

CQ Transcript
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PROMO

GENETIC DISCRIMINATION: Senate passes law that would ban discrimination based on genetic tests.

MEDICAID: House passes measure to block implementation of new Medicaid regulations.

FDA: House and Senate panels question FDA officials on agency's need for additional inspection resources.

INTRO

After Senate passage, a measure now heads to the House that would prohibit the use of genetic test results to discriminate against applicants seeking health insurance or employment. The House, by a margin large enough to override a threatened presidential veto, passed legislation that would block implementation of a series of new regulations aimed at reducing the federal government's Medicaid expenditures. And House and Senate committees questioned Food and Drug Administration officials about additional resources the agency needs to improve inspections of drugs manufactured overseas.

GENETIC DISCRIMINATION

Question 1: The Senate passed a measure dealing with genetic discrimination. Could you give us the details?

Answer: The legislation, first introduced in 1995, passed the Senate by a vote of 95-0. It would prohibit employers from using any results from genetic screening tests, and we're talking here about tests that would determine a genetic predisposition to cancer or other diseases, to determine whether or not to hire a worker or promote them. Additionally, insurers could not make health insurance coverage decisions based on the results of a genetic screening test.

Question 2: You mentioned that the legislation was first proposed in 1995. Can you tell us a bit about what happened between then and now?

Answer: While the Senate passed genetic discrimination bills twice, in 2003 and 2005, the House, then under Republican control, never acted on those measures. But as the sophistication of genetic testing continued to improve, many people were afraid to take genetic tests out of fear they might be denied health insurance or employment based on those results. Proponents of the measure said they hoped its passage would help ease those worries.

Question 3: What's the next step for this bill?

Answer: The House, which earlier passed another version of the legislation, is expected to pass the Senate's version, and then send the bill to the White House, where President Bush is expected to sign it.

MEDICAID

Question 4: The House passed legislation that would stop the implementation of several new Medicaid regulations proposed by the Bush Administration. What happened there?

Answer: By a vote of 349-62 the House passed the bill, which signals that the chamber has plenty of votes to override a promised presidential veto of the measure. In the House, Democrats and many Republicans joined forces to block for one year the new regulations. Governors and many health care groups have opposed the regulations, saying they would hurt care for Medicaid beneficiaries. But administration officials said the changes are aimed at reducing accounting gimmicks and billing services to the federal government that have nothing to do with health care.

Question 5: What happens now?

Answer: The next step is the bill moves to the Senate. Late last week, Senate Majority Leader Harry Reid, D-Nev., put the measure on a "fast-track" process, which eliminates committee consideration and brings the bill straight to the Senate floor for consideration. Department of Health and Human Services Secretary Mike Leavitt said last week that he expected the House Medicaid bill would face "significant resistance" in the Senate, and some Republicans, such as Senate Minority Leader Mitch McConnell of Kentucky and Charles E. Grassley of Iowa, have made the case that the regulations should be implemented.

FDA

Question 6: House and Senate committees both held hearings dealing with the Food and Drug Administration's efforts to protect the nation's drug supply. What happened there?

Answer: At both sessions, lawmakers tried to get FDA officials to say how much in additional federal funding they needed to increase drug inspections abroad. FDA's inability to inspect foreign drug manufacturers has received increased attention since it was discovered that tainted batches of the blood thinner heparin, manufactured in China and exported to the United States, might have been a factor in up to 81 deaths. Lawmakers in both chambers have been asking if the FDA could have done more to prevent the contaminated drug from entering the country, and what could be done to stop this from happening again.

Question 7: What did the witnesses say?

Answer: The FDA officials made that case that a broader overhaul of the agency's efforts to track and inspect international production of drugs, which include steps such as beefing up the FDA's internal information technology systems, expanding the use of third-party certification

and improving collaboration with foreign regulators, were just as necessary as increasing the number of FDA inspectors abroad. FDA officials also stressed that the drug makers themselves should bear more responsibility for the quality of the ingredients manufactured overseas, and that the agency needs to have a comprehensive database of those manufacturers to help track possible problems.

Question 8: What's ahead on this issue?

Answer: More hearings, no doubt, as well as more examination of the entire FDA regulatory process as it deals with drugs, food and the other items it regulates. House Energy and Commerce Committee Chairman John D. Dingell, D-Mich., has proposed draft legislation that would place new regulations – and “user fees” to raise revenue – on foreign food and drug producers, which is drawing opposition from those sectors. In addition, some in Congress are arguing that Congress should allow the FDA to absorb and implement its new authorities and duties included in an overhaul measure passed last year instead of placing new responsibilities on FDA in another bill. Expect this debate to continue for much of this year.