

September 11, 2018

TO: Members, Committee on Energy and Commerce
FROM: Committee Majority Staff
RE: Full Committee Markup

I. INTRODUCTION

The Committee on Energy and Commerce will meet in open markup session on Thursday September 13, 2018, at 10:00 a.m. in 2123 Rayburn House Office Building to consider the following:

- H.R. 6511, Strategic Petroleum Reserve Reform Act;
- H.R. 3325, Advancing Care for Exceptional (ACE) Kids Act;
- H.R. 3891, To amend title XIX of the Social Security Act to clarify the authority of State Medicaid fraud and abuse control units to investigate and prosecute cases of Medicaid patient abuse and neglect in any setting, and for other purposes;
- H.R. 5306, Ensuring Medicaid Provides Opportunities for Widespread Equity, Resources, and (EMPOWER) Care Act;
- H.R. 6733, To amend title XXVII of the Public Health Service Act and title XVIII of the Social Security Act to prohibit group health plans, health insurance issuers, prescription drug plan sponsors, and Medicare Advantage organizations from limiting certain information on drug prices; and
- H.R. 6753, To amend title XI of the Social Security Act to direct the Secretary of Health and Human Services to establish a public-private partnership for purposes of identifying health care waste, fraud, and abuse.

In keeping with Chairman Walden's announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to peter.kielty@mail.house.gov. Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time as well.

II. EXPLANATION OF LEGISLATION

A. H.R. 6511, Strategic Petroleum Reserve Reform Act

H.R. 6511 was introduced by Rep. Barton (R-TX) and Rep. Rush (D-IL) to authorize the Secretary of Energy to carry out a program to lease underutilized Strategic Petroleum Reserve (SPR) facilities to the private sector or foreign governments. The legislation includes protections to ensure that leases do not impair national security or the ability of the Secretary to utilize the SPR in response to an energy emergency. The legislation also establishes a pilot program to lease SPR capacity for up to 200 MMbbl of petroleum products.

B. H.R. 3325, Advancing Care for Exceptional (ACE) Kids Act

H.R. 3325 was introduced by Rep. Barton (R-TX) and Rep. Castor (D-FL) to improve the delivery of care for children with complex medical conditions under Medicaid. The bill creates a new option for state Medicaid programs by allowing states to utilize a Health Home model to coordinate care for children with medically complex conditions. Allowing states to utilize a Health Home model to coordinate care for children with medically complex conditions helps address a barrier to care previously identified by states. The Committee anticipates a bipartisan amendment to be filed that will incorporate technical assistance and make other changes to the language based on feedback from the Congressional Budget Office (CBO) and the Centers for Medicare and Medicaid Services (CMS).

C. H.R. 3891, To amend title XIX of the Social Security Act to clarify the authority of State Medicaid fraud and abuse control units to investigate and prosecute cases of Medicaid patient abuse and neglect in any setting, and for other purposes

H.R. 3891 was introduced by Rep. Walberg (R-MI) and Rep. Welch (D-VT) to improve the authority of Medicaid Fraud Control Units (MFCUs) that investigate and prosecute Medicaid provider fraud as well as patient abuse or neglect in health care facilities and board and care facilities. Currently, MFCUs are only allowed to investigate cases of provider fraud and patient abuse in health care facilities or board and care facilities. This legislation would broaden the authority of these units to investigate and prosecute abuse and neglect of Medicaid beneficiaries in non-institutional or other settings.

D. H.R. 5306, Ensuring Medicaid Provides Opportunities for Widespread Equity, Resources, and (EMPOWER) Care Act

H.R. 5306 was introduced by Rep. Guthrie (R-KY) and Rep. Dingell (D-MI). The bill extends funding for the Money Follows the Person Demonstration Program (MFP demonstration) for an additional year. The MFP demonstration provides additional resources for state Medicaid programs to help ensure Medicaid patients needing long term care are served in their communities. The Committee anticipates a bipartisan amendment to be filed that will incorporate technical assistance.

E. H.R. 6733, To amend title XXVII of the Public Health Service Act and title XVIII of the Social Security Act to prohibit group health plans, health insurance issuers, prescription drug plan sponsors, and Medicare Advantage organizations from limiting certain information on drug prices

H.R. 6733 was introduced by Rep. Carter (R-GA) and others to prohibit group health plans offered by employers and individual health insurance plans—as well as Medicare Advantage and Medicare Part D Plans—from restricting a pharmacy’s ability to inform a customer about the lower cost, out-of-pocket price for their prescription.

F. H.R. 6753, To amend title XI of the Social Security Act to direct the Secretary of Health and Human Services to establish a public-private partnership for purposes of identifying health care waste, fraud, and abuse

H.R. 6753 was introduced by Rep. Walden (R-OR) and Rep. Pallone (D-NJ) to codify the Healthcare Fraud Prevention Partnership (HFPP) – a voluntary public-private partnership between the federal government, state agencies, law enforcement, private health insurance plans, and health care anti-fraud associations. The HFPP is currently operated by the Centers for Medicare and Medicaid Services (CMS) to detect and prevent health care fraud through public-private information sharing, streamlining analytical tools and data, and providing a forum for government and industry experts to exchange successful anti-fraud practices.

III. STAFF CONTACTS

If you have any questions regarding this markup, please contact Karen Christian at (202) 225-2927.