ML STRATEGIES

# Health Care: What's on the Radar for This Congressional Work Period

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The next Hill work period basically runs from February 22 to March 18. As Congress returns, here's a brief look at the pending health care issues on the radar for this work period.

**Atmospherics**

As much as health care geeks think the world revolves around health care, there are other issues in play that can affect consideration of health care issues. First, there is consideration of the FY 2017 Budget. It is unclear whether House and Senate Republicans are ready to move forward with a budget this year (the 2015 year-end deal deemed the process for this year complete). Any budget is certain to have health related provisions. While not incredibly influential for the process this year, a budget exercise employs resources that could be used on other issues.

The more politically relevant issue is the Senate's reaction to the Supreme Court vacancy created by the death of Justice Scalia. At some point this year, it will become clear that the Senate is no longer able to consider bills of even remote consequence because it is an election year. The battle over the nomination will increase the political temperature in the Senate. It is not clear if it will rise to the level of halting progress on other issues.

**Issues**

**Opioids** — The Senate is inching closer to a floor vote on the Comprehensive Addiction and Recovery Act (CARA), which would enable the Attorney General to award grants to states to address opioid and heroin abuse. Whether this legislation can pass through both chambers of Congress remains to be seen, but we should get that answer in the next work period.

**FDA Nominee** — Senate Majority Leader Mitch McConnell filed a motion before the recess to proceed with the nomination of Robert Califf to be FDA Commissioner, despite objections remaining from three Democratic Senators. McConnell has successfully driven a wedge between the Administration and the Democrats in the Senate, forcing Minority Leader Harry Reid to decide between allowing a vote on the Administration's pick or standing up for three in his own caucus to block the Republican-controlled Senate from confirming the President's nominee. Earlier this month, Dr. Califf and the FDA called for a review of agency opioid policies, but Democratic Senators appear to be seeking more concrete action.

**Mental Health** — A legislative package to address mental health access is being negotiated between the Senate Committee on Health, Education, Labor, and Pensions (HELP) and the White House, with the goal of getting a bill before the committee sometime next month. The goal is to encompass a broad range of proposals into one package. The Senate will still have to address other mental health efforts including Majority Whip John Cornyn's (R-TX) mental health initiative which has objections from Democrats over certain gun provisions. It also signals that the effort in the House led by Rep. Tim Murphy has stalled. Ultimately, the linkage between mental health and gun violence as this debate moves forward will determine prospects for passage.

**Innovation Bills** — Following a first markup during which each piece of legislation was approved out of committee but Democrats raised concerns about future markups, the Senate HELP Committee will convene March 9th to review another series of bills. While Chairman Lamar Alexander expressed openness to increased funding for NIH and FDA, getting a package out of committee without a spending guarantee seems highly unlikely. The pessimism among health policy observers is palpable, as some already look to next year's reauthorization of the Generic Drug User Free Amendments (GDUFA) as the vehicle to resolve differences if a larger package of innovation bills does not move in short order. The next series of bills deal with medical device regulations, priority review vouchers, and advancing research for rare diseases.

**Chronic Care** — The Senate Finance Committee is hoping to have a legislative package unveiled in the next work period, although Senator Johnny Isakson's (R-GA) spokesman said there is no firm timetable for the legislative package. Should a package be unveiled next month, its review by the Congressional Budget Office will likely forecast how quickly the legislation is considered by the committee. The committee may look to extend the Independence at Home Demonstration, a move which proponents say

will save money.

**MA Lobbying** — Late last month, AHIP announced it was joining the lobbying effort against cuts to Medicare Advantage. This is a familiar two-step for Medicare Advantage proponents, who successfully lobbied against a rate reduction last year and have been successful in previous years. Last week, a bipartisan group of over 300 Representatives wrote to CMS urging them to avoid further cuts to Medicare Advantage in 2017, and the next work period will likely feature a lobbying effort to preface the 2017 Advance Notice and Draft Call Letter for Medicare Advantage and Part D, which is expected in early April.

## Authors



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Alex Hecht is a trusted attorney and policy strategist with over 20 years of experience advising clients across a broad range of industries on how to navigate complex policy environments. His strategic insight and hands-on experience in both legislative and regulatory arenas empower clients to advance their priorities with clarity and confidence in an evolving policy landscape.