

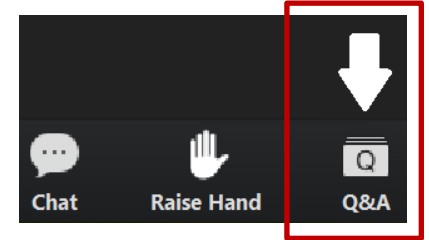


Fall 2020 Elections and Congressional Outlook

September 8, 2020

HOUSEKEEPING

- All participants are muted
- To ask a question to be answered by speakers:
 - Use the “Q&A” box found on the bottom of your screen
 - We will address as many as possible after the presentations
- For help with technical difficulties and non-speaker questions:
 - Use the “chat” box and we will respond as soon as possible
- Slides and a recording of today’s presentation will be available for download on eHI’s Resource page: www.ehidc.org/resources



OUR WORK

eHI conducts research, education and advocacy around critical issues to support executives transforming healthcare

Current Focus Areas:



**Consumer Privacy
Framework for Health
Data**



**Telehealth,
Reimbursement &
Information Blocking**



**Analytics, Social
Determinants of
Health (SDOH) &
Artificial Intelligence**



**COVID-19 Best Practices
& Education**



TODAY'S SPEAKERS



Dean Rosen
Partner, Mehlman
Castagnetti, Rosen &
Thomas



Catherine Pugh
Assistant VP,
Policy
eHealth Initiative



Lauren Aronson
Partner, Mehlman
Castagnetti, Rosen &
Thomas





Politics and Policy in the Age of COVID-19

September 8, 2020

MEHLMAN CASTAGNETTI
— ROSEN & THOMAS —

Lauren Aronson, Partner
Dean Rosen, Partner

ELECTIONS AHEAD: BET ON CHANGE?


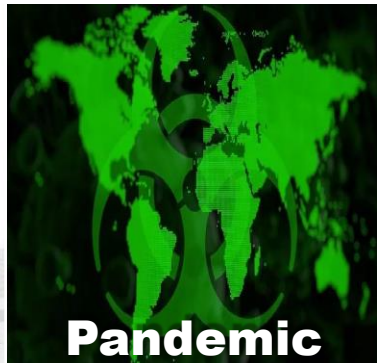


Change in Control of House, Senate and/or White House



2020: A YEAR UNLIKE ANY OTHER

Four Concurrent “Super-Disruptors”

(Since 1900 only 3 other years had 3)

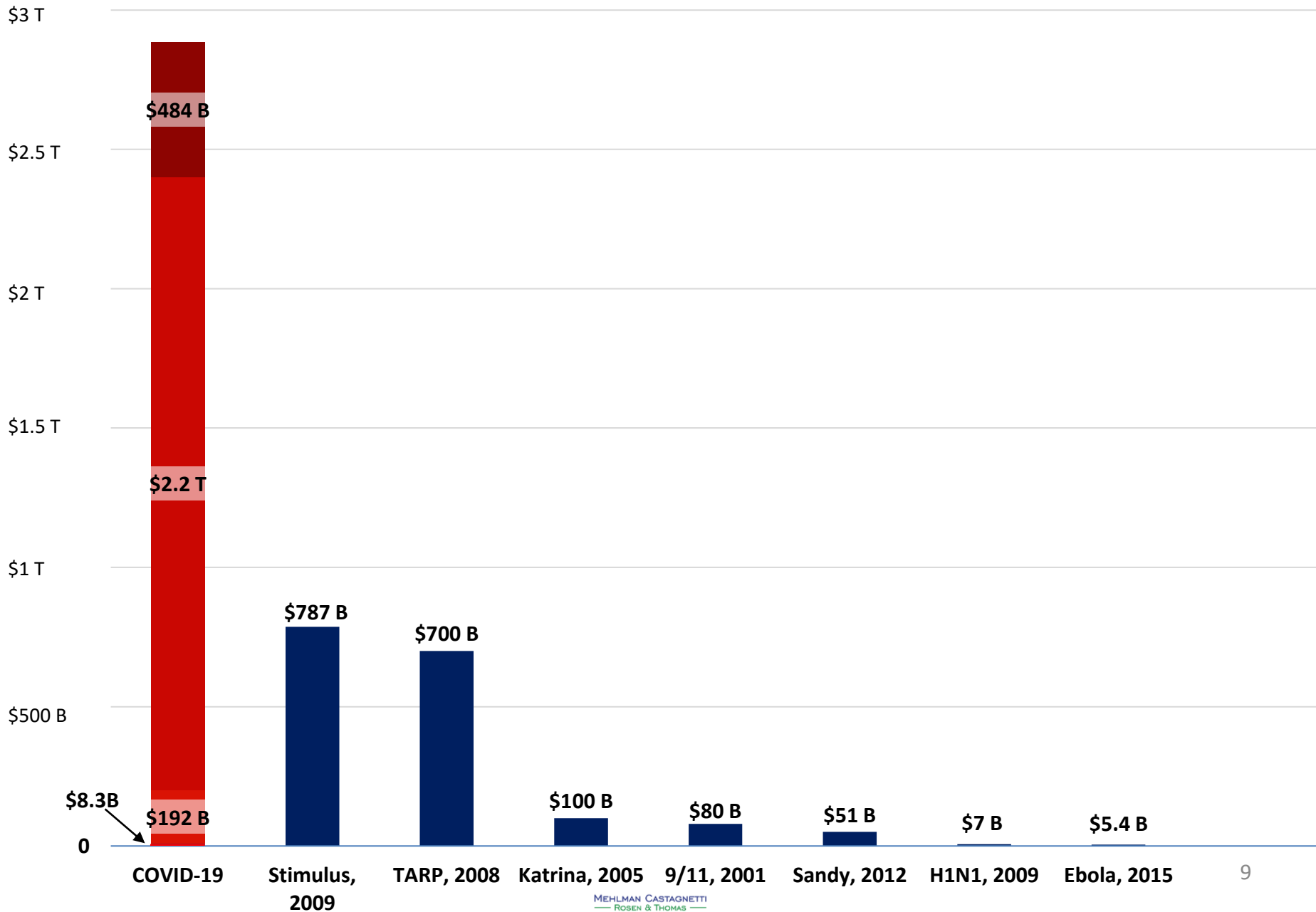
				
2020	YES	YES	YES	YES
1968	NO	YES	YES	YES
1957	YES	YES	YES	NO
1919	YES	YES	YES	NO

WASHINGTON CONTINUES TO GRAPPLE WITH RESPONSE TO COVID-19



PUTTING IT IN PERSPECTIVE

COVID Response Compared to Prior Relief Packages



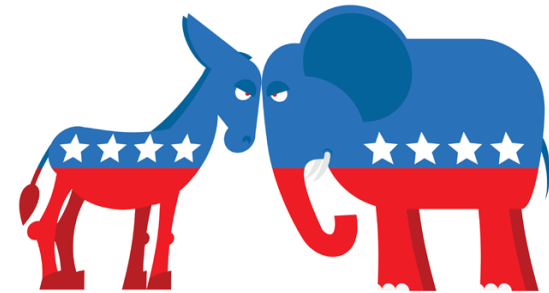
PARTIES FAR APART ON NEXT COVID-19 BILL

DEMOCRATS

- More funding for states
- More funding for testing
- Health care coverage
- “Money in the pockets of the American people”

REPUBLICANS

- Liability protections at the core for Senate GOP
- Another round of stimulus checks for families
- Temporary limited, and targeted funding
- Presidential Memos: UI, Payroll, Student Loans, Evictions



TRUMP ADMINISTRATION'S HEALTH CARE AGENDA

Rx Drugs – Major Actions

- Rx price in DTC
- Importation framework
- International Pricing Model
- Rebate rule

Value-Based Care, Disruptive Care

- Mandatory bundles (end-stage renal disease/radiation oncology)
- Transparency + Site Neutral Payments
- Telehealth

Affordable Insurance

- Short-Term plans, Association Health Plans
- HSA/HRA flexibility
- Texas v. Azar
- Preexisting conditions Executive Order (?)

Price Transparency

- Executive Order on Improving Price and Quality
- Hospital Price Transparency Final Rule

Opioids and Public Health

- 42 CFR Part 2 Changes
- CARA & SUPPORT Act implementation
- FDA Vaping Regulation

COVID-19 Response

- Implementation of four COVID response bills
- Buy American and Hire American Executive Order



BIDEN'S HEALTH CARE PRIORITIES

Build on the Affordable Care Act

- New public insurance option to compete with private insurance
- Premium tax credits

Lower Prescription Drug Costs

- Allowing Medicare to directly negotiate prices
- Tax drug manufacturers w/ prices above inflation
- Eliminating pharma tax break for ad spending
- Rx drug importation from other countries

Lower Health Care Costs

- End surprise medical billing

Health Care Access

- Expanded access to contraception and protect the constitutional right to an abortion
- Mental health parity

Cancer Moonshot

- Efforts to prevent, detect, diagnose, and research cancer



What Trump Will Say to Win Reelection

Strong Wartime Leader

+

Others to Blame

+

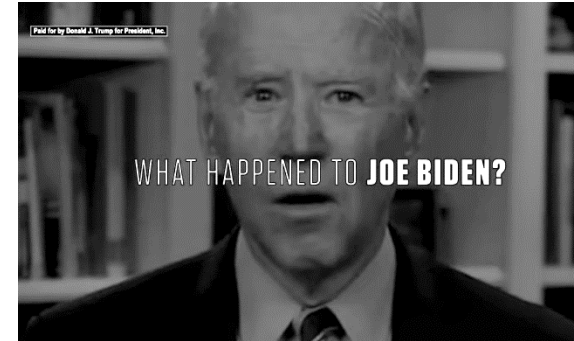
Superior Choice



***“Donald Trump’s Strong
Wartime Leadership
Saved Millions of Lives &
Trillions of Dollars”***



- Trump also criticizing:**
- **Unprepared Governors**
 - **Biased Mainstream Media**
 - **Past Administrations**
 - **Impeachment Distraction**
 - **Partisan Bureaucrats**
 - **World Health Organization**
 - **Mail Fraud / Rigged Elections**



***“Senile and controlled
by liberal radicals”***

ELECTION 2020: A REFERENDUM ON TRUMP'S COVID LEADERSHIP

What Biden Will Say to Defeat the President

Trump Failed

+

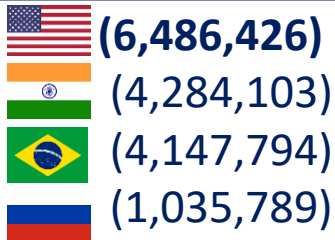
"Lies & Mistakes"

+

Better Alternative

"America suffered the most cases, costs & deaths due to Trump's failed leadership"

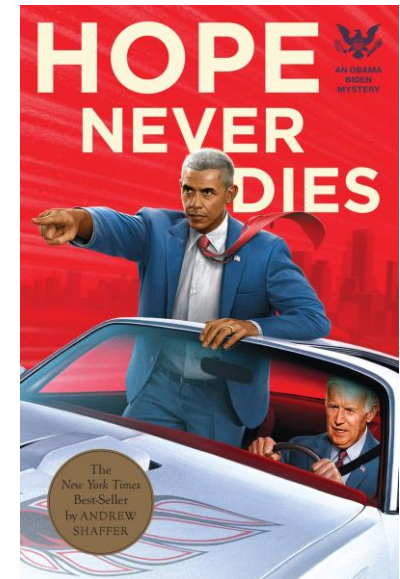
MOST COVID CASES



MOST COVID DEATHS



"Joe Biden (& Barack Obama) led America through H1N1, Ebola & the Financial Crisis... he can do it again."



HOUSE

Current: **232D** – **199R**

Seats to Flip: **17**

D's in Trump '16 Seats: **31**

R's in Clinton '16 Seats: **3**



SENATE

Current: **53R** – **47D**

Seats to Flip: **4**

R's Up in 2020: **22**

D's Up in 2020: **12**

GOP SENATE AT RISK IN 2020... IF BIDEN RUNS THE TABLE

Since 1992, Incumbent Senators Win...

97%

126/130

...of races when the
Presidential candidate of
their party **wins** their
state



70%

37/53

...of races when the
Presidential candidate of
their party **loses** their state

*Closest 2020 Senate Races by
How State Is Leaning in the Presidential Race (per Cook Report)*

Likely+ Dem	Lean Dem	Toss Ups	Lean GOP	Likely+ GOP
ME (Collins)	CO (Gardner) MI (Peters)	AZ (McSally) GA (Perdue) GA (Loeffler) NC (Tillis)	IA (Ernst)	AL (Jones) MT (Daines)

TURNOUT AND TRUST

People Are Very Eager to Vote in 2020

2018

Highest U.S. Midterm Voter Turnout Since 1914

2019

Highest “Extremely Enthusiastic” to Vote Ever Recorded (CNN)

Both Sides See Turnout Opportunities & Risks

Eligible Citizens Who Didn't Vote in 2016

2016	White No College	College White	Non-White
MI	1,564k	412k	643k
MN	786k	211k	259k
NH	220k	69k	25k
PA	2,290k	603k	695k
WI	819k	161k	306k
AZ	684k	228k	904k
FL	2,565k	719k	2,565k
GA	1,172k	327k	1,303k
NC	1,105k	321k	834k
TX	2,665k	813k	4,274k

People Are Very Afraid of COVID, Fraud & Voter Suppression

25%

would be uncomfortable voting in person right now (40%D, 6% R)

59%

of Americans are not confident in the honesty of U.S. elections

LOOKING AHEAD: HEALTH CARE POLICY DEBATE SHIFTING

- **2020 election fight between GOP (“Repeal and Replace”) and Dem (“Medicare-for-All”) eclipsed by who’s best prepared to respond to COVID**
- **Deficit concerns could resurface, putting downward pressure on health costs**
- **Public may be more accepting of broader government role, or more skeptical**
- **Expect oversight: Who got what, who charged what, who paid for what?**
- **Separating crisis response from long-term policy:**
 - Should telehealth restrictions be lifted? Reimbursement be equitable?
 - Should licensure be more flexible?
 - Should we rely more on nurses and allied health professionals?
 - Will public health get more stable funding?
 - Will more Americans realize we have a persistent health disparity and health equity challenges?
 - How do we develop adequate surge capacity without paying higher premiums?
 - Whose responsibility is it anyway? (e.g., antibody testing costs)
- **Stakeholder perceptions may be shifting:**
 - Doctors and hospitals front-line heroes
 - Drug manufacturers innovating
 - Laboratories developing novel tests and expanding capacity
 - Telehealth expanding access
 - Insurers?

<http://www.mehlmancastagnetti.com/>

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— ROSEN & THOMAS —

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FALL 2020 CONGRESSIONAL OUTLOOK

- **Approx. 16 legislative days before elections**
- **Must pass legislation:**
 - FY21 National Defense Authorization Act
 - Legislation to fund government – Continuing Resolution likely before Oct 1
 - Medicare & Medicaid “extenders” – CARES Act extended through Nov 30
- **Another COVID relief package?**



TELEHEALTH ADVOCACY ON CAPITOL HILL

- Because COVID-19 waivers are temporary, eHI has been leading advocacy on Capitol Hill to make policies permanent
- eHI was one leading organization that collected signatures for and sent a letter to Congress outlining telehealth policy priorities
 - Letter was signed by 340 stakeholder organizations



TELEHEALTH LEGISLATION



- **Many Members of Congress have introduced telehealth legislation since COVID-19**
- **eHI has endorsed the Protecting Access to Post-COVID-19 Telehealth Act of 2020 (HR 7663)**
 - Legislation reflects almost all priorities from June 29th letter
 - Introduced by bipartisan House leaders of Congressional Caucus on Telehealth
 - eHI co-hosted Legislative Advocacy Kick-Off for HR 7663 and all five Members Congress who sponsored HR 7663 participated
- **eHI also applauded Chairman Lamar Alexander (R-TN) on the introduction of the Telehealth Modernization Act of 2020 (S 4375)**



WHAT'S NEXT IN TELEHEALTH IN THE ADMINISTRATION

- On August 3rd, President Trump signed an Executive Order requiring the HHS Secretary to propose a regulation within 60 days to extend temporary Medicare telehealth policies, to the extent possible, beyond the COVID-19 public health emergency period
- Many of these proposals were included in the Calendar Year 2021 Medicare Physician Fee Schedule and Quality Payment Program proposed rule, also released on August 3rd
 - CMS proposed to keep many additional services after the PHE, but has no authority to remove geographic or originating site restrictions – must come from Congressional action



WHAT'S NEXT FOR TELEHEALTH ON CAPITOL HILL

- **There is tremendous bipartisan support from Members of Congress to ensure telehealth can continue after the PHE**
- **But Committee staff on both sides remain hesitant to make sweeping changes because of cost and quality concerns**
- **Most recent proposals include one-year extension of waiver authority and require MedPAC studies and HHS data in order to inform permanent changes**
- **Depending on elections, the biggest telehealth push will likely come in the lame-duck session**
- **Could see a one-year extension of current waivers included in a Continuing Resolution bill in September**

