

Republicans Planning Bite-Sized Health Initiatives in Lame Duck

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Republicans have one last shot to pass health-care legislation while they're in control of both chambers of Congress and the presidency—and industry lobbyists expect them to use the opportunity to bite off smaller bills that can be bundled together or tacked onto larger legislation.

The Pharmaceutical Research and Manufacturers of America has been pushing Congress to reduce drugmakers' contributions to close the Medicare Part D coverage gap, known as the doughnut hole, by \$4 billion. PhRMA, as the group is known, was unsuccessful in getting [that change into a package of bills to combat the opioid crisis](#), and is likely to keep trying in the lame-duck session.

If Republicans open a health-care vehicle for something like the doughnut hole, everyone in town is going to want to get in on that action and add smaller bills to it, a hospital lobbyist said.

Potential Package of Bills

Senate Republicans could also package together bills already passed by the House and clear them as a bloc. That package could include bills to change privacy rules for drug-addiction treatment records, and codify the process for determining local Medicare coverage for services and medical devices ([H.R. 3635](#)).

Two other House-passed bills that could be part of a package include measures to modify the regulatory framework for nonprescription drugs and establish user fees for drugmakers ([S. 2315](#)) and authorize research programs for congenital heart disease ([H.R. 1222](#)).



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House Ways and Means Chairman Kevin Brady hopes for a vote this month on a bill to delay the ‘Cadillac Tax’ on some health insurance plans.

The Senate Health, Education, Labor, and Pensions Committee is “working to find agreement on a path forward” on several bills, including legislation to collect better data on maternal mortality ([S. 1112](#)) and protect the confidentiality of substance use disorder patient records ([H.R. 6082](#)), spokesman Taylor Haulsee said in a statement.

There is a lot of interest in the maternal mortality bill, and House and Senate sponsors are working toward a compromise, but a Republican health-care lobbyist said it needs more work.

Addiction Treatment Privacy

The HELP committee is trying to get past the challenges with the bill to change privacy rules for drug-addiction treatment records, known as Part 2 rules, a health-care lobbyist said. Those rules require doctors to get approvals from their patients every time they share their drug treatment records with other doctors, as opposed to a blanket approval they can get for other types of health information. The main roadblock is that the House version would authorize disclosure of the records without the patient’s consent, the lobbyist said.

“Our goal is to get H.R. 6082 passed,” Rebecca Klein, director of government affairs at the Association for Behavioral Health and Wellness, said in an interview. The HELP committee staff held a bipartisan, closed-door meeting Oct. 31 to discuss roadblocks to passing the bill, the health-care lobbyist and behavioral health advocate told Bloomberg Government.

House Republican leadership and Rep. [Markwayne Mullin](#) (R-Okla.), the main bill sponsor, are urging Senate Majority Leader [Mitch McConnell](#) (R-Ky.) to bring the substance-use privacy bill for a vote, the Republican health-care lobbyist said, but the lobbyist is not sure the bill could pass alone.

Mullin’s bill passed the House 357-57 in June as part of dozens of bills approved by the House, but Senate passage would require it either to ride on other legislation or win unanimous consent. Mullin has said that Democrats, led by Sen. [Patty Murray](#) (D-Wash.), pushed to keep it out of the final opioid package.

Obamacare Taxes

A bill to suspend the Obamacare mandate that employers insure their workers and delay the law’s “Cadillac” tax on high-cost insurance plans ([H.R. 3798](#)) won House Ways and Means Committee approval before the fall recess and Chairman [Kevin Brady](#) (R-Texas) has said it could get a vote in November.

Bringing the bill up for a vote in the lame duck session is “very likely and was always the plan,” Dean Rosen, a partner at Mehlman, Castagnetti, Rosen & Thomas, told Bloomberg Government. “Senate action is another matter.”

Rosen said he thinks “the elections will really dictate the appetite to do anything big in the lame duck on Cadillac or anything else.”

[Employer groups were frustrated](#) the bill did not receive a vote before the House left for recess in September.

The House had also previously passed bills to repeal the medical device tax ([H.R. 184](#)) and delay the health insurer tax through 2021 ([H.R. 6311](#)). Those bills would be the most likely to get a vote in the Senate, two Republican health-care lobbyists said.

Some of the bigger-ticket Affordable Care Act items, like the Cadillac tax and employer mandate, won’t get a vote in the Senate until Republicans get something big in return, the hospital lobbyist said.

Other bills

The Senate also needs to reauthorize programs to protect the nation from pandemics and bioterrorist attacks. Authorization expired Sept. 30, but the programs were funded through the Health and Human Services Department fiscal 2019 appropriations bill. The House passed the reauthorization bill ([H.R. 6378](#)) in September.

A bill to authorize grant programs to study and treat sickle cell disease ([H.R. 2410](#)) passed the House and companion legislation ([S. 2465](#)) passed the Senate, leaving it to negotiators to resolve differences. Sen. [Cory Booker](#) (D-N.J.), a cosponsor, has been in touch with House counterparts and is “hopeful the House will adopt the Senate-passed language,” his press secretary Kristin Lynch said.

Republicans on the Senate Finance Committee are putting together a rural health package, the hospital lobbyist said, but neither committee Democrats nor House members have been engaged in that process. A committee spokesperson would not comment on it.

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