



McDermottPlus Check-Up: May 7, 2021

McDermott+Consulting is pleased to provide the McDermottPlus Check-Up, your regular update on health care policy from Washington, DC.



This Week's Dose: The Administration endorsed waiving intellectual property protections for coronavirus (COVID-19) vaccines and announced a new program that will reimburse providers for vaccine administration fees.

Administration

- + **White House Announced Support for Waiving Vaccine Patent Protections.** The Office of the US Trade Representative [endorsed](#) waiving patents and other intellectual property protections for COVID-19 vaccines to aide vaccine production worldwide. Many congressional Democrats have called on the Administration to help expand vaccine supply in other nations, but the Administration's support of the waiver is sure to face substantial pushback from the pharmaceutical industry that argues it will harm competitiveness and strain the supply chain. The waiver will have to be unanimously approved by the World Trade Organization to take effect, but the Biden Administration's position will likely put pressure on other countries to support the change. The President also [announced](#) this week that the White House will ship 60 million vaccine doses overseas within the next two months.
- + **HHS and HRSA Launched New Program Covering Vaccine Administration Fees.** The US Department of Health and Human Services (HHS) and the Health Resources and Services Administration (HRSA) [announced](#) the COVID-19 Coverage Assistance Fund (CAF), which will provide reimbursement for non-covered vaccine administration fees through the Provider Relief Fund. Providers can enroll in the CAF program on the [HRSA website](#) and submit uncovered claims for vaccines administered on or after December 14, 2020. Prior to submitting claims for reimbursement under the program, providers are required to bill the patient's health plan and receive confirmation that vaccine administration is non-covered or includes patient cost sharing. The provider can then submit a claim to the CAF program to receive reimbursement at the national Medicare payment rate to cover the cost of the administration. More information is available in the [program fact sheet](#) and [educational toolkit](#).
- + **White House Announced Funds for Older Americans Programs.** The Administration will [allocate](#) \$1.4 billion, provided by the American Rescue Plan (ARP), to programs aimed at increasing vaccination and providing family caregivers and other healthcare support to older Americans. The law directs \$750 million for nutrition programs for seniors, \$460 million for Home and Community Based Services, \$44 million for health promotion and disease prevention programs, \$145 million to support family caregivers and \$10 million support state long-term care ombudsman, who advocate on behalf of residents of long-term care facilities. The Administration is expected to continue allocating funds provided by the ARP in the weeks ahead.

Quick Hits

- + The [House Energy and Commerce Health Subcommittee](#) and the [House Education and Labor Health, Employment, Labor and Pensions Subcommittee](#) held hearings on legislation to lower



prescription drug costs. The House Oversight and Reform Committee held a [hearing](#) on the Black maternal health crisis.

- + Senators Bill Cassidy (R-LA) and Maggie Hassan (D-NH), who championed surprise billing [legislation](#) passed at the end of last year, sent a [letter](#) to the Administration outlining their vision for its implementation.
- + HHS [announced](#) \$1 billion aimed at increasing COVID-19 vaccinations and improving response efforts in rural communities.

M+ Resources

- + Last week, CMS released the fiscal year (FY) 2022 Inpatient Prospective Payment System proposed rule. We discuss our [key takeaways](#) from the rule on this week's episode of the [Health Policy Breakroom](#).
- + A bipartisan group of 50 Senators, led by Senator Brian Schatz (D-HI), introduced the [Creating Opportunities Now for Necessary and Effective Care Technologies \(CONNECT\) for Health Act of 2021](#), which attempts to address the post-pandemic Medicare telehealth landscape. Our summary of the key provisions of the CONNECT for Health Act is available [here](#).

NEXT WEEK'S DIAGNOSIS: The Senate Health, Education, Labor and Pensions Committee will hold a [hearing](#) on the COVID-19 response. The [Senate Finance](#) and [House Appropriations](#) committees will hold hearings on improving mental health and addiction services. The House Energy and Commerce Health Subcommittee will hold a [hearing](#) on the President's FY 2022 budget request for HHS.

For more information, contact [Mara McDermott](#), [Kristen O'Brien](#), [Katie Waldo](#) and [Emma Zimmerman](#).

To subscribe to the McDermottPlus Check-Up, [click here](#).



McDermott+Consulting LLC is an affiliate of the law firm of McDermott Will & Emery LLP. McDermott+Consulting LLC does not provide legal advice or services and communications between McDermott+Consulting LLC and our clients are not protected by the attorney-client relationship, including attorney-client privilege. The MCDERMOTT trademark and other trademarks containing the MCDERMOTT name are the property of McDermott Will & Emery LLP and are used under license.