

American Health Care Act: On to Rules Committee and House Floor; Third Prong: Additional Legislation; HRSA Further Delays 340B Final Rule

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Legislative Activity

The AHCA: On to Rules Committee and House Floor

The ***American Health Care Act (AHCA)*** continues to make its way through the legislative process. After surviving markups in the House Committee on Energy and Commerce, the House Committee on Ways and Means, and the House Committee on the Budget, it is time for the Republican repeal and replace effort to move to the final stage in the House of Representatives. Although there has been no official announcement, it is widely reported that the House Committee on Rules will take up the measure on Wednesday, March 22, and the vote will occur on the House floor on Thursday, March 23. Can Speaker Ryan get the coveted 216 votes needed to pass the AHCA? The Congressional Budget Office (CBO) score, current Medicaid policies, and harsh opposition from stakeholders have moderate Republicans rattled, while conservatives seem to think the replace provisions do not go far enough. Right now the outcome is unclear, but Republican leadership continues to negotiate the Manager's amendment and hopes to reach an agreement soon. Upon House passage the legislation will be forwarded to the Senate where the path forward is uncertain, but Leader McConnell remains hopeful that a vote will occur before the April recess. This will be a difficult task as Republican opposition to the AHCA continues to be a problem.

The Third Prong: Additional Legislation

Republican leaders continue to stress that budget reconciliation is step one to a three-pronged approach. This week the House of Representatives will demonstrate the third prong of Speaker Ryan's repeal and replace plan by passing additional health care legislation. H.R. 1101, the Small Business Health Fairness Act of 2017, introduced by Rep. Sam Johnson (R-TX), would amend the Employee Retirement Income Security Act of 1974 (ERISA) to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees. H.R. 372, the Competitive Health Insurance Reform Act of 2017, introduced by Rep. Paul Gosar (R-AZ), would restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers. Both bills are scheduled for a vote on the House floor this week and will require a 60 vote threshold to pass the Senate.

This Week's Hearings:

- Monday, March 20: The House Committee on Rules will hold a meeting to formulate the rule on H.R. 372, the Competitive Health Insurance Reform Act of 2017 and H.R. 1101, the Small Business Health Fairness Act of 2017.
- Tuesday, March 21: The Senate Committee on Health, Education, Labor, and Pensions (HELP) will hold a hearing titled "FDA User Fee Agreements: Improving Medical Product Regulation and Innovation for Patients Part I."
- Tuesday, March 21: The House Committee on Agriculture Subcommittee on Nutrition will hold a hearing titled "The Next Farm Bill: Nutrition Distribution Programs."
- Tuesday, March 21: The House Committee on Energy and Commerce Subcommittee on Oversight and Investigations will hold a hearing titled "Fentanyl: The Next Wave of the Opioid Crisis."
- Tuesday, March 21: The Senate Special Committee on Aging will hold a hearing titled "Raising Grandchildren in the Opioid Crisis and Beyond."
- Wednesday, March 22: The House Committee on Energy and Commerce Subcommittee on Health will hold a hearing titled "Examining FDA's Prescription Drug User Fee Program."
- Wednesday, March 22: The House Committee on Oversight and Government Reform Subcommittee on Health Care, Benefits, and Administrative Rules will hold a hearing titled "Examining the Impact of Voluntary Restricted Distribution Systems in the Pharmaceutical Supply Chain."
- Wednesday, March 22: The House Committee on Veterans' Affairs Subcommittee on Health will hold a hearing titled "Health Hiring: Enabling VA to Recruit and Retain Quality Providers."

Regulatory Activity

HRSA Further Delays 340B Final Rule

On Friday, March 17, The Health Resources and Services Administration (HRSA) further delayed the implementation of the 340B ceiling price and civil monetary penalty rule. The agency previously delayed the implementation of the rule from March 6 to March 21, and the interim final rule released Friday pushes implementation back to May 22. The Trump Administration said there are still substantial questions about the rule which was finalized during President Obama's last days in office. The recent delay may be a signal that the Trump Administration is taking a broader look at 340B drug discounts and the rule's impact due to stakeholder comments they have received. The Administration is accepting comments on whether to further delay the rule through October.

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