

## **Will There Be Drug Pricing Legislation in 2021?**

On April 28, 2021, President Joe Biden announced the American Families Plan, which the White House deemed as “an investment in our kids, our families, and our economic future.” The American Families Plan totals \$1.8 trillion and is the second half of President Biden’s effort to build back better and make “once-in-a-generation investments in our nation’s future.”

The American Families Plan includes:

- Provides at least four years of free education for Americans
  - Universal pre-school to all three and four year olds
  - Provide all Americans with two years of free community college
- Provides direct support to children and families
  - Direct support to families to ensure that low-income families spend no more than 7% of household income on childcare
  - Direct support to families by creating a national paid family and medical leave program that will bring America in line with other comparable nations
  - Provide nutrition assistance to low-income families to reduce childhood hunger
- Extends tax cuts for families with children and American workers
  - Extend tax cuts that were included in the American Rescue Plan including the Child Tax Credit, Earned Income Tax Credit, and the Child and Dependent Care Tax Credit

Full White House Fact sheet available [HERE](#).

Noticeably missing from the American Families Plan are any major healthcare initiatives, including overhauling Medicare and Medicaid or reducing drug prices. Both of these issues were major aspects of the Biden Presidential campaign, and many in the Democratic party were hoping they would take center stage in President Biden’s economic plans.

Despite failing to include healthcare initiatives in the plan, President Biden and other administration officials have stated that President Biden remains fully committed to lowering drug pricing, referencing the need for the government to be able to directly negotiate drug prices in his address to Congress on April 28, 2021. In his address, President Biden called on Congress to pass comprehensive drug pricing legislation.

You can read President Biden’s full address to Congress [HERE](#).

## **Congress Calls on President Biden to Address Drug Pricing**

Although President Biden failed to include any sort of drug pricing reduction in his most recent economic plan, Congressional leaders have not stopped calling on Biden to include it. In fact, Democrats are bracing for a fight with the administration to include drug pricing, an issue many campaigned on in 2020 and many feel that failure to take action before the 2022 midterm elections could cost the Democrats control of Congress. A divided Congress, should the Democrats lose either the House or Senate, or even both, could make it next to impossible for any significant drug pricing legislation to be passed in the future.

Therefore, Congressional leaders feel that the time to act is now. Senator Ron Wyden (D-OR), Chairman of the Senate Finance Committee, stated that due to the campaigning in the last election, Americans, and especially seniors are going to be looking at drug pricing reform when determining who they vote for in 2022.

Despite President Biden failing to include drug pricing legislation in the American Families Plan, House Democrats are putting the wheels in motion to move forward with their own sweeping drug pricing legislation, H.R. 3, on its own without the help of budget reconciliation. However, it is important to note that while the House of Representatives might be able to pass H.R. 3, it is unlikely that the legislation will be able to make it through the Senate without the help of budget reconciliation, which only requires a simple majority in the Senate rather than 60 votes to beat the filibuster. If H.R. 3 is advanced as a standalone bill, Senate Democrats will need to convince 10 Republicans to join them in supporting the legislation.

On Tuesday, May 4, 2021, the House Energy and Commerce Committee, Subcommittee on Health held a hearing titled “Negotiating a Better Deal: Legislation to Lower the Cost of Prescription Drugs.” Included in the legislation that the committee was examining was H.R. 3, which was recently reintroduced in the 117<sup>th</sup> Congress. Both Democrats and Republicans stated how drug prices are out of control and need to be addressed. However, Republicans on the committee argued that H.R. 3 was not the answer. Chairman of the House Energy and Commerce Committee, Rep. Frank Pallone (D-NJ), indicated that he was will to use any vehicle available to attach drug pricing legislation, whether it had Republican support or not. This stance makes it clear that Rep. Pallone, joining with Senator Wyden, is willing to attach comprehensive drug pricing legislation to any sort of package, even if it is not included in the President’s American Families Plan.

A quick refresher as to what is included in H.R. 3.

[H.R. 3- Elijah E. Cummings Lower Drug Costs Now Act](#) (Reintroduced on April 27, 2021 with slight adjustments)

### **The Five Titles in the bill are:**

- Lowering Prices Through Fair Drug Price Negotiation
- Prescription Drug Inflation Rebates
- Part D Improvements and Maximum Out-of-Pocket Cap for Medicare Beneficiaries

- Drug Price Transparency
- NIH, FDA, and Opioids Funding

### What does the bill do?

- The legislation has the Health and Human Services Department (HHS) directly negotiate the prices of the most expensive drugs, biological products, and insulin.
- The measure would cap the prices of the selected drugs at 120 percent the average price in Australia, Canada, France, Germany, Japan, and the United Kingdom. For reference, President Trump proposed a slightly less stringent price cap of 126 percent.
- The bill would require drug manufacturers to pay rebates to Medicare for drug price increases that exceed inflation.
- The legislation would create a \$2,000 out-of-pocket cap for Medicare prescription drug plan beneficiaries.

### How would price negotiations work?

- HHS would establish a Fair Price Negotiation Program that identifies “negotiation eligible drugs.”
- In 2023, the first year of the plan, HHS would publish a list of 25 drugs and biological products, along with insulin, that will be subject to negotiations.
- From 2024 onward, HHS will have to select at least 50 drugs to negotiate.
- HHS would select drugs with the greatest potential to result in savings for the government or individuals. It would do this by comparing the drug’s price in the US versus its average international price.
- Drugs subject to negotiation would be selected from a list of 125 drugs with the greatest net spending under Medicare Advantage, Medicare Part D, and an additional list of 125 drugs with the greatest overall spending in the US.
- HHS would then negotiate a “maximum fair price,” which is not to exceed 120 percent of the average international price. The maximum fair price would consider the manufacturer’s research and development (R&D) costs, unit costs of production and distribution, and comparison to existing therapeutic alternatives.
- If a drug lacks international price information, the maximum fair price would be capped at no more than 85 percent of the average manufacturer price.
- If a manufacturer sells above the maximum fair price, it would be subject to a civil monetary penalty equal to ten times the difference between the price they charged and the maximum fair price amount. Additionally, each violation of a fair price agreement could be subject to a civil penalty not to exceed \$1 million.
- If manufacturers do not enter an agreement with HHS, H.R. 3 would impose a non-deductible excise tax on the company for the days they sell the selected drug outside of an agreement.

### How does this affect brain tumor drugs?

The bill would cap the prices of the most expensive drugs sold in the US. ***To the extent that brain tumor drugs qualify as such, then H.R. 3 would reduce their prices.*** The bill applies to

Medicare plans, which cover cancers drugs through parts B and D—both would be subject to negotiation.

Drug manufacturers will argue that lower drug prices will undermine the innovation necessary to find new breakthrough drugs to treat conditions like brain cancer. Consumer advocates will say that the bill increases access to life-saving medicine. With regard to the claim that the bill would hurt new drug development, the legislation contains provisions that account for R&D costs and innovation when negotiating the maximum fair price. This combined with the fact that manufacturers sell the same drug for less abroad undermines the claim that high prices are necessary for innovative drug development. Consequently, do not expect research into brain tumor drugs to suffer as a result of lower drug prices.

The Congressional Budget Office estimated that the 116<sup>th</sup> Congress plan would lower spending by \$456 billion over ten years with the inflation rebates saving another \$36 billion. But it would also result in eight fewer new drugs being introduced to the US market over that same period. CBO has yet to score the 117<sup>th</sup> Congress legislation.

### **Republican Senator Delays Confirmation of Biden’s CMS Pick: Chiquita Brooks-LaSure**

On April 15, 2021, President Biden’s pick to be Administrator of the Centers for Medicare and Medicaid Services, Chiquita Brooks-LaSure, sat in front of the Senate Finance Committee for a hearing on her nomination. The hearing was relatively straight forward, with many on the committee detailing how qualified she is for the job and that she is a solid pick to run the agency.

However, on April 18, 2021 the Biden administration withdrew Texas’s Medicaid waiver on the grounds that the Trump administration did not hold a public comment period before approving the waiver in January of 2021. In response, Senator John Cornyn (R-TX) and the other Republican members of the Finance Committee voted against Brooks-LaSure, causing her nomination to advance out of committee along party lines (14-14). Senator Cornyn also used a parliamentary procedure to put a hold on Brooks-LaSure’s nomination until a solution to the waiver issue could be reached with the Biden administration. It is important to note that Brooks-LaSure, having not yet been confirmed by the Senate to run CMS, did not have any say or participation in the Biden administration’s decision to pull the waiver.

It is unclear how long Senator Cornyn’s hold will last as Majority Leader Chuck Schumer (D-NY) can move to call a vote at any time.

PRG will continue to monitor the situation and provide updates as necessary.

### **Telehealth Update**

On Wednesday, April 28, 2021, the House Ways and Means Committee, Subcommittee on Health held a hearing titled “Charting the Path Forward for Telehealth.” Much of the focus of the hearing was how telehealth has expanded access to care during the COVID-19 pandemic

and that there is bipartisan support to extend and potentially make permanent some of the telehealth waivers issued to CMS to allow flexibility to providers on delivering care.

Chairman of the Subcommittee, Representative Lloyd Doggett (D-TX), voiced his support for expanding telehealth and detailed how telehealth reduces health inequities caused by factors such as a lack of transportation. However, it is important to note that Chair Doggett mentioned how increased access to broadband is essential to make telehealth successful and address health inequities an expanded telehealth could potentially cause.

## **H-1B Visa Program Update**

On March 31, 2021, the H-1B visa ban introduced by the Trump administration expired. The U.S. Department of State said visa applicants who were previously refused due to Trump's freeze may reapply by submitting a new application. The United States Citizenship and Immigration Services (USCIS) announced on April 5, 2021, that it has reached the regular Cap quota for 2021 H-1B petitions.

USCIS has instructed its officers to defer to previous approvals when extending visas, such as the H-1B work visa. In short, USCIS is returning to its long-standing guidance issued in 2004, which the Trump administration had revoked.

On Friday, April 30, 2021, the Biden Administration announced travel restrictions from India into the US following the COVID-19 upsurge in India. Students and certain academics/individuals who provide critical infrastructure support to the U.S. may be eligible for a National Interest Exception.

PRG will continue to monitor the VISA issue and will provide updates as necessary.

## **What's Going on With President Trump's Flurry of Final Rules?**

Former President Trump issued a number of health related rules and regulations in the final days of his administration. On President Biden's first day in office, he issued an Executive Order that stopped, or put a pause, on any regulation that was finalized in the final days of the Trump administration. Consequently, there are a number of health related regulations that are currently in limbo, with the Biden administration having not made a decision as to whether they will move forward. Below you will find relevant health related regulations and their current status.

### **Regulation encouraging primary-care coordination for seriously ill Medicare beneficiaries**

The model was originally set to kick off on April 1, 2021.

Status: Delayed as of March 8.

### **Regulation establishing an alternative payment model for rural health**

Status: Application deadline extended through May 11, 2021.

### **Regulation barring PBMs from keeping Medicare Part D drug rebates**

Status: On pause. The rule now won't fully take effect until at least Jan. 1, 2023.

### **Regulation cutting 340B drug discounts**

Status: On pause as of March 19. The rule was slated to take effect Mar. 22. But the Biden administration delayed its effective date until July 20.

### **Regulation changing outpatient drug prices**

Status: No action yet.

### **Regulation expanding value-based drug pricing**

Status: No action yet.

### **Regulation covering breakthrough medical devices**

Status: On pause until May 15, 2021. The Biden administration will continue to take comments on the proposed rule until April 17, 2021.

**You can find the full list of regulations and more information about each [HERE](#).**

(Updated May 4, 2021)

## **Up to Date List of Drug Related Legislation for the 117<sup>th</sup> Congress**

- [H.R. 2344](#)  
This bill, introduced by Rep. Tim Ryan (D-OH) on April 1, 2021, requires the use of prescription drug monitoring programs.
- [H.R. 2484](#)  
This bill, introduced by Rep. Katie Porter (D-CA) on April 13, 2021, amends title XXVII of the Public Health Service Act and title XVIII of the Social Security Act to require pharmacies to disclose any differential between the cost of a prescription drug based on whether certain individuals use prescription drug coverage to acquire such drug, and for other purposes.
- [S. 1124](#)  
This bill, introduced by Sen. Marsha Blackburn on April 14, 2021, preserves non-interference under the Medicare part D Prescription Drug Benefit program.
- [H.R. 2608](#)  
This bill, introduced by Rep. Peter Welch (D-VT) on April 15, 2021, amends title XVIII of the Social Security Act to ensure equal access of Medicare beneficiaries to community

pharmacies in underserved areas as network pharmacies under Medicare prescription drug coverage, and for other purposes.

- [H.R. 2623](#)  
This bill, introduced by Rep. Josh Gottheimer (D-NJ) on April 16, 2021, amends the Internal Revenue Code of 1986 to restore the amount of the orphan drug tax credit, and for other purposes.
- [H.R. 2706](#)  
This bill, introduced by Rep. Katie Porter (D-CA) on April 20, 2021, amends title XVIII of the Social Security Act to require drug manufacturers to pay a Medicare part B rebate for certain drugs if the price of such drugs increases faster than inflation.
- [H.R. 2829 and S. 1323](#)  
This bill, introduced by Rep. Peter Welch (D-VT) and Sen. Jeff Merkley (D-OR) on April 22, 2021, requires the Secretary of Health and Human Services to establish reference prices for prescription drugs for purposes of Federal health programs, and for other purposes.
- [S. 1366](#)  
This bill, introduced by Sen. Elizabeth Warren (D-MA) on April 26, 2021, secures the supply of drugs in the United States, and for other purposes.
- [H.R. 2846](#)  
This bill, introduced by Rep. David McKinley (R-WV) on April 27, 2021, amends title XVIII of the Social Security Act to require PDP sponsors of a prescription drug plan under part D of the Medicare program that use a formulary to include certain generic drugs and biosimilar biological products on such formulary, and for other purposes.
- [H.R. 2853](#)  
This bill, introduced by Rep. Kurt Schrader (D-OR) on April 27, 2021, amends the Federal Food, Drug, and Cosmetic Act, with respect to eligibility for approval of a subsequent generic drug, to remove the barrier to that approval posed by the 180-day exclusivity period afforded to a first generic applicant that has not yet received final approval, and for other purposes.
- [S. 1425](#)  
This bill, introduced by Sen. Amy Klobuchar (D-MN) on April 28, 2021, enables the Federal Trade Commission to deter filing of sham citizen petitions to cover an attempt to interfere with approval of a competing generic drug or biosimilar, to foster competition, and facilitate the efficient review of petitions filed in good faith to raise legitimate public health concerns, and for other purposes.
- [S. 1428](#)  
This bill, introduced by Sen. Amy Klobuchar (D-MN) on April 28, 2021, prohibits brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and to prohibit biological product manufacturers

from compensating biosimilar and interchangeable companies to delay the entry of biosimilar biological products and interchangeable biological products.

- [H.R. 2868](#)  
This bill, introduced by Rep. G.K. Butterfield (D-NC) on April 28, 2021, amends title XIX of the Social Security Act to prohibit additional rebates under the Medicaid program for certain noninnovator multiple source drugs.
- [H.R. 2870](#)  
This bill, introduced by Rep. Buddy Carter (R-GA) on April 28, 2021, amends the Public Health Service Act to provide for stockpiles to ensure that all Americans have access to generic drugs at risk of shortage, and for other purposes.
- [H.R. 2883](#)  
This bill, introduced by Rep. Hakeem Jeffries (D-NY) on April 28, 2021, enables the Federal Trade Commission to deter filing of sham citizen petitions to cover an attempt to interfere with approval of a competing generic drug or biosimilar, to foster competition and facilitate the efficient review of petitions filed in good faith to raise legitimate public health concerns, and for other purposes.
- [H.R. 2891](#)  
This bill, introduced by Rep. Jerry Nadler (D-NY) on April 28, 2021, prohibits prescription drug companies from compensating other prescription drug companies to delay the entry of a generic drug, biosimilar biological product, or interchangeable biological product into the market.
- [S. 1462](#)  
This bill, introduced by Sen. Bill Cassidy on April 29, 2021, amends the Federal Food, Drug, and Cosmetic Act to simplify the generic drug application process.
- [S. 1463](#)  
This bill, introduced by Sen. Bill Cassidy on April 29, 2021, amends the Federal Food, Drug, and Cosmetic Act to modernize therapeutic equivalence rating determinations.
- [S. 1508](#)  
This bill, introduced by Sen. Roger Marshall (R-KS) on April 29, 2021, provides for the use of emergency use authorization data and real world evidence gathered during an emergency to support premarket applications for drugs, biological products, and devices, and for other purposes.
- [S. 1523](#)  
This bill, introduced by Sen. Mike Braun (R-IN) on April 29, 2021, amends title XI of the Social Security Act and title XXVII of the Public Health Service Act to establish requirements with respect to prescription drug benefits.
- [H.R. 2148](#)

This bill, introduced by Rep. Ro Khanna (D-CA) on March 23, 2021, aims to significantly lower prescription drug prices for patients in the United States by ending government-granted monopolies for manufacturers who charge drug prices that are higher than the median prices at which the drugs are available in other countries.

- [S. 909](#)  
This bill, introduced by Sen. Bernie Sanders (I-VT) on March 23, 2021, aims to significantly lower prescription drug prices for patients in the United States by ending government-granted monopolies for manufacturers who charge drug prices that are higher than the median prices at which the drugs are available in other countries.
- [S. 898](#)  
This bill, introduced by Sen. Tammy Baldwin (D-WI) on March 23, 2021, requires reporting regarding certain drug price increases, and for other purposes.
- [S. 833](#)  
This bill, introduced by Sen. Amy Klobuchar (D-MN) on March 18, 2021, amends XVII of the Social Security Act to allow the Secretary of Health and Human Services to negotiate fair prescription drug prices under part D of the Medicare program.
- [H.R. 597](#)  
This bill, introduced by Rep. Jan Schakowsky (D-IL) on January 28, 2021, requires any COVID-19 drug developed in whole or in part with Federal support to be affordable and accessible by prohibiting monopolies and price gouging, and for other purposes.
- [S. 141](#)  
This bill, introduced by Sen. Jeanne Shaheen (D-NH) on January 28, 2021, amends the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription drugs.
- [H.R. 153](#)  
This bill, introduced by Rep. Bobby Rush (D-IL) on January 4, 2021, prohibits brand name drug manufacturers from compensating generic drug manufacturers to delay the entry of a generic drug into the market, and to prohibit biological product manufacturers from compensating biosimilar and interchangeable product manufacturers to delay entry of biosimilar and interchangeable products, and for other purposes.

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## **In The News**

[Politico](#) (4/30/2021): **FDA PANEL SPLITS ON CANCER DRUGS WITH UNCERTAIN BENEFITS** — An FDA panel voted this week against limiting the approved uses of Genentech’s Tecentriq, Merck’s Keytruda and Bristol Myers Squibb’s Opdivo, POLITICO’s Sarah Owerhohle and David Lim report.

[Politico](#) (4/30/2021): **HILL DEMOCRATS DOUBLE DOWN ON DRUG PRICING** — Senior Democrats' last-ditch effort to set prescription drug pricing controls as part of Biden's spending package comes in defiance of the White House's decision to drop drug pricing from its proposal, and with the party still split over how exactly to slash costs, POLITICO's Susannah Luthi and Alice Miranda Ollstein report.

[The Hill](#) (4/30/2021): **Democrats push to add drug pricing, Medicare measures to Biden plan** - Leading congressional Democrats are pushing to add drug pricing measures and even an expansion of Medicare eligibility to President Biden's American Families Plan after the White House left the proposals out of the \$1.8 trillion package.

[Modern Healthcare](#) (4/29/2021): **Ways & Means reps. bullish on telehealth, but say questions remain** - Health equity was a major concern at the hearing hosted by the House Ways and Means Committee's Subcommittee on Health.

[Politico](#) (4/29/2021): **CORPORATE LEADERS WANT STRONGER FEDERAL CONTROLS ON HEALTH COSTS** — The cost of health insurance will reach a breaking point in the next decade — and it'll be up to the government to step in with more coverage offerings and spending controls, an overwhelming majority of executives said in a new survey from the Kaiser Family Foundation and Purchaser Business Group on Health.

[Politico](#) (4/29/2021): **BIDEN WANTS TO GO BIG ON HEALTH CARE ... EVENTUALLY** — For much of his 65-minute speech Wednesday night, Biden spoke like a president dead set on transforming the entirety of the nation's health system.

[Modern Healthcare](#) (4/28/2021): **Biden backs ACA expansion in next relief package, but no drug pricing reform** - President Biden will unveil his "American Families Plan" to Congress. The proposal includes making permanent changes to ACA subsidies but doesn't lay out drug pricing reform, a major ask of Democrats and advocates.

[The Hill](#) (4/28/2021): **Biden calls on Congress to pass drug pricing legislation this year** - President Biden on Wednesday called for Congress to pass legislation this year that would lower prescription drug prices, seeking to accomplish a long-held Democratic goal.

[Politico](#) (4/28/2021): **FDA SCRUTINIZES PRICEY CANCER DRUGS** — What should be done about expensive cancer drugs on the market that might not work? That could be the first thorny question to confront Woodcock, who is acting FDA commissioner while Biden weighs whether to nominate her for the full-time role.

[The Hill](#) (4/28/2021): **Biden plan omits major health care measures pushed by Democrats** - President Biden's American Families Plan unveiled Wednesday leaves out two major health priorities pushed by congressional Democrats: reducing the cost of prescription drugs and lowering the eligibility age for Medicare.

[Politico](#) (4/28/2021): **BIDEN'S NEW ECONOMIC PLAN LEAVES HEALTH BATTLES BEHIND** — The sweeping American Families Plan that Biden plans to unveil today is heavy on spending but light on Democratic health care ambitions.

[Axios](#) (4/27/2021): **Drug pricing legislation hits a wall** - The White House is unlikely to include a major effort to lower prescription drug prices in its upcoming legislative package, the Washington Post and the Wall Street Journal reported yesterday.

[Politico](#) (4/27/2021): **DEMOCRATS BRACE FOR DRUG PRICING FIGHT** — The Biden administration has yet to pick a fight with the drug industry, despite calls from his party to include reforms in the next coronavirus relief package. If he abandons those calls — which advocates say could save billions — that’ll put pressure on progressives and moderates in swing states who want to deliver on years of campaign pledges to tackle high drug costs — and worry their Democratic majority is in jeopardy if they don’t, write Alice Miranda Ollstein and Susannah Luthi.

[Politico](#) (4/26/2021): **ANOTHER LOBBYING BLITZ ON ‘SURPRISE’ HOSPITAL BILLS** — Remember the lobbying onslaught from the health care industry that nearly stopped Congress from passing a nationwide ban on “surprise” medical bills? We do too — and there’s another one coming, as the same powerful groups race to sway federal agencies tasked with making the new law work, Susannah writes.

[Politico](#) (4/26/2021): **DEMOCRATS TO BIDEN: DON’T ABANDON HEALTH PROMISES** — Democrats on and off Capitol Hill are escalating their public pressure campaign ahead of a Wednesday speech where Biden will outline his “human infrastructure” plan, our Alice Miranda Ollstein and Susannah Luthi report.

[Modern Healthcare](#) (4/23/2021): **House Democrats back Medicare drug price negotiations in infrastructure talks** - House Speaker Nancy Pelosi (D-Calif.) has said she hopes to include provisions allowing Medicare to negotiate drug prices in an infrastructure bill. But the path forward remains uncertain.

[Politico](#) (4/23/2021): **DEMOCRATS DIAL UP HEAT ON BIDEN OVER HEALTH CARE** — Senior House Democrats this week reintroduced their sweeping drug price negotiation legislation amid a flurry of revivals of health care bills, and on Thursday, Speaker Nancy Pelosi called lowering health care costs and drug prices through the infrastructure plan a “top priority” for her caucus.

[Axios](#) (4/22/2021): **How the pandemic changed drug spending** - Spending on prescription drugs rose even during the pandemic when many people delayed care. And it will probably continue its rise this year, Axios' Tina Reed reports.

[Politico](#) (4/22/2021): **HOUSE DEMS REVIVE SWEEPING DRUG PRICE BILL** — Senior House Democrats are reintroducing legislation empowering the government to negotiate the cost of certain costly drugs, in a revival of one of the party’s centerpiece drug pricing proposals, an aide familiar with the matter told PULSE.

[The Hill](#) (4/22/2021): **Pelosi pushes for drug pricing measure amid uncertainty from White House** - Speaker Nancy Pelosi (D-Calif.) is pushing for the inclusion of a measure to lower drug prices in President Biden's forthcoming American Families Plan, amid indications that the White House will not include it.

[Politico](#) (4/22/2021): **BIDEN'S CMS PICK FACES STIFF SENATE TEST** — The Senate Finance Committee will decide whether to advance Chiquita Brooks-LaSure’s nomination to run CMS

today, in a vote that could be closer than first expected amid GOP criticism over the agency's decision to rescind Texas' Medicaid waiver.

[Modern Healthcare](#) (4/21/2021): **Telehealth increases downstream care, study finds** - More than 10% of the telehealth users had an in-person visit the next week, compared with 5.9% of patients who went to a clinic.

[The Hill](#) (4/21/2021): **House Dems to unveil drug pricing measure ahead of Biden package** - House Democrats are preparing to reintroduce major legislation to lower drug prices ahead of President Biden's unveiling of his American Families Plan, which could include the proposals.

[Politico](#) (4/21/2021): **CORNYN PUTS BIDEN'S CMS PICK ON HOLD** — Cornyn is blocking the Senate confirmation of CMS Administrator nominee Chiquita Brooks-LaSure, in what a spokesperson described as payback for Biden revoking Texas' Medicaid waiver — and with it, funding to cover poor and uninsured Texans' health care.

[The Hill](#) (4/20/2021): **Bipartisan lawmakers weigh in on post-pandemic health care costs** - Reps. Lisa Blunt Rochester (D-Del.) and Rodney Davis (R-Ill.) said Tuesday that lowering health care costs should be one of the top priorities as the U.S. emerges from the coronavirus pandemic.

[Modern Healthcare](#) (4/20/2021): **10% of prescription drugs make up majority of Medicare drug spending, study finds** - Under 10% of medications covered by Medicare part B and D account for the majority of relative spending, according to a new study by the Kaiser Family Foundation. Legislation aimed at lowering drug costs is expected in Biden's upcoming infrastructure bill.

[The Hill](#) (4/20/2021): **Cornyn places hold on Biden Medicaid nominee** - Sen. John Cornyn (R-Texas) is placing a hold on President Biden's nominee to oversee Medicaid, an apparent sign of the anger from Republicans over the withdrawal of Texas's Medicaid waiver last week.

[Modern Healthcare](#) (4/19/2021): **Payers, providers clash over telehealth reimbursement as Congress mulls changes** - As members of Congress decide how to expand access to telehealth after the pandemic, one of the biggest questions has centered around how much Medicare providers should be paid for virtual care.

[Politico](#) (4/16/2021): **Democrats agonize over game theory on Biden's \$2T-plus spending plan** - President Joe Biden is rolling out his multitrillion-dollar spending package in two parts, hoping to market its sweeping scope as infrastructure both concrete and human. Now Republicans have to decide if they'll buy it.

[Politico](#) (4/16/2021): **Dems weigh narrower health ambitions for infrastructure package** - The "social infrastructure" piece of the \$2 trillion-plus bill would be progressive lawmakers' best chance to broaden the social safety net before the mid-term election.

[The Hill](#) (4/15/2021): **Buchanan to seek top GOP position on Ways and Means Committee** - Rep. Vern Buchanan (R-Fla.) announced Thursday that he is running to be the top Republican on the House Ways and Means Committee in the next Congress, seeking to lead the powerful panel with jurisdiction over tax, trade and public health issues.

[Modern Healthcare](#) (4/14/2021): **Bill delaying Medicare cuts heads to Biden's desk after House passage** - The bill, which passed the House Tuesday, will delay the 2% Medicare cuts for the rest of 2021, a win for hospitals and providers.

[The Hill](#) (4/14/2021): **GOP Rep. Kevin Brady won't seek reelection** - Rep. Kevin Brady (Texas), the top Republican on the House Ways and Means Committee, announced Wednesday that he will not seek reelection next year after serving since 1997.

[Politico](#) (4/14/2021): **E&C WANTS TRUMP'S HOSPITAL TRANSPARENCY RULE ENFORCED** — The leaders of the House Energy and Commerce Committee are urging HHS Secretary Xavier Becerra to consider harsher penalties for hospitals that refuse to post their privately negotiated prices as required by a new rule.

[Axios](#) (4/13/2021): **Democrats, led by Biden, are aiming big on health care** - Democrats are exploring adding a huge array of health policies to upcoming spending legislation, ranging from further enhancing Affordable Care Act subsidies to allowing Medicare to negotiate prescription drug prices.

[Politico](#) (4/13/2021): **ADVOCATES UNVEIL MEDICAID PUSH** — Progressive health advocacy group Protect Our Care this week launched a media campaign pressing GOP governors to take up Medicaid expansion.

[Modern Healthcare](#) (4/12/2021): **Ohio to save \$240M in Medicaid drug costs by running its own PBM** - Ohio officials expect consolidating the seven private pharmacy benefit managers that run its Medicaid managed-care system into a single, state-regulated PBM will save more than \$240 million annually.

[Modern Healthcare](#) (4/12/2021): **White House budget proposes billions of dollars for cancer research, opioid crisis response** - As President Joe Biden's first budget request to Congress, it offers a look at his priorities on healthcare and education, with increases in discretionary—or optional spending—across the board.

[Politico](#) (4/12/2021): **BIDEN BUDGET WOULD BOOST HEALTH AGENCIES** — Federal health agencies stand to win a 23 percent funding increase under Biden's fiscal 2022 budget blueprint which includes a bump in CDC funding and ambitious research plans for the National Institutes of Health, our Adriel Bettelheim outlines.

[Modern Healthcare](#) (4/9/2021): **MACPAC wants to cut Medicaid spending on high-cost specialty drugs** - The Medicaid and CHIP Payment and Access Commission will recommend Congress increase the minimum rebate percentage and additional inflationary rebate on fast-tracked specialty drugs.

[Politico](#) (4/9/2021): **PROGRESSIVES' HEALTH CARE WISH LIST** — House progressives' list of demands heading into negotiations over the makeup of Biden's infrastructure bill includes several measures that are further to the left than even the sweeping drug price overhaul House Democrats passed in 2019, POLITICO's Alice Miranda Ollstein reports.

[The Hill](#) (4/8/2021): **Biden rescinds Trump-approved Medicaid work requirements in Michigan, Wisconsin** - President Biden this week rescinded former President Trump's permission for Michigan and Wisconsin to institute work requirements for recipients of Medicaid.

[Modern Healthcare](#) (4/7/2021): **Hospitals push Congress for infrastructure funding** - Providers are preparing to lobby for billions of dollars in funding, seeing an opportunity in the \$2 trillion infrastructure package Congress is working on.

[Politico](#) (4/7/2021): **DEMOCRATS SEEK ANOTHER OBAMACARE TWEAK** — A group of Democratic committee chairs are asking HHS Secretary Xavier Becerra to let laid-off Americans sign up for Obamacare plans through a special enrollment period as soon as their employer-based coverage expires.

[The Hill](#) (4/7/2021): **Over 500,000 people sign up for ObamaCare in special sign-up period** - The Department of Health and Human Services said 528,000 people signed up for health insurance between Feb. 15 and March 31, in what is known as a special enrollment period, an extra sign-up period beyond the regular yearly window, aimed at people who needed coverage because of the upheaval caused by COVID-19.

[Politico](#) (4/6/2021): **Senate Dems release international tax framework as lawmakers start to tweak Biden's plan** - The framework generally agrees with what the administration proposed last week when it called for a host of tax hikes on corporations, though it differs on several points and includes additional details.

[Politico](#) (4/6/2021): **Dems can use unprecedented move for an extra filibuster-proof bill, Schumer aide says - Democrats can pass another major piece of legislation** — such as President Joe Biden's \$2 trillion-plus infrastructure plan — by revisiting the budget process they used to approve his coronavirus relief package without Republican support, a spokesperson for Senate Majority Leader Chuck Schumer said Monday.



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