

# McDermottPlus Healthcare Preview

WEEK OF NOVEMBER 18, 2019



## *Last Week to Address Government Funding and the Extenders.*

- + **NOVEMBER 21<sup>ST</sup> IS HERE.** This week, Congress has to fund the government to prevent a shutdown and address the healthcare extenders. The last continuing resolution (CR) and healthcare extenders are set to expire on November 21. Congressional leaders are now looking to extend government funding to December 20 through another CR. It is expected that the healthcare extenders will also be included in this week's CR. Now with the deadline likely to be moved back one month, the questions on the next steps for the extenders become: Can lawmakers agree on the extenders by December 20? How will they pay for a long-term extender solution? As we have previously noted, surprise billing and the consensus drug pricing policies (e.g., the CREATES Act) save money. These policies can still appear at the last minute to pay for the extenders long-term.
- + **THE ADMINISTRATION IS MAKING MOVES IN THE REGULATORY SPACE.** Although we tend to focus on Congressional activity, we would be remiss to ignore the recent regulatory action by the Administration. Last week, the Administration issued three significant regulations: Medicaid Fiscal Accountability, CY 2020 Final Rule on Price Transparency Requirements for Hospitals to Make Standard Charges Public, and Transparency in Coverage. Please be on the lookout for our complete summaries of these regulations, but in short:
  - o The Medicaid Fiscal Accountability proposed rule includes significant changes to state reporting requirements regarding supplemental payments in the Medicaid program. It makes structural and definitional changes that can decrease state flexibility in financing the state share of its Medicaid program.
  - o The Price Transparency Requirements for Hospitals final rule requires hospitals to publicly post standard charge information, including payer-specific negotiated charges for all items and services provided by the hospital.
  - o Finally, the Transparency in Coverage proposed rule requires most group health plans, including self-insured plans, and health insurance issuers to disclose the price and cost-sharing information to participants, beneficiaries, and enrollees.

These regulations have significant implications for the hospital and issuer industries. However, these regulations have a long path to actual implementation, including winning victories in expected court battles over their legality.

### THIS WEEK IN THE SENATE

Senate Finance Committee

[Alzheimer's Awareness: Barriers to Diagnosis, Treatment and Care Coordination](#)

Wednesday, November 20 at 2pm

Senate Health, Education, Labor & Pensions Committee

[Nomination of Stephen M. Hahn, MD, to serve as Commissioner of Food and Drugs Administration](#)

Wednesday, November 20 at 10am

### THIS WEEK IN THE HOUSE

House Energy and Commerce Committee

[Full Committee Markup](#)

Tuesday, November 19 at 10am

### CONTACT INFO

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