



The 117th Congress and Biden Administration – Health Care Legislative and Regulatory Outlook

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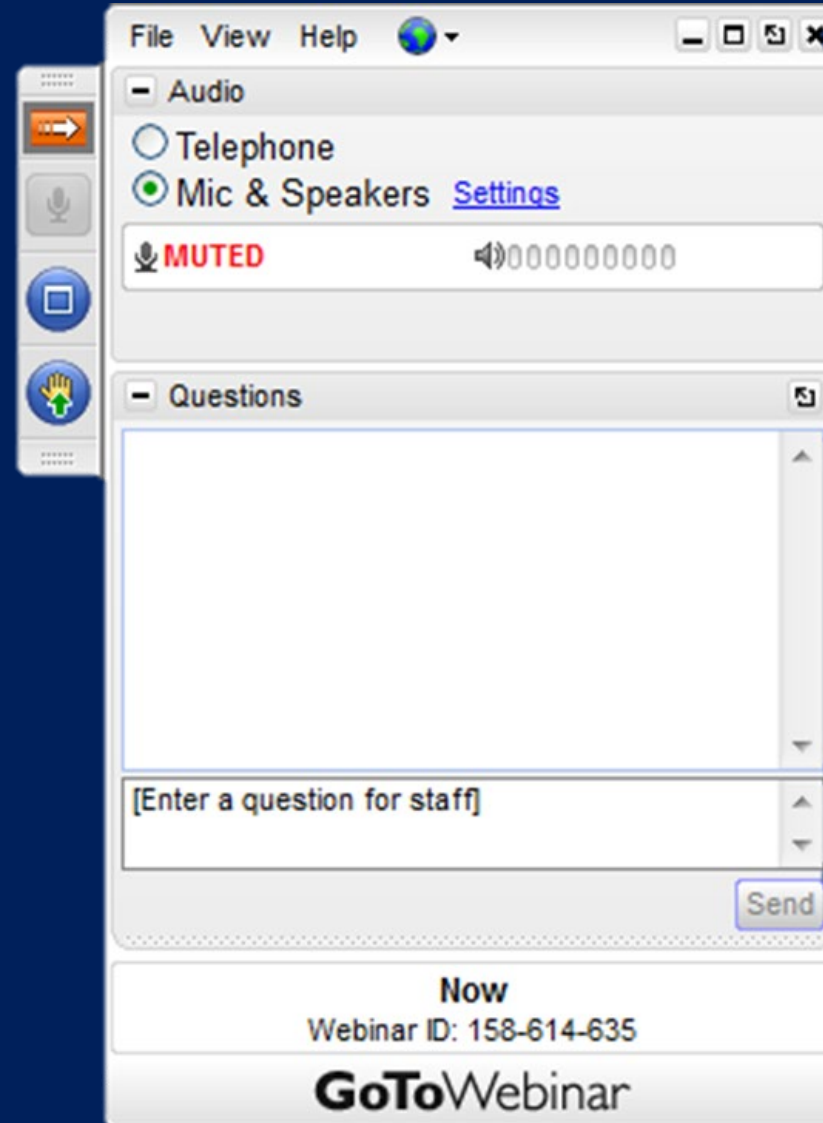
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How to Ask a Question



Speakers



Alix Burns

President, Bay
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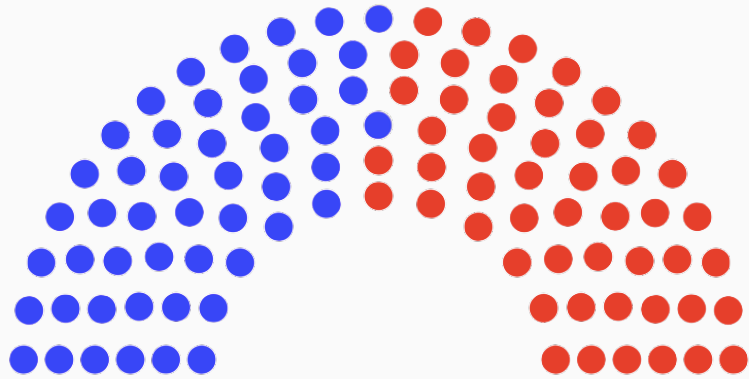
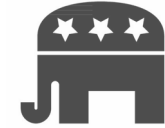


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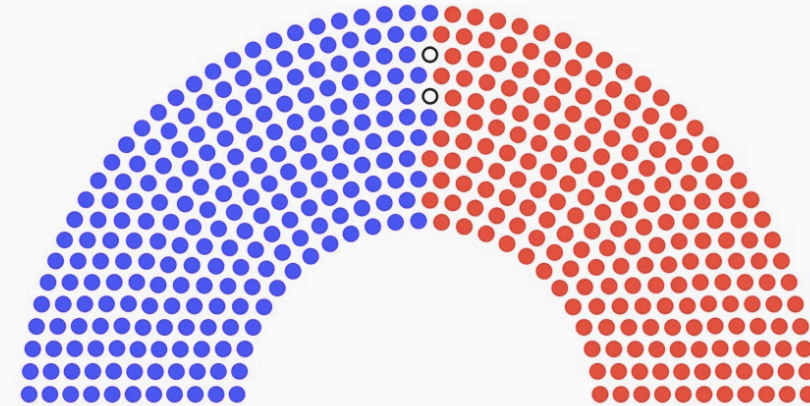


Composition of 117th Congress



U.S. Senate
50 Ds – 50 Rs

(VP Harris to serve as
tiebreaking 51st vote)



House of Representatives
222 Ds – 211 Rs

(2 vacancies, LA-02 and LA-05)



Outlook for the Biden Administration



- ✓ Early healthcare focus will be almost entirely dedicated to COVID response -- will include legislative and regulatory initiatives around vaccines, therapeutics, testing, and supply chain/stockpiling
 - Has already released \$1.9T proposal and issued multiple executive orders
- ✓ Regulatory efforts in much of 2021 could focus on reversing Trump Administration policies related to ACA, Medicaid, etc.
 - Has already begun with current regulatory freeze
- ✓ While healthcare will be a key area of focus, other priorities - immigration, climate, international relations – will take up significant bandwidth
- ✓ In addition to COVID, we expect top healthcare priorities will be drug pricing, ACA expansion/public option, and health disparities/social determinants



Key Members of Biden's COVID Team



Dr. Anthony Fauci
Chief Medical Advisor to the
President on COVID-19
& NIAID Director



Jeff Zients
COVID-19 Response Coordinator
& Counselor to the President



Andy Slavitt
Senior Advisor to the COVID-19
Response Coordinator



**Dr. Marcella Nunez-Smith,
MD, MHS**
COVID-19 Advisory Board Co-Chair
& COVID-19 Equity Force Task Chair



Dr. Vivek Murthy, MD, MBA
COVID-19 Advisory Board Co-Chair
& U.S. Surgeon General



Dr. David Kessler, MD
COVID-19 Advisory Board Co-Chair,
Chief Science Officer for COVID-19 at
WH and HHS, & head of vaccine effort





Key Members of Biden's Health Team



Xavier Becerra
Secretary of Health and
Human Services (HHS)



Christen Linke Young
Deputy Director of the Domestic
Policy Council for Health and
Veterans Affairs



Dr. Rochelle Walensky
Director of the Centers for Disease
Control and Prevention (CDC)




Andrea Palm
Deputy Secretary at HHS



Dr. Francis Collins
Director of the National
Institutes of Health (NIH)



Neera Tanden
Director of the Office of
Management and Budget (OMB)

 = *must be confirmed by U.S. Senate*





Outlook for the 117th Congress



- ✓ Georgia victories have opened up new options to Democrats, e.g. gavels, CRA, reconciliation
- ✓ Bipartisanship will likely be in short supply, so we expect Democrats to attempt to pass legislation through reconciliation (just 51 votes in the Senate)
- ✓ Biden, Schumer and Pelosi will need to balance fringe expectations, while respecting the moderate middle, e.g. the Squad vs the “Gang of 16”
- ✓ Healthcare will be a top priority, but will be competing with other issues, e.g. infrastructure, taxes, others
- ✓ 2022 politics will matter on day 1 for both parties



Key Members of Congress



Frank Pallone (D-NJ)
House Energy & Commerce
Committee Chairman



Anna Eshoo (D-CA)
House Energy & Commerce Health
Subcommittee Chairwoman



Richard Neal (D-MA)
House Ways & Means
Committee Chairman



Carolyn Maloney (D-NY)
House Oversight
Committee Chairwoman



Rosa DeLauro (D-CT)
House Appropriations Committee and
LHHS Subcommittee Chairwoman



**Cathy McMorris Rodgers
(R-WA)**
House Energy & Commerce
Committee Ranking Member



Brett Guthrie (R-KY)
House Energy & Commerce Health
Subcommittee Ranking Member



Kevin Brady (R-TX)
House Ways & Means
Committee Ranking Member



James Comer (R-KY)
House Oversight Committee Ranking
Member



Tom Cole (R-OK)
House Appropriations LHHS
Subcommittee Ranking Member



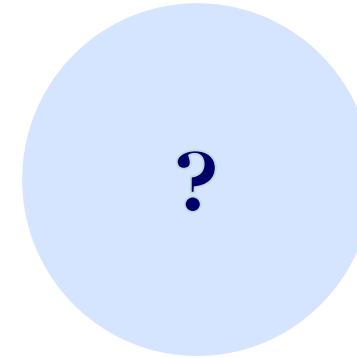
Key Members of Congress



Ron Wyden (D-OR)
Senate Finance Committee Chairman



Patty Murray (D-WA)
Senate Health, Education, Labor and Pensions (HELP) Chairwoman



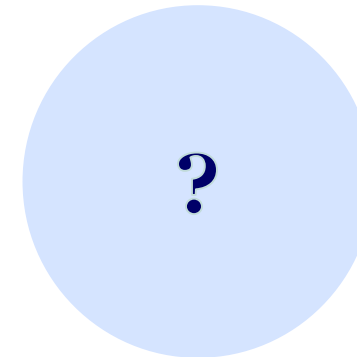
TBD
Senate Appropriations Labor, Health and Human Services, Education and Related Agencies Subcommittee Chairman



Mike Crapo (R-ID)
Senate Finance Committee Ranking Member



Richard Burr (R-NC) *
Senate Health, Education, Labor and Pensions (HELP) Ranking Member



TBD
Senate Appropriations Labor, Health and Human Services, Education and Related Agencies Subcommittee Ranking Member

** (final leadership undecided)*

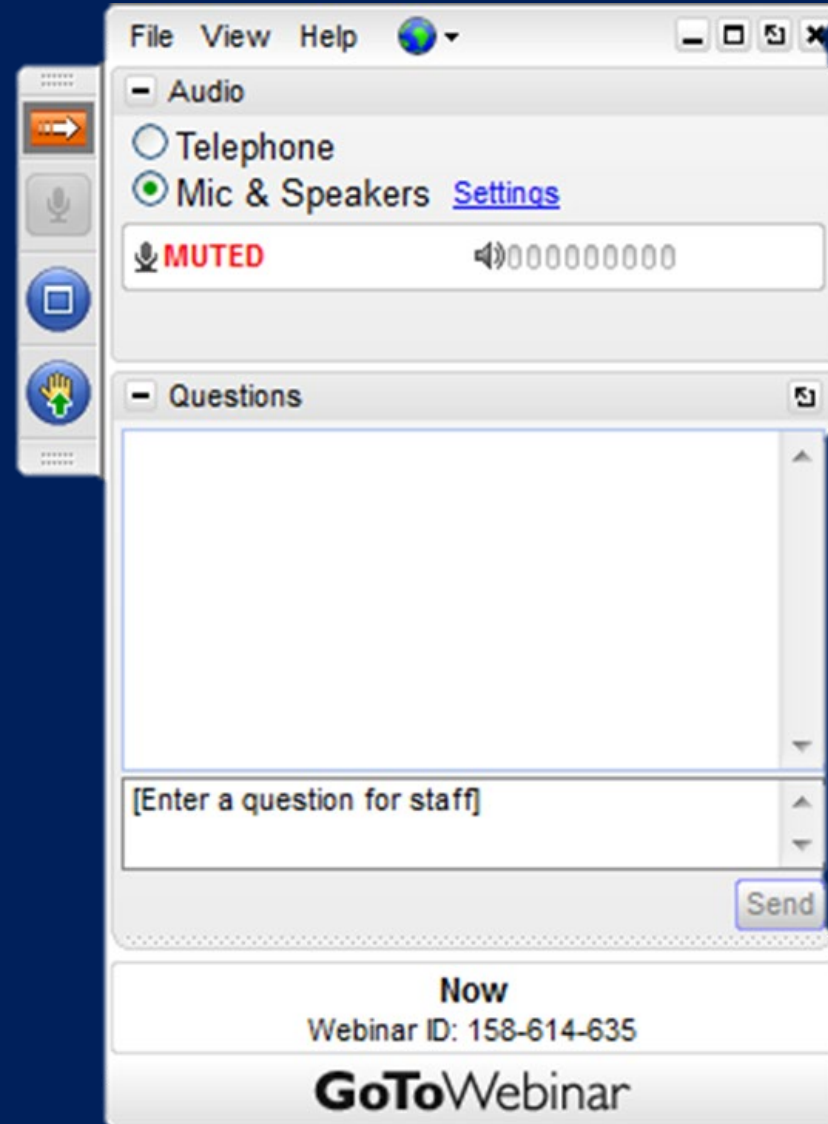


Health Policy Deeper Dive



- ✓ Drug manufacturers have some goodwill in the bank coming off of the development of the vaccine, but unclear how long that will last
 - Changes to Medicare Part B and D reimbursement (Grassley-Wyden, H.R. 3) are likely to be a major source of “offsets” for other priorities, e.g. ACA expansion.
- ✓ Biden Administration and Congress will need to figure out how to handle the “rebate rule” set to begin in 2022
- ✓ Democratic control of White House and Congress will likely present a more favorable environment for providers to push back on prior authorization and other utilization management tools
- ✓ Expect most legislative and regulatory efforts will be viewed through the lens of health disparities
- ✓ Don’t forget about California v Azar
- ✓ Looking around the corner...FDA authorization needs to happen by Sept. 2022 and Medicare Trust Fund goes broke in 2024

How to Ask a Question



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