News from Congress:

Feb 11, 2020—The House Education and Labor Committee marked up and passed by a 32-13 vote a bill on surprise billing. Members of the committee noted that theirs is the only committee with jurisdiction over Employee Retirement Income Security Act of 1974 plans, making it important for them to weigh in on the issue. The legislation blends methods proposed in other proposals, including settling bill disputes between insurers and providers by setting a federal benchmark payment with the option to go to arbitration for any bill above $750. The legislation also bans patients from receiving exorbitant “surprise” bills from air ambulances.

Feb 18, 2020—A group of 60 behavioral health groups sent a letter to Congress asking for them to make long-term investments in mental health clinics by extending the mental health clinic demonstration and expanding the number of states that can participate. The Certified Community Behavioral Health Clinics demonstration will expire on May 22, 2020, along with other healthcare extenders that were in last year’s spending package. The letter also included support for bi-partisan legislation, the Excellence in Mental Health and Addiction Treatment Expansion Act (S.824), introduced last year by Senator Roy Blunt (R-Mo.) and Senator Debbie Stabenow (D-Mich.).

Feb 11, 2020—Senate Majority Leader Mitch McConnell (R-Ky.) will not commit to bringing prescription drug pricing legislation to the floor for a vote yet. Bipartisan legislation, the Prescription Drug Pricing Reduction Act of 2019 (S 2543), passed out of the Senate Finance Committee late last summer, with several Republican committee members voting against it. Since the markup, Senate Finance Chairman Chuck Grassley (R-Iowa) and Ranking Member Ron Wyden (D-Ore.) have worked with their colleagues to find a compromise that can guarantee passage in the Senate. McConnell feels there are still too many internal divisions within the Republican caucus on the issue and another Senate HELP bill dealing with surprise billing that passed out of committee last year. Senate Democrats want the prescription drug pricing legislation (HR3) which passed the House last year, to be considered in negotiations as well.

From the Administration:

Jan. 22, 2020—The Administration of Children and Families (ACF) released a memo providing additional details of the new passage of the Family First Transition Act, which provides additional funding and guidance to states as they implement the Family First Prevention Services Act.

Jan. 27, 2020—The ACF’s Children’s Bureau released a new Technical Bulletin to provide information on data collection timelines for the Title IV-E Prevention program that will be used to manage data submissions.

Jan. 30, 2020—The Centers for Medicare & Medicaid Services (CMS) announced the Healthy Adult Opportunity (HAO) Demonstration. This is a new option states can use for their
Medicaid populations, which provides them the ability to use section 1115 waivers to give Medicaid coverage to those not eligible under a state’s Medicaid plan by using block grant financing. The demonstration is available to states for a limited population—adults under age 65 who are not eligible for Medicaid on the basis of disability or in need of long-term care services and supports (LTSS) or not eligible under the state plan.

Jan. 31, 2020—CMS identified 786 hospitals that will be receiving lower payments for a year under the Affordable Care Act (ACA) established. Hospital Acquired Conditions Reduction Program, which aims to encourage better care in hospitals. Under the program, the federal government determines which hospitals will receive the reductions due to higher rates of infections and patient injuries compared to other hospitals. The efficacy of the program and which hospitals are chosen to be penalized has been debated among healthcare stakeholders and providers.

Jan. 31, 2020—The administration released a proposed rule known as the payment notice that would make a variety of changes to ACA regulations and health plans in 2021. Proposed changes include pushing back on a ban of eliminating automatic reenrollment that Congress enacted in the fiscal 2020 spending bill, citing concerns over the costs of the advance premium tax credits and proposed changes to address their costs. The proposal also includes the requirement that states would have to report additional health care coverage benefits that they require of health insurers. Comments for the proposal are due on March 2, 2020.

Feb. 2020—February was American Heart Month, with the Department of Health and Human Services (HHS), National Institutes of Health (NIH) and the National Heart, Lung, and Blood Institute (NHLBI) recognizing the month and its theme #OurHearts are Healthier Together.” The American Heart Month website gives further information and resources for individuals and their communities on how to address and raise awareness on heart health.

Feb. 10, 2020—The Children’s Bureau released a new Informational Memorandum (ACYF-CB-IM-20-03) on strengthening technology support for recruitment, approval and retention of foster homes.

Feb. 13, 2020—The Children’s Bureau released a new Information Memorandum (ACYF-CB-IM-20-04) that provides additional information on an updated method to calculate state and tribal funding under the John H. Chafee Forster Care Program for Successful Transition to Adulthood Program.

Feb. 10, 2020—The administration is working on a proposal to create a demonstration program that would lower out-of-pocket costs for insulin for seniors and has been working on this initiative with the HHS and the CMS. It could provide health insurance companies an incentive to cap monthly insulin costs for Medicare Part D enrollees, with more details forthcoming.

Feb. 10, 2020—The White House released its 2021 Federal Budget proposal including funding for the multiyear initiative to eliminate HIV in America. The budget includes: $371 million for the Centers for Disease Control and Prevention (CDC) to reduce new HIV infections; $302 million for Health Resources and Services Administration (HRSA) to provide HIV care through the Ryan White HIV/AIDS program including supply testing, evaluation, prescription of Pre-Exposure Prophylaxis (PrEP) and associated medical costs through the Health Centers program. The proposal also requests $27 million for the Indian Health Service (HIS) to address HIV in American Indian and Alaska Native communities and $16 million for the NIH to do evaluation activities to identify effective interventions to treat and prevent HIV.

Feb 12, 2020—HHS discussed at the Health Datapalooza Conference a new data research platform it is developing with scientists, researchers and policymakers. The data platform “Unify” would share past research and help inform future policy while cutting down on redundant research efforts at the agency. At the conference, HHS Secretary Alex Azar offered details how the system could help health officials in gathering data related to the opioid crisis including, information on overdose deaths, emergency department visits and providers that are
offering medication-assisted (MAT) treatment. The new platform would mainstream all data sets to be accessed in one place.

Feb. 14, 2019—The Food and Drug Administration (FDA) announced they have opened a docket to obtain data and information on vaping products association with product use-associated lung injury (EVALI).

Feb. 14, 2020—For the first time in 30 years the surgeon general has released a report focused on smoking cessation. While smoking among adults is at an all-time low in the U.S. it still is the leading cause of preventable disease, disability and death in the U.S.

Feb. 19, 2020—The HHS Assistant Secretary for Health Brett Giroir said the department will be announcing more initiatives to improve maternal health this year and working to enhance HHS’ focus on improving maternal health outcomes for Medicaid beneficiaries with substance use disorders (SUD). They are also working to improve the health of women before they get pregnant. The administrations’ 2021 budget included a proposal making it easier for states to extend Medicaid coverage for up to one year after a beneficiary with a history of SUD has a baby.

Funding Announcements:

December 2019—HRSA published the Notice of Funding Opportunity (NOFO) for the FY 2020 Black Lung Clinics Program. Applications are due by March 6, 2020.

Feb. 18, 2020—The Office of National Drug Control Policy (ONDCP) and the CDC announced a Notice of Funding Opportunity (FOA) that will be awarded to over 200 new communities to receive a combined total of $25 million in direct financial help to address substance use prevention.

Spotlight On:

Jan. 28, 2020—NCSL recently published a blog on “The Opioid Crisis: Where do we go From Here?” that highlights federal efforts to combat the opioid crisis that were discussed during a recent US Senate Judiciary Committee hearing on the “Tackling the Opioid Crisis: A Whole-of-Government Approach.”

Jan. 28, 2020—NCSL published a blog, “Supreme Court to Hear States’ Challenge to Birth Control Mandate Exemption” examining a previous court case regarding conscience exceptions to birth control and the provision within the Affordable Care Act related to the provision that was passed into law in 2010.

January 2020—NCSL released the first of six podcast in a special limited series entitled, “Building Democracy: The Story
of State Legislatures” covering the history, characters and stories that have created our state legislatures.

Jan. 31, 2020—NCSL’s Health and Human Services D.C. team organized a successful prescription drug pricing and transparency fly-in with Representative Tom Oliverson (R-Texas) and Delegate Bonnie Cullison (D-Md.). The fly-in consisted of a full day of meetings with members of Congress, congressional staff and the HHS administration as well as a briefing for congressional staff, NCSL Foundation members and federal partners. To learn more about this fly in you can read “The State’s Prescription for Controlling Drug Costs” and to learn more about NCSL’s fly-in program, including other past fly-ins, you can read, “D.C. Fly-In: Giving States a Voice.”

Feb. 14, 2020—NCSL released a blog on, “Coronavirus, A Federal and State Rundown” that reviews what is happening both federally and across states to combat the Coronavirus.

For more information on NCSL’s Health and Human Services Standing Committee State-Federal Affairs activities, please visit our website, or email Haley Nicholson, haley.nicholson@ncsl.org or Margaret Wile, margaret.wile@ncsl.org.