

August 2, 2013

Federal Legislative Update

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Seen & Heard: AAP Leaders Speak up for Children in DC

AAP leader testifies before Senate committee on energy drinks & children



On Wednesday, Marcie Schneider, MD, FAAP, a former member of the AAP Committee on Nutrition and coauthor of the AAP clinical report, [Sports Drinks and Energy Drinks for Children and Adolescents: Are they Appropriate](#), testified before the Senate Committee on Commerce, Science and Transportation. The Committee held a hearing, attended by U.S. Senators Jay Rockefeller (D-W.V.), John Thune (R-S.D.), Richard Blumenthal (D-Conn.) and Edward Markey (D-Mass.), about the safety of energy drinks and concerns about marketing practices that target children. *Pictured at left: Sen. Blumenthal, fellow witness Dr. Harris and Dr. Schneider.*

In addition to Dr. Schneider, Sen. Richard Durbin (D-III), Jennifer Harris, PhD, MBA, Director of Marketing Initiatives, Rudd Center for Food Policy and Obesity, Yale University, and William R. Spencer, MD, Suffolk County, New Jersey legislator, provided expertise about marketing practices and policy efforts to protect children and adolescents. Executives from energy drink manufacturers Monster, Red

Bull North America and Rock Star also testified. The written testimonies and a hearing video can be accessed [online](#).

Dr. Schneider emphasized the child health concerns of highly caffeinated beverages and marketing practices that associate energy drinks with sports drinks. AAP recommendations include increased public awareness, media literacy, labeling changes, research and governmental oversight. Senators emphasized the AAP's recommendation that energy drinks are not appropriate in the diets of children and adolescents, and questioned industry executives extensively about their targeting of energy drinks to children under the age of 12.

AAP leader speaks on mental health integration in primary care

Today, Dr. Marian Earls, MD, FAAP, member of the AAP's Mental Health Leadership Workgroup, participated in a panel discussion for members of the Mental Health Liaison Group (MHLG) Health Policy Committee. The MHLG is a DC-based advocacy coalition of groups, including the AAP, dedicated to improving access to mental health services.

Dr. Earls's [presentation](#) provided an overview of integration of children's mental health in primary care as well as financial and administrative barriers to integration based on the white paper published by AAP and the American Academy of Child and Adolescent Psychiatry. Dr. Earls's remarks come on the heels of a request by Senate Finance Committee Chairman Max Baucus (D-Mont.) and Ranking Member Orrin Hatch (R-Utah) to AAP and other mental health providers and advocates for input on how to improve the mental health system in the United States. AAP will submit a response to Senators Baucus and Hatch, who have requested feedback by the end of September.

AAP Supports Senate Efforts to Pass Pharmaceutical Compounding Legislation

Prior to the August recess, the Senate attempted to pass legislation, S. 959, the *Pharmaceutical Quality, Security, and Accountability Act*, that would give the Food and Drug Administration (FDA) additional tools to ensure the safety of compounded products. In the wake of the fungal meningitis outbreak caused by contaminated steroid injections, which sickened 749 and caused the deaths of 61 people in 21 states, Congress has been working to advance legislation giving the FDA authority over certain types of pharmaceutical compounding.

The AAP, along with the Children's Hospital Association (CHA), has been working closely with congressional staff to ensure the legislation strikes the appropriate balance between safety and access to compounded products for children. In light of ongoing drug shortages, the AAP has been particularly concerned that efforts around compounding not exacerbate the drug shortage situation.

Earlier this week, the AAP and CHA sent a [joint letter](#) to Senate Health, Education, Labor, and Pensions (HELP) Committee Chairman Tom Harkin (D-Iowa) and Ranking Member Lamar Alexander (R-Tenn.) thanking them for the pharmaceutical compounding provisions of S. 959. This week, the Washington Post [editorialized](#) about the need for the senate bill, and the Government Accountability Office (GAO) released a [report](#) concluding that Congress should consider clarifying FDA's authority to oversee drug compounding.

House Fails to Act on Immigration Prior to August Recess

As Congress prepares to wrap up legislative business before their five-week August recess, the House has still not taken any major action on immigration reform. Supporters of a path to citizenship in immigration reform plan to spend the August recess engaged in targeted outreach to key House members with the goal of building support for enacting comprehensive immigration reform in the fall.

The House "gang of 7" intends to introduce their comprehensive immigration reform bill in September when the lawmakers return to Washington. Currently it remains unclear what actions the House will

take in the fall; the chamber may consider a comprehensive package similar to S. 744, the bill approved by the Senate, or may consider any of the five piecemeal bills approved by the House Judiciary Committee and the House Committee on Homeland Security, or they could choose not to pass anything. House Speaker John Boehner (R-Ohio) continues to reiterate that he will not bring any legislation before the House floor unless the majority of his caucus supports it.

Appropriations Process Breaks Down before Congress Adjourns for August Recess

On the eve of adjourning for the five-week August recess, both chambers of Congress had a setback in advancing appropriations bills to fund the federal government for Fiscal Year (FY) 2014. On the House side, a full Appropriations Committee markup of the Interior and Environment appropriations bill was adjourned before the committee could vote on final passage. The Interior and Environment bill contains spending for the Indian Health Service and numerous environmental programs that impact children's health. In addition, the House Labor, Health and Human Services, and Education Appropriations Subcommittee did not reschedule a subcommittee markup of its appropriations bill after it was pulled from the committee calendar last week. Finally, on Thursday, consideration of the Transportation, Housing and Urban Development appropriations bill was pulled from the House floor.

On the Senate side, a filibuster from Republican members blocked further consideration of the Senate's version of the Transportation, Housing and Urban Development appropriations bill. By a 54-43 vote, Republicans blocked the motion to limit debate on the bill in order to move on to final passage of the bill. This was the first appropriations bill to be considered by the full Senate and signals that Republicans will not allow appropriations bills, including the Labor, Health and Human Services and Education bill, to be considered at the funding levels that were agreed to in the Senate Budget Resolution passed in the spring.

Moving forward, there is little time for Congress to enact any of its FY 2014 appropriations bills after they return from their August recess and before the current 2013 fiscal year expires on September 30. This means that there will most likely be a continuing resolution to fund the federal government in 2014 until Congress can agree on 2014 spending levels. Complicating this task is the need for the federal government to raise the debt limit this fall and whether any "grand bargain" can be reached to rescind the sequestration cuts that are scheduled to continue in 2014.

AAP will continue to urge Congress to put children first in federal spending decisions.

AAP Urges HHS to Cover Dependents of Dependents

Last Friday, AAP and partner organizations sent a [letter](#) to Department of Health and Human Services (HHS) Secretary Kathleen Sebelius to bring attention to an issue related to an Affordable Care Act (ACA) provision allowing young adults to remain on their parents' health insurance until age 26. The issue highlighted in the letter is that a woman covered under this provision is not able to extend her coverage to her own baby. Thus, a pregnant woman would have maternity coverage as a dependent as part of this ACA provision, but she would not be able to cover her newborn child under the plan once she is discharged from the hospital after giving birth.

The letter suggests that HHS has the regulatory authority to remedy this coverage gap, citing a 2010 policy letter from Richard Popper, the Deputy Director of Insurance Programs at the Office of Consumer Information and Insurance Oversight. In the letter, Mr. Popper permitted Pre-existing Condition Insurance Plans (PCIP) to temporarily cover newborns under their mother's PCIP coverage for 60 days, even though the PCIP did not typically include dependent coverage. The letter urges HHS to explore all regulatory options available to assure that the affected newborns have access to health care.

House Passes School Access to Emergency Epinephrine Act

On Tuesday, the House of Representatives passed the *School Access to Emergency Epinephrine Act* (H.R. 2094). Sponsored by Representatives Phil Roe (R-Tenn.) and Steny Hoyer (D-Md.), the bill would provide prioritized funding through the Children's Asthma Grants Program for public elementary and secondary schools that have trained personnel to administer epinephrine in an emergency, maintain a supply of epinephrine at the school, and develop a plan for having one or more trained personnel in the building at all times in case epinephrine needs to be administered.

Now that the legislation has passed the House, the bill has been referred to the Senate HELP Committee and it is expected that Sen. Durbin will introduce a companion measure after Congress returns from the August recess.

AAP has supported efforts to provide students greater access to emergency epinephrine, and the AAP Department of Federal Affairs will continue to monitor this bill as it works its way through the Senate.

AAP and Partner Organizations Comment on Minimum Essential Coverage Regulations

Last Friday, AAP and partner organizations submitted a [letter](#) to the Internal Revenue Service (IRS) in response to [proposed guidance on eligibility for minimum essential coverage for purposes of the premium tax credit](#). The group letter reiterates comments submitted recently to the Administration on three issues: 1) availability of premium tax credits for children subject to Children's Health Insurance Program and Medicaid waiting periods; 2) eligibility for premium tax credits for children with disabilities who receive Medicaid wrap-around coverage; and 3) a safe harbor from the shared responsibility payment for pregnant women who receive Medicaid pregnancy-related services.

Medicare Sustainable Growth Rate Formula Legislation Advances

The House Energy & Commerce Committee advanced legislation Wednesday to replace Medicare's physician payment system. The bill ([HR 2810](#)), unanimously approved 51-0, would repeal the Sustainable Growth Rate (SGR) formula and replace it with a fee-for-service system, while also allowing providers to participate in alternative payment models emphasizing the quality and efficiency of care. Repealing the SGR for 10 years would cost \$139.1 billion, which the bill did not offset.

Members of the Senate Finance Committee met on Wednesday to discuss the SGR, and is likely to introduce its own bipartisan measure sometime after the August recess.

House Expected to Double Food Stamp Cuts in Fall Farm Bill Debate

On Thursday, House Agriculture Committee Chairman Frank Lucas (R-Okla.), announced that Congress would resume consideration of the Farm Bill in September with legislation that includes nutrition titles and \$40 billion in proposed cuts to nutrition programs.

On July 11, the House of Representatives approved H.R. 2642, an agriculture-only Farm Bill that was unprecedented and controversial in its exclusion of nutrition-related programs. In the Farm Bill's 60 year history, Congress approved intact farm policies because the bill's diverse interests, from conservation to marketing to nutrition to agriculture, consistently attract bipartisan support.

In June, the House defeated an earlier Farm Bill by a vote of 195-234 due to policy restrictions and \$20 billion in proposed cuts to the Supplemental Nutrition Assistance Program (SNAP, formerly known as the food stamps program). If approved, the proposed nutrition-only Farm Bill doubles the cuts within the failed June Farm Bill and would result in 5.4 million people losing the benefits.

More 47 million people receive SNAP benefits, mostly families with children. The Farm Bill expires at the end of September. Congress has working to reauthorize the legislation for three years but have failed to reach a final agreement due to efforts to help reduce federal spending through cuts to the

\$900 billion SNAP program. The AAP has vigorously opposed cuts to SNAP and highlighted the child health and developmental impacts associated with food insecurity.

Senate Committee Holds Hearing on Toxic Substance Policy

On Wednesday, the Senate Environment and Public Works committee held a [hearing](#) to examine *Toxic Substance Control Act* reform. Senators discussed the potential for bipartisan cooperation to update the law and strengthen the EPA's ability to regulate the more than 80,000 chemicals present in market products.

Since 2011, the AAP has called on Congress to [reform the law](#) due to the well-established linkage between chemical exposures and cancer, developmental disabilities, asthma and other adverse child health conditions. The law has not been updated since 1976. In April, the AAP endorsed the [Safe Chemicals Act](#). If TSCA reform proceeds, the AAP will emphasize public health and the need to prioritize the safety of children and other vulnerable populations.

What We're Tweeting

Select tweets from the AAP District II and III meeting in New York:

- [AmerAcadPeds](#) Follow [#aapDists2and3](#) for [#tweetiatrician](#) feedback from this weekend's AAP District meeting in NY! [#putkids1st](#)
- [@AAPerrin](#) [@AAPPres](#) reporting on the devastating effect of poverty on kids health. Investment in families needed [#aapdists2and3](#) [#Putkids1st](#)"
- [Lee Beers](#) [@LeeBeers](#) [#aapdists2and3](#) important and substantive debates on child health issues happened this year in Congress
- [Tom Tryon](#) [@AAPPresElecCand](#) Because of Affordable Care Act 17.6 million children with pre-existing conditions can no longer be denied coverage. [#aapDists2and3](#)
- [Ricky Y. Choi MD MPH](#) [@rychoiMD](#) Like it." [@LisaCostello23](#): Dr. E Schor discusses transf of peds practice-"healthcare reform is here to stay, like it or not" [#AAPDists2and3](#)"
- [Lisa Costello](#) [@LisaCostello23](#): This amateur [#tweetiatrician](#) is [#Excited](#) 2 learn, network, & tweet @ the [#aapdists2and3](#) mtg this weekend in Glens Falls, NY [@AmerAcadPeds](#)

What We're Reading

- [Op-ed](#) in the Denver Post by pediatrician Unoma Akamagwuna, "Food safety act goes a long way toward protecting Colorado consumers"
- Washington Post [editorial](#) on Senate legislation pertaining to pharmaceutical compounding
- GAO [report](#) concluding that Congress should consider clarifying FDA's authority to oversee drug compounding
- NPR [story](#), "Montana's State-Run Free Clinic Sees Early Success"

Recess & Rhyming Recap

Since Congress is on recess in August, the federal legislative updates will go on hiatus until they return in September.

However, the AAP Department of Federal Affairs is taking submissions for guest poems written by you, pediatrician federal update readers, on child health policy priority topics of your choice. The poem must have a federal advocacy focus, but is otherwise open to your own creativity.

The top five winning entries will be shared each Friday during August recess with the recipient list of pediatrician advocates who receive these updates, in addition to other prizes.

Feel free to submit a poem in any format: free verse, haiku, limerick (appropriate for pediatric advocate audiences of course), sonnet, etc. Please share your entries with kids1st@aap.org by **Wednesday, August 7.**

This week's poem:

At this weekend's AAP District meeting
Many attendees and leaders are tweeting:
Using hashtags with ease
Sharing photos? A breeze!
With "tweet-iatricians" there's just no competing!

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