

# April 2, 2021 | Issue 166

Editor's note

This note is produced every Friday by the <u>KPMG Center for Healthcare</u> <u>Regulatory Insight</u> and is intended to be short and succinct, no more than 360 words, to provide a digestible bite of healthcare and life sciences news from the past week. Please share this email with colleagues and other interested individuals, and encourage them to <u>subscribe to our mailing list here</u>.

We welcome your feedback. Let us know if KPMG can help. Please <u>reply</u> <u>here to me</u>, **Larry Kocot**, principal and national leader, KPMG Center for Healthcare Regulatory Insight or simply reply to this email with any comments or requests.



## Special Supplement: COVID-19 News

In light of the continuing daily volume of COVID-19 activity and news, we have summarized COVID-19 news for the week in this special supplement.





# Healthcare regulatory news

HHS released its semi-annual regulatory agenda.

CMS will <u>hold Medicare claims "for a short period"</u> after April 1, anticipating Congress will extend the sequestration moratorium... CMS delayed the <u>CHART Model ACO Transformation Track application period</u> until Spring

2022 and <u>announced resumption of hospital survey activities</u> effective March 23.

HHS <u>announced availability of increased ACA tax credits</u> enacted in the *American Rescue Plan Act* and an additional \$50M for special enrollment period outreach... The Biden Administration <u>outlined drug policy priorities</u> and is <u>considering invalidating additional Medicaid 1115 waivers</u>.

FDA approved the first cell-based multiple myeloma gene therapy.





## Healthcare law and policy news

President Biden announced his \$2.25T infrastructure bill plans, including \$400B to expand Medicaid home and community-based care access; \$30B to support future pandemic response; and permanent status for the Money Follows the Person program.

MedPAC <u>recommended CMS reduce the number</u> of alternative payment models.

Department of Justice <u>is further reviewing</u> Optum's <u>\$13B acquisition of Change Healthcare</u>... FTC is <u>seeking to block Illumina's acquisition</u> of Grail.

A district court <u>granted Georgia permission to intervene</u> in a lawsuit challenging the Trump Administration's approval of <u>a 1332 waiver to privatize ACA enrollment</u>... A district court ruled that Sanofi, Eli Lilly, Novo Nordisk, and 3 PBMs <u>mustface insulin price-gouging claims</u>... Bristol-Myers Squibb <u>will settle (\$75M) Medicaid drug rebate</u> underpayment allegations... US Anesthesia Partners <u>sued UnitedHealthcare over anticompetitive</u> behavior.

Amgen will <u>acquire Rodeo Therapeutics</u> (\$721M)... Cleveland Clinic and IBM entered a <u>10-year partnership to accelerate</u> health and life sciences discovery... Geisinger and Acadia Health formed <u>a behavioral health</u> <u>services joint venture</u>... Spectrum Health <u>entered an outcomes-based</u> contract with Medtronic.

Cigna reported that behavioral health outpatient care increased 27% during the pandemic; 97% of individuals accessing behavioral health services had never done so before... A Community Catalyst-National Health Law Program report recommends increased urgent-care and retail-health clinic oversight... 87% of employer respondents to a National Alliance of Healthcare Purchaser Coalitions survey support drug pricing regulation... 18% of respondents to a Gallup-West Health survey are unable to afford quality healthcare.

CDC reported COVID-19 was the <u>third leading cause of death in 2020</u> and that the overall national <u>death rate increased from 715.2 to 828.7 deaths</u> <u>per 100,000 people (15.9%)</u> 2019-2020.





Questions or comments, please send to <u>ushcinsight@kpmg.com</u>.

# Succeeding in the new reality

Visit the COVID-19 resource center for KPMG analysis, insights, and perspectives.



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# COVID-19 by the Numbers

There are now over 30.5 million confirmed COVID-19 cases in the US, with a <u>death toll over 550,000</u>... the number of confirmed <u>cases increased 17% over the past week</u>, to roughly 63,000 per day... CDC data through Saturday show that the <u>seven-day average of hospital admissions with confirmed or suspected COVID-19</u> increased in 25 states, DC, and Puerto Rico... CDC Director Rochelle Walensky <u>warned of "impending doom"</u> as COVID-19 cases rise again, while President Biden <u>urged states to pause reopening</u> plans and to reinstate mask mandates.

158 million COVID-19 <u>vaccine doses have been administered</u> in the US (2.99M/day over the last week)... 101.8 million Americans (39.2% of Americans 18 and older and 74.4% of Americans 65 and older) have received at least one dose of a COVID-19 vaccine... 18 states <u>have made all adults eligible for COVID-19</u> vaccines.

#### Executive and Administrative Action

CDC <u>updated guidance</u> to say that full vaccinated individuals can resume domestic and overseas travel as long as they follow recommendations, including wearing a mask, social distancing, and regularly washing hands.

President Biden said that 90% of adults will be eligible for COVID-19 vaccines by April 19 and will be able to get them within 5 miles of their home; also roughly 40,000 pharmacies will distribute the vaccine, up from 17,000... HHS will partner with CDC and the Administration for Community Living in providing \$100 million to help increase vaccinations among older adults and people with disabilities... The Biden Administration is reconsidering its 21 COVID-19 mass vaccination sites after data showed that they administered far fewer COVID-19 doses than facilities in its federal retail pharmacy program.

The Administration is also creating a <u>network of health experts and community leaders</u> to help build trust in COVID-19 vaccines; <u>working with private companies to develop "vaccine passports"</u>; and considering <u>whether to suspend intellectual property protections</u> for COVID-19 vaccines and treatments.

The Administration <u>contracted with three companies</u> to produce more than 25 million cloth masks to send to disadvantaged communities at high risk of COVID-19.

Former CDC Director Robert Redfield alleged that Former HHS Secretary <u>Alex Azar attempted to</u> interfere with CDC reports on the pandemic.

FDA will <u>contract with LabCorp to create a voluntary biweekly</u> COVID-19 <u>testing program for agency</u> employees and contractors.

CDC and NIH will <u>launch a COVID-19 self-testing pilot</u> in Pitt County, NC and Chattanooga, TN to examine whether three-times-a-week self-testing can reduce COVID-19 infections.

FCC approved a <u>process for distributing nearly \$250 million</u> to support providers' telehealth costs during the pandemic.

GAO recommended federal health agencies centralize critical COVID-19 health data online.

# Healthcare Regulatory News

FDA granted emergency use authorization for <u>several COVID-19 over-the-counter tests</u> without a prescription.

Amazon <u>received emergency use authorization</u> for a COVID-19 test developed by its subsidiary STS Lab Holdco.

CDC released an RFP for support in reviewing and approving N95 and other respirators.

# Healthcare Law, Business, and Policy News

Leaders of 25 countries, the EU, and WHO <u>outlined plans for a treaty to provide</u> universal and equitable access to vaccines, therapeutics, and diagnostics for future pandemic.

Approximately two-thirds of epidemiologists surveyed by People's Vaccine Alliance believe the world likely has a <u>year or less before the COVID-19 virus changes so much</u> that existing vaccines would be ineffective.

A <u>BMJ</u> study found that COVID-19 patients discharged from the hospital had increased rates of multiorgan dysfunction compared with the uninfected individuals.

Health IT groups urged HHS to develop standards for "vaccine passports."

A Willis Towers Watson survey found that <u>just 10% of employers believe COVID-19 vaccines should be mandatory</u> before employees return to work and 23% of employers are securing vaccines to administer to employees or are working with a third-party to facilitate access... An Axios-Ipsos poll found that <u>52% of unvaccinated Americans saw friends and relatives outside the home</u> in the past week, compared with just 41% of those who had been vaccinated.

A <u>KFF poll found</u> that 61% of Americans have either received a COVID-19 vaccine or intend to do so as soon as they can, up from 47% in January.

# Surveillance, Testing, and Treatment

A CDC study concluded that Moderna and Pfizer-BioNTech's vaccine is 90% effective in preventing COVID-19 infection in a real-world setting after two doses, and 80% effective after just one dose... Pfizer and BioNTech reported that their vaccine was 100% effective at preventing symptomatic infection in

children ages 12 to 15 and that their <u>vaccine remains 91.3% effective six months</u> after the second dose... Meanwhile, the companies will <u>increase manufacturing of the vaccine to 2.5 billion doses</u> by the end of 2021 and plan to <u>begin testing a freeze-dried version</u> of the vaccine.

The FDA will <u>allow Moderna to increase the number of COVID-19 doses</u> in each vial from 10 to 15... Moderna announced it <u>had shipped 100 million doses of its COVID-19 vaccine</u> to the US government, and plans to deliver the second 100 million doses by the end of May and the third 100 million by the end of July... An <u>NIH-sponsored study of thousands of colleges students</u> will test whether Moderna's COVID-19 vaccine <u>can prevent asymptomatic spread</u>... NIH <u>began a study to evaluate</u> a Moderna COVID-19 vaccine targeting a South African strain of the virus.

Johnson & Johnson (J&J) <u>planned to deliver 11 million doses of its single-shot COVID-19 vaccine</u> this week, following previous concerns that it could not meet its goal of 20 million doses by the end of the month... 15 million doses of J&J's vaccine <u>must be discarded after an ingredient mix-up</u> at a plant run by Emergent BioSolutions, contracted to produce the vaccine; future shipments are delayed while the FDA investigates.

The World Health Organization concluded that COVID-19 most likely jumped from animals to humans via an intermediate animal host or was transmitted through frozen food and recommended further study of the possible path of transmission... The White House criticized the report as "incomplete" due to lack of crucial data, information, and access.

Humanigen reported that its <u>experimental drug reduced the risk of hospitalized COVID-19 patients being put on ventilators</u> by 54%; it plans to seek emergency use authorization for the therapy.