

Federal Issues

Legislative

House Democrats Introduce Bill to Provide Dental, Vision and Hearing Care in Medicare

On Wednesday, House Ways and Means Health Subcommittee Chair Lloyd Doggett (D-TX) and 75 House Democrats [introduced](#) the Medicare Dental, Vision and Hearing Benefit Act — legislation that would provide Medicare beneficiaries access to dental, vision and hearing benefits.

The legislation would make the following changes to federal law:

- Repeal the statutory exclusion that currently prohibits Medicare from covering most dental, vision and hearing care.
- Expand Medicare benefits to include items and services such as dentures, preventative and emergency dental care; refractive eye exams and eyeglasses; and hearing aids and exams.
- Provide for payment to health providers through Medicare Part B.

Next steps: House Democrats will push to add the new Medicare benefits to the upcoming reconciliation

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package this fall. [Legislation](#) to add dental, vision, and hearing benefits passed the House in the last Congress as part of a prescription drug pricing package that was not taken up by the GOP-controlled Senate. At that time, CBO [scored](#) the cost of providing the new benefits at \$358 billion/10 years, largely offset by the drug pricing provisions. The Democrats [re-introduced](#) their drug reform bill earlier this year without the new benefits, leaving open the question of pay-fors.



Federal Issues

Regulatory

Biden Administration Releases Executive Order on Competition

The Biden Administration released an [executive order](#) (EO) on promoting competition in the American economy. The EO includes 72 initiatives by more than a dozen federal agencies to address competition problems in the following markets: health care, labor, transportation, agriculture, internet service, technology, and banking and finance. The EO also encourages the leading antitrust agencies to focus enforcement efforts on problems in key markets and coordinate with other agencies on their ongoing response to corporate consolidation.

With regards to health care, the EO includes the following:

- **High Prescription Drug Costs**
 - Directs the Food and Drug Administration (FDA) to work with states and tribes to safely import prescription drugs from Canada
 - Directs the Health and Human Services Administration (HHS) to increase support for generic and biosimilar drugs
 - Directs HHS to issue a comprehensive plan within 45 days to combat high prescription drug prices and price gouging
 - Encourages FTC to investigate ways to ban “pay for delay” and similar agreements by rule
- **Hearing Aid Cost and Availability**
 - Directs HHS to consider issuing proposed rules within 120 days for allowing hearing aids to be sold over the counter

- **Hospital Consolidation**
 - Encourages the Justice Department and FTC to review and revise their merger guidelines to ensure patients are not harmed by hospital mergers
 - Directs HHS to support existing hospital price transparency rules and to finish implementing bipartisan federal legislation to address surprise hospital billing
 - **Health Insurance Consolidation**
 - Directs HHS to standardize plan options in the National Health Insurance Marketplace so people can comparison shop more easily
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FDA Updates Aduhelm Prescribing Information

The Food and Drug Administration (FDA) and Biogen approved an [updated label](#) for Aduhelm, the Biogen drug recently approved for treatment of Alzheimer's disease. The updated label indicates Aduhelm should be used in patients with "mild cognitive impairment or mild dementia stage of disease, the population in which treatment was initiated in clinical trials." The FDA had previously approved the drug with labeling for all patients with Alzheimer's.

AHIP recently submitted a formal [request](#) for a National Coverage Determination (NCD) for the drug to the Centers for Medicare & Medicaid Services (CMS). The request asked CMS to develop a national coverage policy for Aduhelm (aducanumab) that would apply to the Medicare population, including Medicare Advantage organizations, and specify if, and under what conditions, Medicare will cover aducanumab.

The development comes as Congress has raised concerns about the circumstances leading up to Aduhelm's approval last month. The House Committee on Oversight and Reform launched an investigation into "serious concerns about the steep price of Biogen's new Alzheimer's drug Aduhelm and the process that led to its approval despite questions about the drug's clinical benefit." Amid this pressure, the FDA released a letter indicating that it has asked the HHS-Office of Inspector General to open its own investigation about the drug approval, particularly the interactions between FDA staff and company executives prior to the decision.

COVID-19 Updates

- The more-transmissible Delta COVID-19 strain accounted for more than half of the coronavirus cases in the U.S. between June 20 and July 3, according to [new data](#) the Centers for Disease Control and Prevention (CDC) released on Tuesday. The Delta variant jumped from 30.4 percent of cases for the two-week period ending June 19 to 51.7 percent between June 20 and July 3. The Delta strain represented more than 80 percent of cases across Iowa, Kansas, Missouri and Nebraska between June 20 and July 3, according to the new CDC projections.
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State Issues

Delaware
Legislative

Delaware Legislative Session Concludes

The Delaware General Assembly ended its 2021 legislative session with the passage of key bills we have been tracking and reporting on throughout the year. Unless already noted, all bills are expected to be signed into law.

- [Senate Substitute 1 for Senate Bill 120](#) – Stipulates that rate filings for health benefit plans may not include aggregate unit price growth for nonprofessional services that exceed the greater of 2% or Core CPI plus 1% in 2024, 2025, and 2026. In addition, by 2025 plans must spend at least 11.5% of total spend on primary care.
- [House Bill 219](#) authorizes a pharmacy or pharmacist to decline to dispense a prescription drug or provide a pharmacy service to a patient if the amount reimbursed by a PBM is less than the pharmacy acquisition cost. It prohibits the practice of spread pricing and establishes PBM reporting requirements to the Department of Insurance.
- [Senate Bill 25](#) establishes the Medicare rate of reimbursement as the floor for chiropractic services.
- [Senate Bill 107](#) requires individual, group, State employee, and public assistance insurance plans provide coverage for a medically necessary insulin pump at no cost to a covered individual. This bill has been signed into law.
- [House Bill 48 w/ House Amendment 1](#) establishes a Health Care Provider Loan Repayment Program for new primary care providers to be administered by the Delaware Health Care Commission. Under the loan repayment program, the Health Care Commission may award education loan repayment grants to new primary care providers of up to \$50,000 per year for a maximum of 4 years. Grants for this program are contingent upon a one-time contribution to the Health Care Provider Loan Repayment Program, in a Fiscal Year 22 appropriation of State funds up to a maximum of \$1 million, and \$1 million from Delaware health insurers.
- [HB 160 w/ House Amendment 1](#), known as the Telehealth Access Preservation and Modernization Act of 2021, continues and enhances Delawareans' access to telehealth and telemedicine services that were implemented during the state of emergency and through the adoption of the Interstate Medical Licensure Compact. This bill has been signed into law.

Industry Trends

Policy / Market Trends

CSRxP Highlights New Congressional Report on High Drug Prices

The Campaign for Sustainable Rx Pricing (CSRxP) released a [statement](#) Thursday applauding a [new report](#) from the U.S. House Committee on Oversight and Reform which examines financial data from 14 of the largest drug companies in the world. The report “found the country’s 14 biggest drug companies over the past four years spent \$56 billion more paying out dividends to shareholders and buying back their own stock than they spent on research and development. One company, Amgen, spent nearly six times as much on buybacks, dividends and executive compensation as it did on R&D in 2018.”

In the statement, CSRxP executive director Lauren Aronson notes the report's findings "debunk bogus arguments that solutions to lower drug prices will undermine innovation, shines a light on the egregious pricing practices of the branded drug industry and will increase the momentum in Washington to act."

The report comes just a month after the House Committees on Oversight and Reform and Energy and Commerce announced a [joint investigation](#) into the pricing of Biogen's unproven Alzheimer's treatment Aduhelm.

The Pennsylvania General Assembly returns to session in September.

The Delaware Legislature concluded session on June 30.

The New York Legislature concluded session on June 10.

The West Virginia Legislature concluded session on April 10.

Congress

The U.S. House has committee work July 12-16 and the U.S. Senate is in session July 12-16.

Interested in reviewing a copy of a bill(s)? Access the following web sites:

Delaware State Legislation: <http://legis.delaware.gov/>.

New York Legislation: <https://nyassembly.gov/leg/>

Pennsylvania Legislation: www.legis.state.pa.us.

West Virginia Legislation: <http://www.legis.state.wv.us/>

For copies of congressional bills, access the Thomas website – <http://thomas.loc.gov/>.

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