](#) for a fact sheet with more information.

Medical Groups Calling on CMS to Delay Implementation of New Radiation Oncology Model: A number of medical groups – including the American Society for Clinical Oncology, the American Society for Radiation Oncology, and the American Medical Association – sent a [letter](#) to HHS Secretary Alex Azar and CMS Administrator Verma this week urging the Department to delay implementation of the new [Radiation Oncology Model](#) until January 1, 2022 (or at the earliest July 1, 2021) and reduce the participant payment cuts to no more than 3 percent. In the letter, the groups write that, given the ongoing response to the pandemic, the "last thing radiation oncology participants need right now is a mandated distraction from patient care and additional fears of financial strain."

President Trump Signs Executive Order on Mental Health and Suicide Prevention: On Monday, President Trump signed an [Executive Order](#) tied to mental health and suicide prevention amid the ongoing COVID-19 pandemic. As part of the EO, the President will establish a cabinet-level working group to assess the mental health needs of the most vulnerable, including the elderly, minorities, children, veterans, and people with disabilities. The Administration will also provide grant funding to support mental health treatment services including telehealth, peer-to-peer, and safe in-person therapeutic services.

UPCOMING COVID / HEALTH-RELATED CONGRESSIONAL HEARINGS

TBA

ADMINISTRATION ANNOUNCEMENTS

Department of Health and Human Services

- [Secretary Azar Statement on Mental Health Executive Order](#)
- [Update on Implementation of Resolution WHA73.1 on the COVID-19 Response](#)
- [Giroir to Participate in the WHO Executive Board Special Session on COVID-19](#)
- [AHRQ Launches Network to Prevent COVID-19 in Nursing Homes Nationwide](#)
- [Missouri Using Health IT to Achieve the Aims of the ADA](#)

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Centers for Medicare & Medicaid Services

- [High-Quality Care for Medicare Beneficiaries Continues as Medicare Health and Drug Plans Receive Star Ratings](#)

Food and Drug Administration

- [FDA Commissioner Hahn's Remarks to the 2020 FDLI Annual Conference](#)
- [FDA Awards Six Grants to Fund New Clinical Trials to Advance the Development of Medical Products for the Treatment of Rare Diseases](#)
- [FDA Reaffirms Commitment to Safety, Security of its Public Health Laboratories](#)
- [FDA Issues Guidance on Emergency Use Authorization for COVID-19 Vaccines](#)
- [Click here for the full list of all new FDA updates.](#)

Guidance Documents from the Centers for Disease Control and Prevention

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

National Institutes of Health

- [NIH RADx Initiative Advances Six New COVID-19 Testing Technologies](#)
- [NIH Clinical Trial Testing Hyperimmune Intravenous Immunoglobulin Plus Remdesivir to Treat COVID-19 Begins](#)
- [NIH to Launch the Serological Sciences Network for COVID-19, Announce Grant and Contract Awardees](#)
- [Mouse Study Suggests Parental Response to Infant Distress is Innate But Adapts to Change](#)
- [NIH to Support 85 New Grants Featuring High-Risk, High-Reward Research](#)
- [NIH-Funded Study Suggests Link Between Pediatric Hospitalization and Rising Unemployment](#)
- [NIH Scientists Reveal How the Brain May Fuel Intense Neural Communication](#)
- [NIH Intramural Researcher Dr. Harvey Alter Wins 2020 Nobel Prize in Physiology or Medicine](#)

QUICK LINKS

- [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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