

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

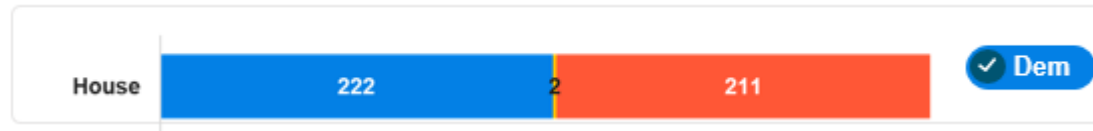
2020 Election Results: Topline

Chamber/Office	Control before election	Control in 2021
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House of Representatives

Democrats

Democrats



Senate

Republicans

Democrats



President

Republicans (Trump)

Democrats (Biden)

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)

<u>Committee</u>		<u>Democratic Leader</u>	<u>Republican Leader</u>
Senate Health, Education, Labor & Pensions	→	<i>Patty Murray (WA)</i> (Veterans' Affairs)	Richard Burr (NC)
Senate Finance	→	<i>Ron Wyden (OR)</i>	Mike Crapo (ID)
Senate Aging	→	<i>Bob Casey Jr. (PA)</i>	Tim Scott (SC)
House Energy & Commerce	→	<i>Frank Pallone (NJ)</i>	Cathy McMorris Rodgers (WA)
House Ways & Means	→	<i>Richard Neal (MA)</i>	<i>Kevin Brady (TX)</i>

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



Xavier Becerra

- 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



Andrea Palm

- Nominee for HHS Deputy Secretary
- Designated secretary of the Wisconsin Department of Health Services
- Former Assistant Secretary of HHS during the Obama administration



Rachel Levine

- Nominee for Assistant Secretary for Health
- Pennsylvania Secretary of Health
- Pediatrician and Professor of Pediatrics and Psychiatry at the Penn State College of Medicine



David Kessler

- Chief Science Advisor, leading Operation Warp Speed
- Former FDA Commissioner



Jeff Zients

- Coordinator of COVID-19 response
- Former National Economic Council Director



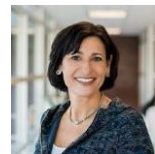
Tony Fauci

- Chief Medical Advisor
- Former Director of the NIH National Institute of Allergy and Infectious Diseases (NIAID)



Regina LaBelle

- 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



Rochelle Walensky

- Nominee for CDC director
- Chief of Infectious Disease division at Massachusetts General Hospital
- Professor of Medicine at Harvard Medical School



Micky Tripathi

- Nominee for HHS National Coordinator for Health IT
- Former CEO of the Massachusetts eHealth Collaborative

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?

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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?](#)