

K&L GATES

TRIAGE: RAPID LEGAL LESSONS FOR BUSY  
HEALTH CARE PROFESSIONALS



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Opioid Epidemic: Update on  
Policy Issues in Washington, DC

February 2018

# 2017 IN REVIEW: TRUMP ADMINISTRATION

- Presidential Commission formed in March 2017
- HHS Five-Point Strategy to Combat the Opioid Crisis announced in April 2017

## HHS Five-Point Strategy

Improve access to  
treatment and  
recovery services

Promote use of  
overdose-reversing  
drugs

Strengthen  
understanding of  
crisis through better  
public health  
surveillance

Provide support for  
cutting-edge  
research on pain and  
addiction

Advance better  
practices for pain  
management

## 2017 IN REVIEW: TRUMP ADMINISTRATION

- Grants funded through 21<sup>st</sup> Century Cures Act
  - \$485 million in State Targeted Response grants for evidence-based prevention, treatment and recovery activities
  - More than \$400 million in additional funding to local governments, providers, and community organizations through SAMHSA and DOJ
- October 26: Public Health Emergency Declaration
- November 1: Report from the President's Commission on Combating Drug Addiction and the Opioid Crisis
  - 56 policy recommendations
  - Did not address funding

## 2017 IN REVIEW: CONGRESS

- Multiple hearings by a range of committees
  - 18 opioid-related hearings in 2017
  - Including committees without direct health care jurisdiction
- Hearings focused on:
  - Increasing public awareness
  - Gathering insights from experts and ordinary citizens
  - Conducting oversight
  - Reviewing policy proposals and changes
- Numerous legislative proposals introduced
- Few substantive policy changes enacted

## ADMINISTRATION ACTIONS IN 2018

- In January, President Trump extended the public health emergency declaration for another 90 days (to late April)
- On February 9, White House announced it will nominate Jim Carroll to become Director of the Office of National Drug Control Policy
- As part of immigration negotiations with Congress, President Trump linked the opioid crisis to border security and enforcement
- Pending: HHS to allocate 2018 State Targeted Response grants (~\$500 million) from 21<sup>st</sup> Century Cures Act

## PRESIDENT'S 2019 BUDGET REQUEST

- Proposes \$10 billion in discretionary funding for FY 2019 to combat opioid crisis
  - Treatment and prevention efforts
  - Mental health services
  - NIH and FDA funding
- Recommends giving HHS Secretary authority to shift resources between health agencies (SAMHSA and CDC)
- Proposes allowing Medicare to provide comprehensive substance abuse treatment coverage
- Would require Medicaid to cover all 3 FDA-approved MAT options (methadone, buprenorphine, Vivitrol)

## PRESIDENT'S 2019 BUDGET REQUEST (CONT).

- Proposes to establish HHS reciprocity with DEA to terminate provider prescribing authority for doctors improperly prescribing pain medication
- Proposes increasing enforcement on high opioid prescribers and utilizers in Medicaid
- Would require Medicare Part D drug plans to participate in a program to prevent prescription drug abuse
- Would eliminate most funding for the Office of National Drug Control Policy and shift existing grant programs to HHS and DOJ

## BIPARTISAN BUDGET ACT OF 2018

- Set two-year spending targets for appropriators to fund discretionary programs for FY 2018 and 2019
- \$6 billion in additional funding to combat opioid crisis
  - State grant programs to fight drug abuse and expand treatment (with emphasis on states with highest mortality rates)
  - State and local public prevention and law enforcement programs
- \$2 billion in additional NIH funding to support research, with priority funding for non-opioid pain therapies
- Most significant opioid-related legislation since 21<sup>st</sup> Century Cures Act (Dec. 2016)



# CONGRESSIONAL YEAR AHEAD

- Appropriations legislation to carry out funding agreement in Bipartisan Budget Act and President's 2019 budget
- Additional hearings by a broad range of House and Senate committees
- Bipartisan legislation possible – CARA 2.0?
  - Reauthorize/extend grant programs for treatment and prevention
  - Public education campaign
  - Limit supplies of opioids for acute pain and educate providers
  - Improve access to non-opioid therapies and interventions
  - Strengthen PDMPs
  - Expand first responder training
  - Better use of data in Medicare and Medicaid

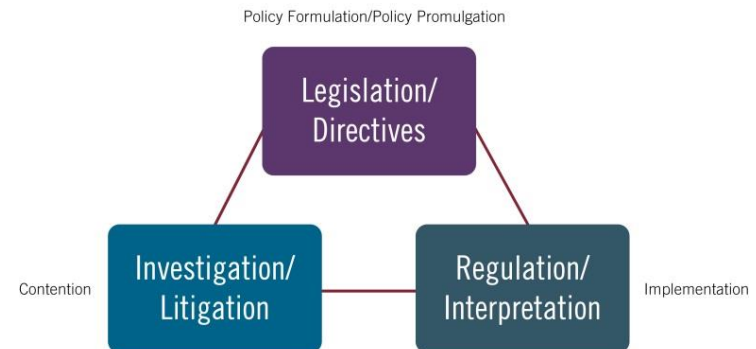
## OPIOID EPIDEMIC & 2018 MIDTERMS

- Following a year of slow progress, the Administration has a strong HHS Secretary in place to refocus efforts and implement policy changes
- President Trump has increasingly linked the opioid crisis to immigration and border security
- White House rhetoric could become more political in lead-up to midterm elections in November
- Administration's response is being closely managed by Kellyanne Conway (who is a well-known pollster)
- Does the Administration risk politicizing the opioid epidemic? Does it impact ability to pass legislation?

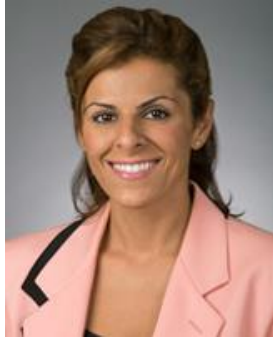
# K&L GATES HEALTH CARE POLICY

- The K&L Gates health care policy practice has been at the center of critical health care policy debates in Washington, representing a broad spectrum of stakeholders, including hospitals and health systems, post-acute providers, equipment suppliers, biopharmaceutical manufacturers, health IT companies, professional associations, universities, health plans, employers, and employer coalitions.
- We have extensive experience working with legislative and executive branch officials. We work on a bipartisan basis with key members of Congress and staff, including leadership and the committees of jurisdiction. We also work with political and career staff at the Department of Health and Human Services, Department of the Treasury, Department of Labor, and the White House.
- Whether clients simply seek insight and understanding, political support to resolve a complex regulatory issue, or to proactively influence Congress and the executive branch, the K&L Gates health care policy team has the know-how to help clients achieve their objectives.

## K&L Gates is Involved in All Stages of the Policy Lifecycle



## Today's Presenters



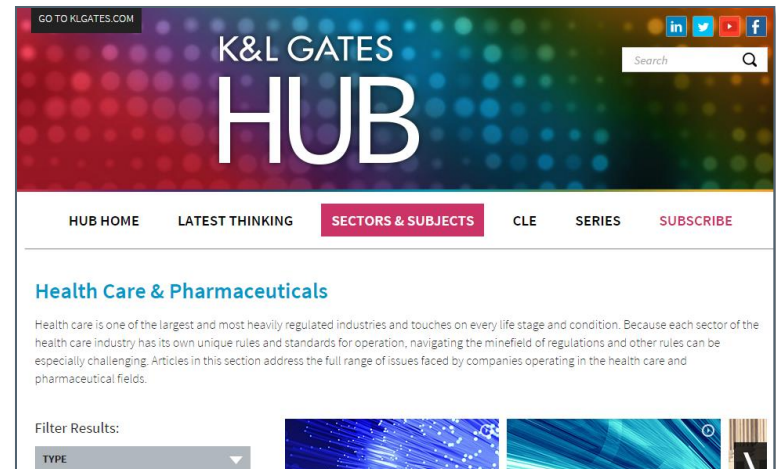
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