

February 1, 2019
REDC Weekly Update

Quick Highlights:

1. **SERVE ACT & REQUEST FOR FEEDBACK FROM REDC MEMBERS**

SERVE Act: We are working with Rep. Moulton's staff as they work with legislative counsel. Leg Counsel is still in the process of creating a "Discussion Draft" version of the bill – which we will be able to circulate to other members for co-sponsorship once that is done.

REQUEST FOR REDC MEMBERS FROM HASC STAFF: The HASC staffers were very interested in learning about military members and families who have been turned away from treatment under TRICARE by our centers. If your centers have any data that you are able to share – regarding service members and their families who contacted you regarding treatment that you were not able to provide – we would really appreciate having that information. Please be on the lookout for an email from Alessandra Zizzo on our team requesting that information!

2. **AFFORDABLE CARE ACT**

Now that the federal government is open through February 15 (the deadline for lawmakers to strike a deal to fund the remainder of 2019), committee hearing schedules have shifted and there are many upcoming hearings on the ACA. Earlier this week, the House Ways & Means Committee held their first hearing entitled, "Protecting Americans with Preexisting Conditions." **Key Takeaways (full memo attached):**

There is still a tremendous amount of partisan bickering over the successes, failures, and remaining challenges of the Affordable Care Act that will make it difficult for the House to make any bipartisan movement on the ACA.

According to the Kaiser Family Foundation, 2019 health insurance premiums are on average 6% higher as a result of the repeal of the individual mandate and the expansion of short-term plans.

Concerns about the proliferation of short-term plans and historically not covering individuals with preexisting conditions.

Stay tuned for summaries on the upcoming hearings by the House Energy & Commerce Committee on the Texas v. Azar court case and House Education & Labor Committee on workers with preexisting conditions.

ACA Reform and Replace Items:

Texas v. Azar Court Case

Michigan, Iowa, Colorado and Nevada have joined the lawsuit to defend the ACA, which is led by California Attorney General Becerra. This brings the defendants up to 20 states. Philadelphia is the latest city to join an amended lawsuit over ACA sabotage. Baltimore, Chicago, Cincinnati and Columbus filed suit against the Trump Administration over its efforts to weaken the ACA.

Ways & Means Health Subcommittee Chairman Doggett (D-TX) publicly characterized the lawsuit as "collusion" between the Texas Attorney General and the Trump Administration's Justice Department, which he accused of deciding to "lay down and play dead" rather than defend the law.

The Energy and Commerce Committee led by Chairman Pallone (D-NJ) will hold a hearing next week entitled, “Texas v. U.S.: the Republican Lawsuit and Its Impacts on Americans with Pre-Existing Conditions.”

Regulatory Update—Short-Term Plans & Association Health Plans

SHORT TERM PLANS: The conservative Foundation for Government Accountability released a [report](#) urging states to remove restrictions placed on short-term plans arguing that these plans offer an affordable alternative for customers priced out of the ACA insurance exchanges.

Conversely, Kaiser Health News released a study of online marketing practices in eight states (CO, FL, ID, ME, MN, MO, TX, VA)—primarily the marketing of short-term plans.

Consumer shopping for insurance during open enrollment last fall—using search terms such as “Obamacare plans,” “ACA enroll,” and “cheap health insurance”—were most often directed to websites that promoted individual health plans that were not ACA-compliant.

Lead-generating sites promoting short-term plans or other non-ACA compliant insurance products were the most common search result in every state.

A companion [study](#) released by the Georgetown Center on Health Insurance Reforms explored how states are overseeing the marketing of short-term plans.

Researchers spoke to regulators in eight states—CO, FL, ME, ID, MN, MO, TX and VA. Regulators stated consumers will “likely be confused about the differences between short-term plans and ACA-compliant coverage.”

CO, FL and ME issued advisories and an FAQ document on the plans during open enrollment.

ASSOCIATION HEALTH PLANS: At least 28 association health plans have been created under the Trump Administration’s policies to expand the availability of the cheaper insurance arrangements.

The bulk of these AHPs are fully insured and sponsored by local chambers of commerce, many in the South and the Midwest.

Although AHPs don’t have to include ACA’s robust benefit requirements, plans are typically providing coverage for services including mental health treatment and prescription drugs.

Senate & House Update—Medicare for All & Drug Pricing

The House Representative leading the Medicare for All push, Congresswoman Jayapal (D-WA) is gathering co-sponsors for her Medicare for All bill and plans to introduce the legislation during the second week of February.

Once introduced, hearings will follow, but Rep. Jayapal doesn’t have commitments from key health committees—Energy & Commerce and Ways & Means—both Chairman are strong allies to Leader Pelosi and believes in spending committee time and energy on fortifying the ACA.

Political analysts say Democrats will need to have a major debate about how to pay for a single-payer system, whether it’s Medicare for all or something else. Medicare for all has been estimated to cost \$32 trillion over 10 years in federal spending, but proponents say it would lead to a reduction in overall health care spending.

As these talks continue, many Americans are happy with their employer-sponsored health plan and the idea of having a Medicare buy-in option for

Americans 50 and over could be a happy medium to keep the employer market intact.

Senators Cassidy (R-LA) and Mark Warner (D-VA) introduced a bill aiming to lower drug prices by moving toward value-based arrangements. The Patient Affordability, Value and Efficiency Act, would link prescription drug and medical device pricing to the clinical effectiveness of the products. Additionally, it would create carve-outs for new payment models as a way to push toward value of volume of care.

STATE ACTIONS

California: Individual Mandate Bill Introduced

State Sen. Pan introduced a bill requiring that most Californians buy health insurance or pay a tax penalty and using the estimated \$500 million a year generated by penalties to pay for expanded subsidies so more people could buy coverage.

Kansas: Farm Bureau Lobbies to Sell Health Plans Beyond Regulator's Reach

The Kansas Farm Bureau is petitioning lawmakers for authority to develop and market health coverage free of state and federal oversight.

The Farm Bureau already sells property and casualty insurance—exactly what the Farm Bureau plans would cover hasn't been decided.

REDC TREATMENT CENTER VISITS

Eating Recovery Center in Colorado will be welcoming Rep. Diana DeGette and staff to their facility next week!

The SERVE Act (REDC's TRICARE Legislation)

House of Reps Update

Rep. Seth Moulton

As we mentioned earlier in the email – Rep. Moulton has agreed to lead the SERVE Act! His office has sent the bill text to legislative counsel – and they have told us that they are currently in the process of working with leg counsel, who had a few questions for them.

Once we have this draft bill from legislative counsel, we can take it to other offices that we have already met with to get their sponsorship as well.

Plan Moving Forward

Securing Co-Leads

Our next step is securing other co-leads for the bill. Recently, it was reported that our target co-lead, Rep. Walter B. Jones (R-NC-03), has entered hospice care. While his office had previously indicated that this was a “pet issue” for him and that he would want to remain as involved as possible, we will be making sure that we have other Republican co-leads in addition to Rep. Jones. If he is unable to co-lead at all, we will move onto those other offices as leads.

Target Co-Leads

Rep. Ruben Gallego (D-AZ-07)

We had a very good meeting with Rep. Gallego's staff last week about being the lead Democrat on the Military Personnel Subcommittee for our legislation and to co-lead. With committees not announced yet, Rep. Gallego is the only returning member (outside of the Chairwoman) on the Military Personnel Subcommittee. Rep. Gallego has supported eating disorders efforts in the past and signed on to our GAO letter. His staff also indicated that Rep. Gallego has a good relationship with Rep. Wittman (R-VA-01), one of our target leads on the Republican side.

Rep. Vicky Hartzler (R-MO-04)

Rep. Hartzler is on the Armed Services Committee and signed on to our GAO letter. Additionally, she is a former nutritionist who has interest in this issue. We had a positive meeting with her staff in the fall and will be targeting her as a co-lead.

Rep. Rob Wittman (R-VA-01)

We also had positive meetings with Rep. Wittman, another member of the Armed Services Committee with a large military population in his district. He has worked with Rep. Gallego often on issues related to federal employees and they have a good relationship, so we think this will be a good angle in for us as well.

Additional Sponsors

Once we have our co-leads secured, we will work to secure additional co-sponsors. These can either be "original co-sponsors" (those who co-sponsor before the bill is introduced) or just "co-sponsors" (those who co-sponsor after the bill is introduced).

We will try to have roughly even numbers of Democrats and Republicans co-sponsoring the bill, so as to keep it bi-partisan.

We will be targeting offices that we have already had good meetings with, including:

Rep. Joe Courtney (D-CT-02), Rep. Jim Langevin (D-RI-02), Rep. Paul Cook (R-CA-08)

There have also recently been 16 new Democratic members named to the Armed Services Committee – we will be going and meeting with these offices.

We will also branch out past members of the Armed Services Committee and will be meeting with past eating disorders champions and supporters so that we can build a broad coalition of support behind the bill.

Senate Update

Once we have legislative counsel draft from the House, we will be able to take that to the Senate to work to have a Senate version introduced.

While Committee rosters in the Senate are still being finalized as well, there are a few announcements of new members being appointed to the Armed Services Committee that we find helpful. Namely, Senators Duckworth (D-IL), McSally (R-AZ), and Cramer (R-ND). We will be going in for meetings with these offices as

soon as they are staffed up (new Senate offices are still getting up and running in the first couple of weeks of a new Congress)

Refresher on Timeline and Plan

Once Rep. Moulton's office receives a legislative counsel draft, we will share with other offices to get co-leads, particularly an R co-lead.

We will also work to have additional co-sponsors from within the House Armed Services Committee, and will follow this with co-sponsors from outside the Committee.

We are still planning on introducing by late January / first week of February.

Once we have a House version of the bill, we will work to have a Senate companion bill introduced.