

ML Strategies Health Care Preview

Week of June 18th

Welcome to the third week of this four week stretch. This week, the House will continue to vote on a number of proposals to address the opioid crisis. Last week the House passed over 30 bills on opioids, most of which were non-controversial and reached bipartisan support. However, the bills considered this week are expected to have spending tied to it and could be more controversial.

On the Senate side, CREATES and the Preventing Drug Diversion Act of 2018 moved out of the Senate Judiciary Committee last week. This advancement puts both pieces in play to be tied to opioids come July. We could likely see the House combine all passed opioid bills into a package and send it to the Senate. The Senate could then add CREATES and the Preventing Drug Diversion Act of 2018, and potentially measures addressing the doughnut hole to the final opioid package. And this could all get done before August. We watch for signals this week to predict how it all plays out.

Also looking at the opioid is the Medicaid and CHIP Payment and Access Commission (MACPAC). MACPAC released their [June Report to Congress](#), which includes recommendations to CFR 42 Part 2 and a chapter relating to the Medicaid IMD exclusion.

MEDICAID WORK REQUIREMENTS DAY IN COURT

Last Friday, a federal court heard arguments regarding Kentucky's Section 1115 waiver which includes Medicaid work requirement for certain populations. The lawsuit was filed by the Southern Poverty Law Center and the Kentucky Equal Justice Center filed on behalf of 16 Kentucky Medicaid enrollees.

The outcome will affect the other states that have approved and pending work requirement provisions. If the court finds the work requirement unlawful Arkansas, Indiana, and New Hampshire (also with approved work requirement 1115 waiver provisions) may not be able to implement the provision. However, the ruling might have implications beyond work requirements. For example, Virginia recently approved a Medicaid expansion; however, that Medicaid expansion was tied to a work requirement for the expansion population. How a ruling will effect a state like Virginia is noteworthy. The ruling is expected by the end of the month.

Arkansas, Indiana, and New Hampshire have approved work requirement provisions, while seven other states have pending 1115 applications with work requirement provisions. (Our summaries of these provisions can be found [here](#).)



THIS WEEK IN THE HOUSE

On Wednesday (6/20), the House Energy and Commerce will hold a hearing titled, “Examination of the GAO Audit Series of HHS Cybersecurity.” Click [here](#) for more information.

THIS WEEK IN THE SENATE

On Tuesday (6/19), the Senate HELP Committee will hold a hearing titled, “Effective Administration of the 340B Drug Pricing Program.” Click [here](#) for more information.

On Wednesday (6/20), the Senate Homeland Security and Governmental Affairs Committee will hold a hearing titled, “Medicaid Fraud and Overpayments: Problems and Solutions.” Click [here](#) for more information.

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