

COVID-19 Weekly Public Policy Recap

April 3, 2020

Congressional Updates

Last Friday, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law. The legislation provides critical protections and funding not only to community-based charitable organization, like Susan G. Komen, but every person impacted by this crisis.

House Speaker Nancy Pelosi said in a press conference this week that committees are already at work on a fourth COVID legislative package, but it is unlikely that anything will be ready until after the Easter and Passover holidays. Priorities for the legislation are said to include: more relief for states, free treatment for COVID-19 patients, increased worker safety protection, Family and Medical Leave Act expansion, pension reforms and a massive infrastructure component.

This week, Representatives Brian Fitzpatrick [PA-01] and Seth Moulton [MA-06] introduced the Save Organizations that Serve (SOS) America Act, H.R.6408. The legislation would provide emergency funding for nonprofits and create a universal charitable deduction. We expect the bulk would provide cash aid to nonprofits and raise the cap on above-the-line charitable deductions. Komen has not yet officially endorsed the legislation as we are still awaiting full text.

Members of Congress are now out of session. Original plans were to return in middle to late April, but with shelter-in-place orders issued this week in DC, Maryland, and Virginia through the beginning of June, leadership has been left finding ways to meet virtually or maintain social distancing when calling members back to DC or change the calendar for the remainder of 2020.

Administration Updates

This week the Trump Administration announced an extension of national social distancing guidelines through April 30. Meanwhile, President Trump continues to resist calls to declare a national stay-at-home order as we've seen in other hard-hit countries like Italy, Spain, and China. Administration officials have repeatedly stressed the best-case scenario -- resulting in 100,000 to 240,000 deaths -- will only be attained if Americans rigorously follow federal social distancing guidelines that urge people to stay at home when possible and keep a distance of six feet from others when outside.

FDA

The FDA issued emergency use authorization this week for a pair of anti-malarial drugs to combat the spread of coronavirus. Supplies have been donated by Sandoz and Bayer Pharmaceuticals. Many in the patient advocacy community, especially those working in arthritis and autoimmune disorders, have expressed concerns over potential shortages for their patient populations with some health systems already rationing the drug supply and mandating non-medical switching.

CMS

CMS is temporarily relaxing several regulations to provide healthcare providers flexibility to meet the challenges of COVID-19. The guidance released includes changes in telemedicine and requirements for administration of Part B drugs in addition to relaxed requirements for makeshift off-site locations. The new policies will be in place through the duration of the "public health emergency." Doctors can now also practice across state lines during the pandemic to treat Medicare patients virtually -- this week a handful of states have started to waive their state licensing requirements.

Late Monday, CMS lifted several safety rules and regulations to give hospitals more flexibility to respond to the COVID-19 pandemic. These include allowing them to move patients to makeshift off-site locations. Because many surgical centers have canceled elective surgeries, CMS is allowing them to contract with local health care systems to provide hospital services or enroll and bill as hospitals during the pandemic and Medicare will now pay for lab techs to travel for in-home COVID specimen collection.

Ventilator and Medical Equipment Supply

A report from the House Oversight and Reform Committee released Thursday stated that FEMA told the committee last week that there are only 9,500 ventilators in the national stockpile with only an additional 3,200 arriving on April 13. Federal Officials told the House committee that demand will soon exceed capacity despite several major manufacturers participating in a Defense Production Action call to action.

Concerns about disability discrimination in access to treatment has been a major concern in the patient advocacy community during the COVID-19 crisis. Over the weekend, HHS' Office of Civil Rights issued [guidance](#), following lawyers filing 4 complaints about discriminatory state protocols the prior week. Many of these state protocols specifically name metastatic cancer as criteria to be considered in the event of a ventilator shortage. In response, Komen joined many advocacy organizations in signing onto guidance principles laid out by the Center for Public Representation for hospitals and states.

Health Insurance Coverage During COVID19

President Trump and administration officials announced this week that they would not consider reopening ACA enrollment to uninsured Americans during the coronavirus pandemic despite calls from health insurers and patient advocacy groups. Last week Komen, signed on to letters requesting that CMS open a special enrollment period as part of their coronavirus response. We joined 27 other patient advocacy organizations this week in a statement strongly urging the administration to reconsider their position and implement a special enrollment period for Healthcare.gov.

State Updates

To see how state and local authorities are addressing the crisis, check out the breakdown by each state with the COVID-19 Policy Tracker provided by [Multistate](#).

State governments have spent a decade stockpiling billions of dollars in reserve funds for the next economic downturn, scarred by the steep cuts they were forced to make in the midst of the last recession. Now, with the coronavirus grinding the global economy to a virtual halt, those billions could be [gone in a matter of months](#). Based on what we saw after 2008, we know safety-net programs like NBCCEDP are often the first on the chopping block.

The high number of Americans facing tough financial situations is likely create a surge of people enrolling in Medicaid. During times of financial difficulty, enrollment typically [spikes in Medicaid](#), the nation's health insurance program primarily serving the poor.

Recent Komen Engagement

Joining other patient advocacy organizations, Komen signed onto a letter requesting Congressional leadership prioritize a comprehensive review of the COVID-19 response after the immediate public health emergency subsides.

Komen joined a letter urging that any action taken by the Administration to mitigate the impacts of this pandemic take into account the needs of our nation's most vulnerable populations, including patients with pre-existing conditions through special enrollment periods, coverage for testing/treatment/recovery, consumer financial protections, premium assistance, and reducing other barriers to care.

Last week we joined a large variety of organizations in a letter to the President requesting a halt on a Buy American executive order which has the potential to destabilize the pharmaceutical supply chain at a time when such a move could cause lasting damage to patients. You can read the letter [here](#).

In Other News

- A poll done by Kaiser Health has found that 9 in 10 Adults are now participating in social distancing and 4 in 10 Americans report losing their jobs or work-related income due to the coronavirus crisis including more than half of part-time workers.
- CBO [reported](#) that the unemployment rate could hit 12 percent by summer.
- [Reuters](#): "U.S. borrowers seeking a reprieve from mortgage, auto or credit card payments because of coronavirus hardships are not getting the help they expected from big banks that promised assistance in recent weeks."
- The [Pentagon](#) is on track to deliver 1400 ventilators by May as part of an \$84.4 million deal signed over the weekend. Delivery will be determined by FEMA based on need.
- Federal Reserve Chair, [Janet Yellin](#) says the coronavirus economic downturn is one like she's never seen before. Worried about a long-term depression, she praised the swift over \$2 trillion economic stimulus passed by Congress last week.