



## Policy Brief

July 10, 2020



### Current Democratic Health Care Bills

Last week, House Democrats [passed](#) the Patient Protection and Affordable Care Enhancement Act, which aims to expand the Affordable Care Act (ACA). In stark contrast to the Trump Administration's efforts to [overturn](#) the ACA, this bill clearly underscores the Democrats' support of the ACA prior to the November election. The policies they are advancing give a peek at their future health care priorities should they win the Senate or the Presidency and provide fodder for the campaign trail this fall. The Trump Administration is not expected to outline a health care plan until after the election.

#### **H.R. 1425: “The ACA Enhancement Act”**

The ACA Enhancement Act ([H.R. 1425](#)) aims to strengthen and expand the Affordable Care Act, shore up the Medicaid program and lower prescription drug prices. Key provisions [include](#) expanding both subsidies and eligibility requirements for state-level exchanges. States would have the ability to expand premium tax credits beyond 400% of the federal poverty line. It also introduces a drug price negotiation program for drugs with the greatest U.S. spending and those covered under Medicare Part D.

#### **H.R. 2: “The Move Forward Act”**

Another [bill](#) being pushed by the Democrats that could eventually impact health care is the Move Forward Act ([H.R.2](#)), which would allocate \$1.5 trillion to help rebuild American infrastructure. If passed, the bill would provide \$30 billion in funding for the construction and modernization of hospitals and medical facilities between 2021 and 2025.

## Republican Health Care Priorities

Republicans are not likely to release a full health care plan until the Supreme Court [rules](#) on the legitimacy of the ACA. However, there may still be efforts to address smaller health care initiatives that have been a priority for all Americans, regardless of political party. These include increased efforts to end [surprise billing](#) and lower [drug prices](#) before the year ends. The outcome of the election, as well as which party wins the White House and the Senate majority, will determine what issues will be considered during the lame duck session of Congress.



## Election 2020: A Senate Primary Race Update

Primary voting has concluded in [more than half](#) of all states with Senate seats up for election. Despite the ongoing pandemic, states overall are reporting fairly level voter turnout rates. In some states, [like Kentucky](#), participation rates actually rose to historic heights. The Republican party will need to keep four Senate seats this fall to maintain their majority in the chamber; the Democratic party hopes to flip these seats in an echo of its 2018 [House victory](#). For the latest polling on key Senate races, [click here](#). For resources on upcoming election dates and polling locations, [click here](#). Below is a brief summary of the primary election results in states with an AHPA presence.

### The results are in! Mostly.

The following AHPA states have finished tallying their primary election results for the Senate race:

Senate Race State	Democratic	Republican
<b>Colorado</b>	John Hickenlooper	Cory Gardner*
<b>Georgia</b>	Jon Ossoff	David Perdue*
<b>Illinois</b>	Dick Durbin*	Mark Curran
<b>Kentucky</b>	Amy McGrath	Mitch McConnell*
<b>North Carolina</b>	Cal Cunningham	Tom Tillis*
<b>Texas</b>	Mary Hegar	John Cornyn*

*\*incumbent*

### **States still have yet to complete primary voting on Senate seats.**

Kansas and Wyoming both have primary elections scheduled for August. Kansas will hold its primary on August 4<sup>th</sup>; members of either party must be registered by July 14<sup>th</sup> to participate. In Wyoming, voting will be held on August 18<sup>th</sup> with a registration deadline of August 3<sup>rd</sup>.

### **A few do not have any Senate seats up for election.**

California, Florida and Maryland are not holding primary elections for Senate seats this year. In these states, the focus has mainly been on preparing for the upcoming presidential election in November, although a few—[like Florida](#)—also have House elections on the horizon. Florida will hold its House primary election on August 18<sup>th</sup>.



### COVID-19: How's It Impacting Elections?

With the number of COVID-19 cases rising, states are looking for solutions to mitigate the spread of the virus while allowing individuals to cast their vote in the November election. These solutions include promoting the use of mail-in absentee ballots, increasing the number of polling locations, and allowing curbside voting or ballot drop-off at polling places. Below, we outline some of the state actions in light of COVID-19, as well as their potential implications.

#### **State Actions**

**Develop ballot tracking systems.** Wisconsin is working to add bar codes on their absentee ballots to allow voters to track their ballots and ensure their votes are counted. Ohio and Kentucky are examples of states that already offer this option to voters.

**Expand the list of reasons to vote absentee.** Many states require voters to have a specific reason to vote absentee. Some states are expanding the list of acceptable reasons to include a high risk due to serious medical conditions, being subject to a medically necessary quarantine or caring for someone under quarantine.

**Send absentee ballot request forms to all voters.** Many states, including California, Georgia and Wisconsin, will send absentee ballot applications to all active voters, regardless of whether voters request to vote by mail.

**Allow election supervisors to start processing absentee ballots earlier.** Florida and Georgia will allow their election supervisors to start processing absentee ballots earlier than usual for the November elections.

**Allow curbside voting or ballot drop-off at polling places.** States such as California and Oregon will set up ballot drop-box locations to provide an alternative for those unable to vote by mail.

### **Implications**

The expanded use of absentee ballots, while helpful to reduce in-person contact, can negatively impact some communities. Low-income citizens and college students tend to move more frequently, meaning their address might not match the one to which their ballot is sent. Native Americans living on reservations also may not have a mailing address. Additionally, the increase of absentee ballots will likely delay the final election results. During the 2020 primaries, states such as Georgia and Philadelphia were [counting ballots](#) beyond the election deadline. Other issues, such as absentee ballots getting lost, have the potential to increase tensions in November.



### **Updates on COVID-19 Regulations**

AHPA continues to follow new COVID-19 regulations, guidance and other government actions. The updates below are the latest guidance and other developments since June 20<sup>th</sup> to help mitigate the impacts of COVID-19. For earlier COVID-19 regulations and guidance, visit the last [Policy Brief](#).

#### **FDA Calls for Vaccine Trials to Include Diverse Populations**

- New [guidance](#) from the FDA advises vaccine sponsors to include diverse populations and women in all stages of COVID-19 vaccine development.

#### **CMS Announces Medicare Coverage for COVID-19 Tests for Nursing Home Patients**

- Beginning on July 6<sup>th</sup>, both Medicare and Medicare Advantage plans [will cover](#) diagnostic COVID-19 laboratory tests for nursing home residents and patients.

## IRS Guidance on Telehealth Spending Flexibilities Under the CARES Act

- The IRS has outlined [certain flexibilities](#) that would allow high-deductible health plans with health savings accounts to cover telehealth services before a patient reaches their deductible amount.

## FAQ Released on Recent COVID-19 Legislation

- CMS has released an [updated FAQ](#) on implementation of the Families First Coronavirus Response Act (FFCRA), the CARES Act and other health coverage issues. Topics include health plan compliance, testing for employment purposes and reimbursement.

## HHS Secures Remdesivir Production for Next Three Months

- HHS has [announced](#) a deal with Gilead to secure 500,000 additional treatment courses of remdesivir. Hospitals may purchase the medication directly from Gilead or its distributor at the Wholesale Acquisition Price of roughly \$3,200 per treatment course.

## An End to Nursing Home COVID-19 Staffing Data Reporting Requirements

- CMS has [announced](#) its plans to end the emergency blanket waiver requiring all nursing homes to resume submitting staffing data through the Payroll-Based Journal system.



A Look at the Federal Register

## CY 2021 Home Health Prospective Payment System Proposed Rule

CMS has released its CY 2021 [proposed rule](#) to update the home health prospective payment system rates and wage index. The rule also proposes to make permanent changes to home health regulations on the use of technology to provide care. **Comments are due on August 31<sup>st</sup>.**

## Healthcare Facility Updates for Memory Care Residents' Housing

The Federal Housing Administration has released a [final rule](#) updating the requirements for the location of bathrooms in assisted living facilities. **This rule is effective July 27<sup>th</sup>.**



## AHPA Resources

- [AHPA Webinar: FY 2021 IPPS Proposed Rule](#)
- [Outline of FY 2021 IPPS Proposed Rule](#)
- [AHPA FY 2021 IPPS Webinar Slides](#)
- CMS [Open Door Forum presentation](#) on the FY 2020 OPSS prior authorization requirements, which became effective on July 1<sup>st</sup>.

## IN OTHER NEWS

[Judge Rules for HHS in Price Transparency Case](#) – Health Care Dive

[Special Trends Report on Health Insurance Exchange Enrollment Data During COVID-19](#) – CMS

[Trump Pushes Schools to Open in the Fall, Downplaying Risks as Virus Spreads](#) – Washington Post

[How Ending the COVID-19 Public Health Emergency Will Impact Health Care](#) – Modern Healthcare

[Trump Administration Signals Formal Withdrawal From WHO](#) – NYT

[Mortality and Morbidity: The Measure of a Pandemic](#) – JAMA