Federal Public Policy Issues Update: A New Year and A Clean Slate

CNM DPG Symposium 2017
March 21, 2017
9:00 – 10:00 a.m. (Eastern Time)

Today’s Objectives

• Identify successful strategies and action steps to build relationships with Congress members in the 115th Congress

• Describe legislative activities that the Academy is focusing on in the 115th Congress

• Utilize best practices to invite members to take action and be engaged in public policy and advocacy
Players Change, Priorities Remain The Same

Our policy work remains mission and vision driven

- **Mission**: empowering members to be the food and nutrition leaders
- **Vision**: Optimizing health through food and nutrition

The Public Policy Priorities Areas remain the same

- Disease Prevention and Treatment
- Lifecycle Nutrition
- Healthy Food Systems and Access
- Quality Health Care

Our issues are non-partisan: we build bi-partisan relationships

---

Republican Majority In Senate

**Control of the 114th vs. 115th Senate**

- **Democrats**
- **Republicans**
- **Independents**

Control of the 114th Senate (2014-2016)

44-54

Control of the 115th Senate (2016-2018)

46-52

Republicans Retain Control Of House

Control of the 114th vs. 115th House

<table>
<thead>
<tr>
<th>Democrats</th>
<th>Republicans</th>
<th>Independents</th>
<th>Vacant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control of the 114th House (2014-2016)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>186-246 Republican House Majority</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Control of the 115th House (2016-2018)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>194-241 Republican House Majority</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Branches of Government

1. **Executive** – enforces laws
   - President and over 5,000,000 employees
   - Republican Controlled

2. **Legislative** – makes laws
   - US House of Representatives
   - US Senate
   - Republican Controlled

3. **Judicial**
   - 9 Supreme Court Justices
   - Appointments range from liberal to conservative
Key Presidential Appointees

Centers for Medicare and Medicaid Services
• Administrator, Seema Verma (Indiana)*

Food and Drug Administration
• Not yet appointed

Health and Human Services
• Secretary Tom Price (Georgia)

Key Presidential Appointees

US Department of Agriculture
• Sonny Perdue (Georgia)
  – Senate Confirmation Pending

Veterans Affairs
• Secretary Dr. David Shulkin
Congress at First Glance

- Debate over changes to health care delivery and payment
  - Efforts to repeal and replace the ACA

- Food assistance programs scrutinized
  - Increased eligibility documentation, decreased access for at-risk populations
  - Benefits more tightly controlled
  - Separation of SNAP from Farm Bill

- Immigration policies enforced or changed
  - Migrant workers and wages impact food costs and availability

Decreased regulation

- Executive Order to Reduce Regulatory Burden
  - for every regulation passed, two must be eliminated

Potential impact on:
- Food Safety – narrowed scope for FDA
- Restaurant menu and vending machine labeling
- Nursing mothers support
- Child nutrition programs, including school lunch and WIC (Block grants)
Budget Resolutions

Vehicles For ACA Repeal

Timeline of key policy events in 2017

January - March
- Senate confirmation hearings on new administration appointees

March 15
- Debt ceiling deal expires

April 15
- Budget Resolution FY18, likely vehicle for ACA repeal

April 28
- FY17 continuing resolution expires

May 19
- Deadline for CRA review of rules finalized on the last day of the 114th Congress

August
- Possible second Budget Resolution in December, likely vehicle for comprehensive tax reform

Timeline:
- February: President’s Budget Request
- March: Debt ceiling deal expires
- April: Budget Resolution FY18, likely vehicle for ACA repeal
- May: FY17 continuing resolution expires
- August: Possible second Budget Resolution in December

Possible second Budget Resolution in December, likely vehicle for comprehensive tax reform after policy debates and hearings on tax policy throughout the year

Source: National Journal Research

ACA Repeal

- Congress has taken first step toward repeal
  - 2 step process – “reconciliation”
  - Not subject to filibuster
  - Simple majority vote in Senate (51 votes)
  - Only tax/spending provisions are applicable

- Step 1: Pass the FY 2017 budget resolution, which includes reconciliation instructions to committees of jurisdiction

- Step 2: Committees of jurisdiction are charged with drafting bills, which have details of the repeal plan and the time frame
  - Must be passed again by House and Senate
Balancing the Budget: It’s Complicated!

Actual FY 2014 Total Federal Outlays = $3.5 Trillion

NOTE: FY is fiscal year.  1 Amount for Medicare is mandatory spending minus income from premiums and other offsetting receipts such as state contribution (clawback) payments to Medicare Part D).  2 "Other" category includes other mandatory outlays (such as CHIP and Health Insurance Marketplace premium subsidies) minus income from offsetting receipts.


Affordable Care Act

• Prevention
• Access to Affordable Care
• Coverage of Services
• Emphasis on Quality Care
Public Health Prevention Fund

• PPHF would provide $14 billion over next 20 years to improve public health and prevent chronic illness
  • CDC would lose 12% of its budget
  • States would lose more than $3 billion in grants and other programs over the next 5 years.

• Impact on Programs
  • Academy members are implementing nutrition programs funded by the Prevention Fund in communities across the country!
  – Visit the www.Eatrightpro for Valuable Resources

Therapeutic Diet Ordering

• Ongoing efforts
• Multiple facilities
Academy Goals for 2017

1. Develop relationships with new Congressional members to understand our issues and value

2. Renew and deepen existing relationships with Congress, key committee leaders and agencies

3. Support reintroduction of key legislation
   - Treat and Reduce Obesity Act
   - Diabetes in Medicare Act
   - Farm Bill
   - Child Nutrition Reauthorization

4. Develop new concepts that involve public and private partnerships to deliver nutrition services

Academy’s Current Steps

- Monitor confirmation hearings
- Protect effective regulations
- Oppose repeal of nutrition services and programs
- Maintain funding for nutrition services
- Build and maintain external partnerships
- Support member leaders development of relationships with member of Congress
- Stay on message to amplify Academy’s mission and vision
How You Can Help

• Encourage your affiliate and DPG members to engage, engage, engage!

• Read ERW and PPWN and participate in the open forums

• Share your stories with your Members of Congress in action alerts

• Take action!

Repeal and Replace ACA Overview

• Repeal and replace efforts have already begun through the budget reconciliation process

• ACA can not be completely dismantled through the budget process

• The Academy has previously adopted policy stances that allow for advocacy for preventive health services and nutrition services in current and future legislation
Background

- 2008 Academy convened Health Reform Task Force
- 2009 Academy board of directors approved policy stance recommendations that remain in effect
- Academy did not take a position on the Affordable Care Act, but rather supported these overarching policy recommendations for any legislation that was passed

Academy Tenets

- The health of all Americans should improve as a result of our health policy choices. Sufficient resources must be made available to ensure optimal health.
- Access to quality health care is a right that must be extended to all Americans.
- Nutrition services, from pre-conception through end of life, are an essential component of comprehensive health care.
- Stable, sufficient and reliable funding is necessary for our health care system to provide everyone access to a core package of benefits.
- Health care must be patient-centered.
Approved Policy Recommendations

1. The primary focus of any health care initiatives must be to improve the health status of Americans. The vital and unique role that nutrition plays in improving and maintaining an individual’s health as well as the health of all Americans should be explicit in US health policy.

• Example of Policy Implication:
  • Dietary Guidelines for Americans

2. Every American has a fundamental right to the best quality of health care available. This right includes access to:

  • Healthy food, and
  • Qualified health professionals, including Registered Dietitian Nutritionists

• Example of Policy Implication:
  • Older Americans Act
  • Farm Bill
  • Access to preventive services without cost-sharing
3. Nutrition services are critical to comprehensive health care delivery systems. Health maintenance, wellness, disease prevention and early detection, delay in disease progression, and intervention in chronic care management are necessary components of a comprehensive health policy.

- Example of Policy Implications:
  - Prevention and Public Health Fund
  - United States Preventive Services Task Force Recommendations
  - Medicare Diabetes Prevention Program
  - Treat and Reduce Obesity Act
  - Preventing Diabetes in Medicare Act

4. The nation has to address the increased costs of health care and act now to:

   - Expand coverage of nutrition services to a broader range of services where MNT will improve health outcomes.
   - Improve the coordination of health care and disease management. Include nutrition care provided by Registered Dietitians in team based programs and cover preventive and interventional nutrition services by individual RD providers.
   - Improve and expand health information technologies and fully integrate nutrition status data into both medical records and personal health record systems. Health information technologies should be geared toward improving health and health care quality, reducing unnecessary expenses and inefficiencies in the delivery of care.
4. The nation has to address the increased costs of health care and act now to: (Continued)

- Support a viable economic infrastructure that patients can count on through sound, sustainable funding.
- Fair market value is the appropriate standard for nutrition services reimbursement.

Example of Policy Implications:
- Coverage of medical nutrition therapy without cost-sharing
- Reimbursement
- MACRA
- HITECH Act
- ARRA

5. Nutrition education, nutrition assessment, nutrition counseling and nutrition interventions are examples of the unique knowledge, training and skills RDs possess and will prove to provide unmatched value to the patient.

Example of Policy Implications:
- Child Nutrition Reauthorization
Recent Updates

1. In January 2017, LPPC reaffirmed the policy stances from the Health Care Reform Report

2. LPPC took action to convene a task force to conduct an health care environmental scan and recommend changes to policy stances

3. In February, LPPC chair will provide an update to the Academy board of directors

Share Your Stories!

• Collection of stories on the impact of the ACA for Academy members
  • Congress wants to hear from you!

• Share impact of Prevention Fund in state and local initiatives to improve the nutrition environment

• Stay tuned for opportunities to take action
Why Does Policy Matter?

- Strengthens the profession with a unified voice on critical issues
- Educates your Members of Congress about the importance of these issues and the value of your work
- Represents Academy members as essential members of the interdisciplinary health care team

Questions?

“Dietetics is your profession, make policy your passion!”
Thank You!
If you have questions contact:

Pepin Andrew Tuma, JD
Senior Director, Government and Regulatory Affairs
ptuma@eatright.org