

FEDERAL HEALTH UPDATE

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Produced by Kate Connelly Theroux in collaboration with the U.S. Medicine Institute for Health Studies

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"Some people as they get older get more conservative. For whatever reason, I just seem to be getting more adventurous." –Army Reserve Col. S. Ward Casscells III, M.D., nominated to be the next assistant secretary of defense for health affairs.

Congressional Schedule

- Rear Adm. W. Craig Vanderwagen, M.D., was confirmed by the U.S. Senate and sworn into office as the first Department of Health and Human Services (HHS) Assistant Secretary for Preparedness and Response on March 23, 2007. In July 2006, Rear Adm. Vanderwagen was appointed HHS Assistant Secretary for Public Health Emergency Preparedness and promoted to the rank of Rear Admiral, Upper Half, U.S. Public Health Service (USPHS). He is the Secretary's principal advisor on matters related to bioterrorism and other public health emergencies. The mission of his office is to lead the nation in preventing, responding to and reducing the adverse health effects of public health emergencies and disasters.
- The House Armed Services Subcommittee for Military Personnel held a hearing on March 27, 2007 to examine the state of the military health care system (MHS). The Service Surgeons General and the

presidents of the managed care support contractors testified.

- The Senate Armed Services Committee held a hearing on March 27, 2007 to examine the Department of Defense nominations, including S. Ward Casscells, MD, to be Assistant Secretary of Defense for Health Affairs.
- The Senate passed H.R. 1591, as amended, the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act, 2007, on March 29, 2007. This legislation provides emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.
- On March 28, 2007, the House passed H.R. 1538, the Wounded Warrior Assistance Act of 2007, which amends title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

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Military Health Care News

- The Department of Defense (DoD) published a proposed rule in the [Federal Register](#) on March 23, 2007, to implement section 702 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (NDAA for FY 2007), Public Law 109-364. Specifically, that legislation amends the coverage of contracted medical care with respect to dental care beyond that care required as a necessary adjunct to medical or surgical treatment. The entitlement of institutional and anesthesia services is authorized in conjunction with non-covered dental treatment for patients with developmental, mental, or physical disabilities or for pediatric patients age 5 or under. This proposed rule will not eliminate any contracted medical care that is currently covered for spouses and children. The entitlement of anesthesia services will include general anesthesia services only. Institutional services will include institutional benefits associated with both hospital and in-out surgery settings. Patients with developmental, mental, or physical disabilities are those patients with conditions that prohibit dental treatment in a safe and effective manner. Therefore, it is medically or psychologically necessary for these patients to require general anesthesia for dental treatment.
- The Department of Defense announced Navy Rear Adm. (lower half) Christine S. Hunter has been nominated for appointment to the rank of rear admiral. Hunter is currently serving as commander, Navy Medicine West, San Diego, Calif. Also, Navy Rear Adm. (lower half) Adam M. Robinson Jr. has been nominated for appointment to the rank of rear admiral. Robinson is currently serving as commander, Navy Medicine Capital Area, Bethesda, Md.

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Veterans Health Care News

- On March 28, 2007, the Department of Veterans Affairs (VA), Office of Inspector General (OIG), Office of Healthcare Inspections released its [findings](#) on the evaluation of Veterans Health Administration (VHA) medical facilities' quality management (QM) programs. The purposes of the evaluation were to determine whether VHA facilities had comprehensive, effective QM programs designed to monitor patient care activities and coordinate improvement efforts and whether VHA facility senior managers actively supported QM efforts and appropriately responded to QM results.

The OIG conducted this review at 47 VA medical facilities during Combined Assessment Program reviews performed from Oct.1, 2005, through Sept.30, 2006. The review found that:

- All 47 facilities reviewed had established comprehensive QM programs and performed ongoing reviews and analyses of mandatory areas. Senior managers at all facilities reported that they support and actively participate in their QM programs. Facility managers need to continue to strengthen QM programs by ensuring:
- Compliance with the requirements for peer review, specifically, frequency of committee meetings, training of committee members, completing of reviews within required timeframes, and trending of data.
- Adverse event disclosure and documentation of both clinical and institutional components.
- Referral of utilization management cases not meeting criteria to physician advisors, implementation of the automated criteria set, and follow-through on corrective actions.
- Effective action item tracking mechanisms are in place and that reports and meeting minutes reflect the status of open action items until resolution.

Mortality analyses include trending by service lines and providers.

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Health Care News

- The Agency for Healthcare Research and Quality (AHRQ) released two new evidence-based checklists: [Men: Stay Healthy at Any Age, Your Checklist for Health](#) and [Women: Stay Healthy at Any Age, Your Checklist for Health](#). These brochures are designed to help men and women understand which medical checkup tests they need to stay healthy at any age. The men's and women's versions of *Your Checklist for Health* show at a glance what the U.S. Preventive Services Task Force recommends regarding screening tests, preventive medicine and other healthy lifestyle behaviors.

Your Checklist for Health, available in English and Spanish, is a pocket-size brochure designed to be taken with patients when they visit their health care providers to make it easier to talk about which screening tests they might need. Unlike diagnostic tests, which clinicians order when they suspect someone has a disease, screening tests help check for problems before they have symptoms. Both checklists provide tips about other things to do to stay healthy, such as eating a healthy diet and exercising. A chart to record a patient's screening test history and help plan follow-up medical appointments also is included.

The checklist for men includes recommendations about cholesterol checks, tests for high blood pressure, colorectal cancer screening and recent Task Force recommendations on screening for abdominal aortic aneurysm, HIV and obesity. The checklist for women includes recommendations about screening for high cholesterol; breast, cervical and colorectal cancers; and osteoporosis. It also includes recent Task Force recommendations on obesity screening and screening for HIV for all pregnant women.

<http://www.ahrq.gov/news/press/pr2007/newcheckpr.htm>

- The U.S. Food and Drug Administration (FDA) submitted to Congress its final proposal for reauthorizing the Prescription Drug User Fee Act. The act provides for collection of user fees, paid by brand drug and biotechnology companies that are added to appropriated funds to support review of new human drugs. Goals contained in the proposal include enhancing pre-market review of drugs and creating a modern post-market safety system that follows products across their full life cycle.

<http://www.fda.gov/bbs/topics/NEWS/2007/NEW01592.html>

- The Centers for Medicare and Medicaid Services (CMS) issued a final rule on March 22, 2007, setting forth the requirements that transplant centers must meet to participate in the Medicare program that moves Medicare covered transplant programs toward an outcome-focused system. The rule contains comprehensive conditions of participation for transplant programs serving Medicare beneficiaries; will ensure effective oversight of transplant centers by advancing coordination between CMS, State survey agencies, the Health Resources and Services Administration, the Organ Procurement and Transplantation Network and the Scientific Registry of Transplant Recipients; and will consolidate all transplant center requirements into one regulation.

All transplant centers that continue to participate in Medicare, including kidney transplant centers, are required to submit a request for initial approval. Once approved by Medicare, transplant centers are eligible for re-approval every 3 years. Transplant centers with current Medicare approval, that have applied for initial approval within 180 days from the effective date of the final rule, may continue to provide transplant services and receive payment from Medicare until CMS makes a decision on the transplant center's request for approval. [CMS NR 03-22-2007a](#)

- The Department of Health and Human Services (HHS) announced a new chair and three new members to the [Secretary's Advisory Committee on Human Research Protections \(SACHRP\)](#). The 11-member committee, which meets three times a year, is composed of leaders in human subject protections and/or the conduct of human subjects research. Its members provide recommendations to the Secretary on the responsible conduct of research involving human subjects.

They are responsible for reviewing and evaluating the activities of the Office for Human Research Protections and other offices/agencies within HHS which are responsible for human subject protection in biomedical and behavioral research. The SACHRP committee also offers advice and recommendations on policy and program development, program implementation, evaluation and other matters of significance to the human research-related mission and goals of HHS.

The new members are:

- Dr. Samuel Tilden, M.D., J.D., LL.M.,--new chairman of SACHRP for the next four years.

- Lisa I. Leiden, Ph.D., CIP; Director of Research Support and Compliance, the University of Texas at Austin.
- Patricia Marshall, Ph.D., Professor of Bioethics and Anthropology, Department of Bioethics, Case Western Reserve University, Cleveland, Ohio.
- David Strauss, M.D., Chairman, Institutional Review Board (IRB), New York State Psychiatric Institute, and Director, Office of Human Subjects Research and Associate Clinical Professor, Department of Psychiatry, Columbia University College of Physicians and Surgeons.

<http://www.hhs.gov/news/press/2007pres/20070329.html>

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Reserve/Guard

- The total number of Guard and Reserve currently on active duty has **decreased** by 477 from the last report to 79,896. The totals for each service are Army National Guard and Army Reserve, 62,879; Navy Reserve, 6,174; Air National Guard and Air Force Reserve, 4983; Marine Corps Reserve, 5,559; and the Coast Guard Reserve, 301. www.defenselink.mil

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Contracts/Procurements

- The U.S. Army Medical Research Acquisition Activity issued a Request For Information (RFI) to understand industry leading practices around detection, recovery and prevention of pharmacy fraud, waste, and abuse. In addition, it seeks to assess industry capability to develop and implement fraud, waste, and abuse programs for the Military Health System's (MHS) pharmacy program. All potential vendors must have expertise in pharmacy auditing and be able to deploy of a full set of proven tools to identify and recover savings. The details of the DoD requests can be found at [RFI](#). All responses should be submitted to [MHS Innovation Investment Process](#) Web site by 5:00 pm ET on April 18, 2007.

- The Substance Abuse and Mental Health Services Administration (SAMHSA) is soliciting applications for a \$2.88 million grant for a Cooperative Agreement for Networking, Certifying and Training Suicide Prevention Hotlines. This program will manage, enhance and strengthen the National Suicide Prevention Lifeline (NSPL), a system of toll-free telephone numbers that routes calls from anywhere in the United States to a network of certified local crisis centers that can link callers to local emergency, mental health and social service resources. The technology permits calls to be directed immediately to a suicide prevention worker who is geographically closest to the caller. The period of performance is up to five years. The grant will be awarded by SAMHSA's Center for Mental Health Services. All applications are due by May 28, 2007. <http://www.samhsa.gov/grants/index.aspx>

- The Agency for Healthcare Research and Quality (AHRQ) of the U.S. Department of Health and Human Services (DHHS) is soliciting proposals for approximately 5-8 task order contracts to provide the services for the project entitled "AHRQ Planning, Evaluation and Analysis." The purpose is to provide the Agency

with the ability to obtain accurate, high-quality, and timely information for strategic planning, program management, performance measurement and related analytical purposes. The contractors will be required to evaluate design studies and program evaluations; design, develop and/or evaluate data systems to enable the Agency to better determine the efficacy of its activities; determine economic, cost-benefit and other types of cost-related analyses; conduct customer satisfaction surveys and other agency performance information; and provide internal management and organizational studies, as well as studies relating to strategic planning, performance measurement, and other analytical areas of responsibility; case studies; social network analyses; and innovative analytical techniques.

It is anticipated that 5-8 task order contracts will be awarded for a period of two years with three one-year option periods. Award is expected on or about Sept. 1, 2007. It is estimated that the solicitation will be issued on or about April 13, 2007, with proposals due 45 days thereafter. <http://www.fbo.gov/spg/HHS/AHRQ/DCM/AHRQ-07-10034/SynopsisP.html>

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Reports/Policies

- The Institute of Medicine (IOM) published “*Cancer in Elderly People: Workshop Proceedings*,” on March 23, 2007. The report features the presentations and discussions held at the IOM's National Cancer Policy Forum, which addressed several issues related to cancer and aging; including cancer rehabilitation, increased prevalence of cancer survivors, end of life care, the role of nurses, and Medicare costs in geriatric oncology. <http://www.iom.edu/CMS/26765/41664.aspx>

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Legislation

- **H.R.1651** (introduced March 22, 2007): To provide for the establishment of the Rural Health Quality Advisory Commission and for other purposes was referred to the House Committee on Energy and Commerce.

Sponsor: Representative Stephanie Herseth [SD]

- **H.R.1655** (introduced March 22, 2007): To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

Sponsor: Representative Carolyn McCarthy [NY-4]

- **H.R.1663** (introduced March 23, 2007): To amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the Medicare Program was referred to the Committee on

Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

Sponsor: Representative Fortney Pete Stark [CA-13]

- **H.R.1665** (introduced March 23, 2007): To amend title XVIII of the Social Security Act to provide Medicare beneficiaries greater choice with regard to accessing hearing health services and benefits was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

Sponsor: Representative Mike Ross [AR-4]

- **H.R.1669** (introduced March 23, 2007): To amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams and for other purposes was referred to the House Committee on Energy and Commerce.

Sponsor: Representative Patrick J. Kennedy [RI-1]

- **H.R.1683** (introduced March 26, 2007): To amend the Public Health Service Act to provide for community projects that will reduce the number of individuals who are uninsured with respect to health care, and for other purposes was referred to the House Committee on Energy and Commerce.

Sponsor: Representative Peter Hoekstra [MI-2]

- **H.R.1688** (introduced March 26, 2007): To amend the Social Security Act to provide health insurance coverage for children and pregnant women throughout the United States by combining the children and pregnant woman health coverage under Medicaid and SCHIP into a new All Healthy Children Program, and for other purposes was referred to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Sponsor: Representative Robert C. Scott [VA-3]

- **H.R.1738** (introduced March 28, 2007): To amend the Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to provide medical assistance for men and women screened and found to have colorectal cancer or colorectal polyps was referred to the House Committee on Energy and Commerce.

Sponsor: Representative Kay Granger [TX-12]

- **H.R.1748** (introduced March 28, 2007): To amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use was referred to the House Committee on Ways and Means.

Sponsor: Representative Zach Wamp [TN-3]

- **H.AMDT.73 to H.R.1538** (introduced March 28, 2007): An amendment numbered 4 printed in House Report 110-78 to add a definition to Sec.2 to clarify that medical care' includes mental health care was agreed to by voice vote.
Sponsor: Representative Patrick J. Kennedy [RI-1]
- **H.AMDT.75 to H.R.1538** (introduced March 28, 2007): An amendment numbered 7 printed in House Report 110-78 to require the Secretary of the Department of Defense to develop and implement a plan to help prevent Post-Traumatic Stress Disorder and other stress-related psychopathologies (including substance abuse conditions) from developing in our military service members. In addition, this amendment would establish a new Peer-Reviewed research program within the Defense Health Program's research and development function to research the prevention of Post-Traumatic Stress Disorder and how to best strengthen the psychological resiliency of our military service members was agreed to by vote.
Sponsor: Representative Joe Sestak [PA-7]
- **H.AMDT.76 to H.R.1538** (introduced March 28, 2007): An amendment numbered 6 printed in House Report 110-78 to strengthen language that professionals' training be `improved' rather than `modified,' and it also places greater emphasis on adequate training to detect mental health conditions among recovering service members was agreed to by voice vote.
Sponsor: Representative Eddie Bernice Johnson [TX-30]
- **S.957** (introduced March 22, 2007): A bill to provide for the collection and maintenance of amniotic fluid and placental stem cells for the treatment of patients and research was referred to the Committee on Health, Education, Labor, and Pensions.
Sponsor: Senator Richard Burr [NC]
- **S.972** (introduced March 22, 2007): A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases and for other purposes was referred to the Committee on Health, Education, Labor, and Pensions.
Sponsor: Senator Frank R. Lautenberg [NJ]
- **S.976** (introduced March 23, 2007): A bill to secure the promise of personalized medicine for all Americans by expanding and accelerating genomics research and initiatives to improve the accuracy of disease diagnosis, increase the safety of drugs, and identify novel treatments was referred to the Committee on Health, Education, Labor, and Pensions.
Sponsor: Senator Barack Obama [IL]
- **S.982** (introduced March 23, 2007): A bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams and for other purposes was referred to the Committee on Health, Education, Labor, and Pensions.
Sponsor: Senator Hillary Rodham Clinton [NY]
- **S.993** (introduced March 27, 2007): A bill to improve pediatric research was referred to the Committee

on Health, Education, Labor, and Pensions.

Sponsor: Senator Hillary Rodham Clinton [NY]

- **S.997** (introduced March 27, 2007): A bill to amend the Public Health Service Act to provide for human embryonic stem cell research was placed on the Senate Legislative Calendar.

Sponsor: Senator Tom Harkin [IA]

- **S.999** (introduced March 27, 2007): A bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation was referred to the Committee on Health, Education, Labor, and Pensions.

Sponsor: Senator Thad Cochran [MS]

- **S.AMDT.611 to S.CON.RES.21** (introduced March 22, 2007): To increase the budgeting totals for the National Nanotechnology Initiative for environmental, health and safety research and development for fiscal years 2008 through 2012 was agreed to by Unanimous Consent.

Sponsor: Senator Mark L. Pryor [AR]

- **S.AMDT.635 to S.CON.RES.21** (introduced March 23, 2007): To provide for a deficit-neutral reserve fund to improve health insurance was agreed to by Unanimous Consent.

Sponsor: Senator Michael B. Enzi [WY]

- **S.AMDT.639 to S.CON.RES.21** (introduced March 23, 2007): To establish a reserve fund to improve the health care system was agreed to by Unanimous Consent.

Sponsor: Senator Max Baucus [MT]

- **S.AMDT.664 to H.R.1591** (introduced March 27, 2007): To appropriate an additional \$58,000,000 for Defense Health Program for additional mental health and related personnel, an additional \$10,000,000 for operation and maintenance for each of the military departments for improved physical disability evaluations of members of the Armed Forces, and an additional \$15,000,000 for Defense Health Program for women's mental health services was proposed on the Senate floor.

Sponsor: Senator Barack Obama [IL]

- **S.1009** (introduced March 28, 2007): A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve supplemental educational services, and for other purposes was referred to the Committee on Health, Education, Labor, and Pensions.

Sponsor: Senator Mel Martinez [FL]

- **S.1011** (introduced March 28, 2007): A bill to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health was referred to the Committee on Health, Education, Labor, and Pensions.

Sponsor: Senator Joseph R. Biden, Jr. [DE]

- **S.1014** (introduced March 28, 2007): A bill to amend the Elementary and Secondary Education Act of 1965 to provide parental choice for those students that attend schools that are in need of improvement and have been identified for restructuring was referred to the Committee on Health, Education, Labor, and Pensions.

Sponsor: Senator Lamar Alexander [TN]

- **S.1019** (introduced March 28, 2007): A bill to provide comprehensive reform of the health care system of the United States, and for other purposes was referred to the Committee on Finance.

Sponsor: Senator Tom Coburn [OK]

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Hill Hearings

- The Senate Veterans Affairs (VA) Committee on Health will hold an oversight hearing on **April 25, 2007**, to examine mental health issues at the VA.

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Meetings / Conferences

- The American Association for Cancer Research (AACR) will hold its 2007 Annual Meeting, "*A Century of Leadership in Science - A Future of Cancer Prevention and Cures*," on **April 14-18, 2007**, in Los Angeles, Calif. www.aacr.org.
- The 55th Annual Clinical Meeting of The American College of Obstetricians and Gynecologists will be held on **May 5-9, 2007** in San Diego, Calif. www.acog.org/acm/
- The 2007 Advance Technology Applications for Combat Casualty Care (ATACCC) Conference will be held on Aug. 13-15, 2007 in St Petersburg Beach, Fla. <http://www.usaccc.org/ATACCC/index.htm>
- 46th Annual Research in Medical Education (RIME) Conference will be held **Nov. 2-7, 2007**, in conjunction with the AAMC Annual Meeting in Washington, D.C.
- The 13th International Congress on Infectious Diseases will be held June 19-22, 2008, in Kuala Lumpur, Malaysia. http://www.isid.org/13th_icid/

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