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## Washington Week: Debate on Reform Continues; Cold Meds Recalled

By Emily P. Walker, Washington Correspondent, MedPage Today  
Published: May 08, 2010

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WASHINGTON -- With midterm elections just six months away, Democrats continued to praise the Patient Protection and Affordable Care Act (PPACA) in an effort to hold on to seats in Congress, while Republicans criticized the law as much as possible in an effort to regain seats they lost in 2008.



On the pro-reform side, Families USA, a nonprofit that vocally backed healthcare reform, issued a report estimating that 57 million Americans have a diagnosed preexisting condition that would likely lead to denial of coverage on the individual insurance market.

The new law makes it illegal for insurers to deny coverage based on a preexisting condition.

The report "illustrates what a critical victory the healthcare reform law is for the 60 million folks with preexisting conditions," Sen. Max Baucus (D-Mont.) said in a statement.

On the other side of the political spectrum, researchers from the conservative Cato Institute hosted a forum on legal challenges to the Patient Protection and Affordable Care Act being prepared by 21 state attorneys general.

Roger Pilon, vice president for legal affairs at the institute, and Sen. Orrin Hatch (R-Utah) [discussed](#) the legal maneuvering that is likely to begin in the next few weeks.

### HHS To Start Reinsurance Program Early

Health and Human Services Secretary Kathleen Sebelius announced last week that employers who provide health insurance for early retirees will soon be getting \$5 billion in [assistance](#) from the federal government.

"Many Americans who retire before they are eligible for Medicare are worried about losing health insurance coverage through their former employers, putting them at risk of losing their life savings due to medical costs," Sebelius said. "This new program will provide much-needed relief so that employers can provide more retirees with quality, affordable insurance, starting this year."

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The recently passed healthcare reform law includes \$5 billion in reinsurance money to help employers maintain coverage for retirees ages 55 and older who are not yet eligible for Medicare. The money will pay for 80% of the cost of an enrollee's health benefits between \$15,000 and \$90,000.

Plans must use these proceeds to lower health costs -- such as premiums, copayments, and deductibles -- for enrollees.

The program will end in 2014, when new health insurance exchanges will begin operating and early retirees will have other coverage options.

HHS will begin the program on June 1, earlier than the June 21 start date required by the healthcare reform law, in order to allow more claims to qualify for reinsurance payments this year.

#### Antiobesity Bill Introduced

Rep. Ron Kind (D-Wisc.) introduced a far-reaching, bipartisan bill aimed at fighting obesity, in part by reinstating physical education as a core class in American schools.

Among other provisions, the far-reaching bill would:

- Require body mass index information to be provided in vaccination records for school-age children and establish a grant program to help states disseminate BMI results to parents and children
- Expand Medicare, Medicaid, and SCHIP to cover obesity prevention and treatment
- Provide grants to train healthcare professionals to prevent and treat obesity, and provide grants for states and localities that promote physical activity
- Establish physical education as a core curriculum element for kindergarten through high school
- Help eliminate "food deserts" by improving access to affordable, healthy food in low-income urban and rural communities

The American Heart Association and the Grocery Manufacturers Association both support the bill.

#### House Panel Debates Cost Transparency

While the healthcare reform law is projected to slow the growth of healthcare costs, it lacks a key component that could further drive down costs: medical price transparency.

Consumers have no reliable way of knowing what a medical procedure truly costs, and prices vary widely from one hospital to another.

The House Energy and Commerce Subcommittee on Health heard testimony Thursday on several bills that would make it easier for patients to find out what a medical or surgical procedure actually costs.

Rep. Steve Kagen (D-Wisc.) urged passage of his bill, which he said would "guarantee that any individual or business entity offering medical products or services for sale to the public will at all times openly disclose all of their prices, including on the Internet."

Democrats and Republicans both seemed to support the idea of cost transparency.

Rep. Michael Burgess (R-Texas), MD -- a longtime proponent of making medical costs known to consumers so they can more wisely choose medical care -- had some words of caution about publicizing medical prices.

"I can tell you about the pushback that would have in my community," said Burgess, an Ob/Gyn. He worried that if his practice advertised the price for which it would deliver a baby, then private insurance companies might try to renegotiate a lower reimbursement price.

#### Cold Medicine Recall Prompts Congressional Investigation

McNeil Consumer Products -- a subsidiary of Johnson & Johnson -- voluntarily recalled a number of liquid infant's and children's over-the-counter products, probing a congressional investigation to find out why Johnson & Johnson has recalled three Tylenol products in the past year.

The FDA said the recall is precautionary and no adverse events had been linked to products. Some of the products in the recall may have a higher concentration of active ingredients than indicated, while others contain inactive ingredients, and others may contain "tiny particles," the FDA cautioned.

Included in the recall are Tylenol Infants' Drops, Children's Tylenol Suspensions, Children's Tylenol Plus Suspensions, Motrin Infants' Drops, Children's Motrin Suspensions, Children's Motrin Cold Suspensions, Children's Zyrtec liquids in bottles, and Children's Benadryl Allergy liquids in bottles.

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#### Current Survey

#### Past Surveys

McNeil has recalled some over-the-counter children's drugs because of quality problems in manufacturing that included bacterial contamination of raw materials.

#### How concerned are you about the safety of these products?

- Very concerned
- Somewhat concerned
- Not very concerned
- Not at all concerned

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"McNeil should be credited with monitoring the manufacturing process and as Varian Keller states, the..."

**Jacob r. raitt** wrote

"It is truly a shame that so much emphasis is placed on the good name of the manufacturer, whose policies..."

**varian keller** wrote

"The risk seems quite low as this stuff usually sits in home bathrooms, opened and partially used, prob..."

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The House Oversight and Government Reform Committee announced that it will hold a hearing on the issue in the next several weeks.

Committee Chairman Edolphus Towns (D-NY) and Ranking Member Darrell Issa (R-Calif.) said in a press release that they "want to bring attention to the recall particularly due to the fact that children could be adversely impacted if they were to take any of the medicine that was covered by the recall."

**FDA Panel: Rotavirus Vaccines Appear Safe**

An FDA advisory panel decided on Friday that the two approved rotavirus vaccines -- Merck's RotaTeq and GlaxoSmithKline's Rotarix -- [were safe enough to continue using](#), despite known contamination with a pig virus.

The FDA does not have to follow the advice of its advisory committees, but it usually does.

The FDA -- which advised clinicians in March to temporarily stop using Rotarix after it was found to be contaminated with porcine circovirus 1 (PCV1) -- is expected to offer updated guidance soon. Last week, Merck informed the FDA that their RotaTeq vaccine showed traces of PCV1 and PCV2.

The Vaccine and Related Biologics Advisory Committee agreed that the vaccines offer a clear public health benefit that far outweighs a "theoretical" risk from PCV.

PCV hasn't been found to cause harm in humans.



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- [Legal Challenges to Healthcare Reform Law Under Way](#)
- [Health Reinsurance Fund for Early Retirees Announced](#)
- [Congressional Panel to Probe Cold Medicine Recall](#)
- [Children's Cold, Pain, and Allergy Medicines Recalled](#)
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