Health Policy Outlook in the 117th Congress and new Biden Administration

eHI Monthly Policy Briefing

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Agenda

• 117th Congress
• Biden Administration
• Health care policy outlook
• Telehealth policy outlook
• Q&A
117th Congress

Overview
## 2020 Election Results: Topline

<table>
<thead>
<tr>
<th>Chamber/Office</th>
<th>Control before election</th>
<th>Control in 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>House of Representatives</td>
<td>Democrats</td>
<td>Democrats</td>
</tr>
<tr>
<td>House</td>
<td>222</td>
<td>211</td>
</tr>
<tr>
<td>Senate</td>
<td>Republicans</td>
<td>Democrats</td>
</tr>
<tr>
<td>Senate*</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>President</td>
<td>Republicans (Trump)</td>
<td>Democrats (Biden)</td>
</tr>
</tbody>
</table>

**SOURCE** Associated Press

**AP DATA AS OF** 1/6/2021 4:20 PM
Committee leadership

*Names in italics* are incumbent committee leaders; Potential chair conflicts noted in (parentheses)

<table>
<thead>
<tr>
<th>Committee</th>
<th>Democratic Leader</th>
<th>Republican Leader</th>
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<tbody>
<tr>
<td>Senate Health, Education, Labor &amp; Pensions</td>
<td>Patty Murray (WA) (Veterans’ Affairs)</td>
<td>Richard Burr (NC)</td>
</tr>
<tr>
<td>Senate Finance</td>
<td>Ron Wyden (OR)</td>
<td>Mike Crapo (ID)</td>
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<tr>
<td>Senate Aging</td>
<td>Bob Casey Jr. (PA)</td>
<td>Tim Scott (SC)</td>
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<tr>
<td>House Energy &amp; Commerce</td>
<td>Frank Pallone (NJ)</td>
<td>Cathy McMorris Rodgers (WA)</td>
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<tr>
<td>House Ways &amp; Means</td>
<td>Richard Neal (MA)</td>
<td>Kevin Brady (TX)</td>
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Biden Administration

Challenges and First 100 Days
Overview of Biden’s first 100 days as president

Filling his cabinet
- National security positions (Defense, CIA, DHS) usually confirmed first
- The rest of the cabinet will likely be filled faster with a Democratic Senate

Addressing the coronavirus pandemic
- Passing a major stimulus bill
- Creating a nation-wide testing strategy
- Managing vaccine development and distribution

Reversing Trump admin policies
- Start the process of rejoining international orgs: Paris Climate Accord, WHO, Iran nuclear deal
- Reverse orders on immigration, reproductive health and civil rights
- Congress could use the Congressional Review Act to reverse policies

Advancing legislative priorities
- Climate change and infrastructure
- Political reform (H.R. 1), reinstating the Voting Rights Act
- Health care reform
Biden 100 Days Priorities - COVID

• 100 million vaccinations in the first 100 days

• National Strategy Goals
  • Restore trust with the American people
  • Mount a vaccination campaign
  • Mitigate spread through expanding masking, testing, treatment, data, workforce, and clear public health standards
  • Expand emergency relief and exercise the Defense Production Act
  • Reopen schools, businesses, and travel, while protecting workers
  • Protect those most at risk and advance equity
  • Restore U.S. leadership globally and build better preparedness for future threats.

• $1.9 trillion COVID Proposal
  • $350 billion to help state and local governments, including support for first responders, expanded testing, and the reopening of schools
  • Create a national vaccination program
  • Provide funding to expand the health workforce by 100,000 people to conduct outreach and contact tracing
  • $50 billion to expand national testing
  • $40 billion for supplies
Biden 100 Days Priorities - General

• **First Days Executive Orders**
  • 30 Executive Actions in Three Days
    ○ Immigration
    ○ Environment/Climate
    ○ COVID
    ○ Regulatory Review

• **Other Immediate Executive Priorities**
  • More actions expected this week on:
    ○ Equity
    ○ Climate
    ○ Health care (expected focus of Thursday, January 28)
    ○ Immigration
    ○ Reproductive health
## Biden’s key health advisors

<table>
<thead>
<tr>
<th>Name</th>
<th>Role and Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xavier Becerra</td>
<td>Nominee for HHS secretary, CA Attorney General, most recently led CA’s defense of the ACA before the Supreme Court, Former Congressman and chairman of the House Democratic Caucus</td>
</tr>
<tr>
<td>Andrea Palm</td>
<td>Nominee for HHS Deputy Secretary, Designated secretary of the Wisconsin Department of Health Services, Former Assistant Secretary of HHS during the Obama administration</td>
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<tr>
<td>Rachel Levine</td>
<td>Nominee for Assistant Secretary for Health, Pennsylvania Secretary of Health, Pediatrician and Professor of Pediatrics and Psychiatry at the Penn State College of Medicine</td>
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<tr>
<td>David Kessler</td>
<td>Chief Science Advisor, leading Operation Warp Speed, Former FDA Commissioner</td>
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<tr>
<td>Jeff Zients</td>
<td>Coordinator of COVID-19 response, Former National Economic Council Director</td>
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<tr>
<td>Regina LaBelle</td>
<td>Acting Director of the Office of National Drug Control Policy (ONDCP), Chief of Staff and senior policy advisor in the ONDCP during the Obama Administration</td>
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<tr>
<td>Rochelle Walensky</td>
<td>Nominee for CDC director, Chief of Infectious Disease division at Massachusetts General Hospital, Professor of Medicine at Harvard Medical School</td>
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<tr>
<td>Tony Fauci</td>
<td>Chief Medical Advisor, Former Director of the NIH National Institute of Allergy and Infectious Diseases (NIAID)</td>
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<tr>
<td>Micky Tripathi</td>
<td>Nominee for HHS National Coordinator for Health IT, Former CEO of the Massachusetts eHealth Collaborative</td>
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Health Policy Outlook
Health Care Policy Outlook

- COVID Vaccine/COVID Response & Front Line Providers
- Affordable Care Act (ACA, “Obamacare”)
  - Public Option
  - Supreme Court case (California v Texas)
  - Medicaid expansion
- Opioid epidemic
- Health Equity/Health Disparities/Social Determinants of Health
- Public Health
- Telehealth/Digital Health/Virtual Care
- Value-Based Care/Medicare Shared Savings Program
- 340B Drug Pricing/Safety Net Hospitals
- Maternal Health
Telehealth Policy Outlook

• **Pre-pandemic (federal)**
  - Medicare coverage of synchronous telehealth was limited
  - Medicare coverage of remote patient monitoring is developing
  - Medicare Advantage coverage is expanding
  - Some activity in alternative payment models/accountable care organizations
  - Controlled substances prescribing is limited by DEA
  - HIPAA privacy and security controls in place
  - Licensing done at the state level

• **Flexibilities during COVID-19 PHE**
  - Most restrictions waived temporarily at federal and state level
Telehealth Policy Outlook

• Post Pandemic

• Some policies can be permanently updated by the agencies; other policies require Congress’ intervention
  ○ Geographic and originating site
  ○ Services
  ○ Providers
  ○ Audio-only
  ○ Risk adjustment

• What is Congress considering?
Questions?

Resources

- Presidential Transition Resource Center
- Congressional Review Act
- COVID Resource Center
- Post-Election Health Policy Outlook & Analysis
- Federal Telehealth Regulations in the COVID-19 Era
- Americans Turn to Telehealth During the COVID-19 Pandemic – Will Congress Let Them Keep It?