

McDermottPlus Health Care Preview

WEEK OF JULY 22, 2019



This is the last scheduled week the House is in session and the second to last week the Senate is in session before the August recess. What will get done?

- + **MARK-UP OF THE SENATE FINANCE COMMITTEE'S PRESCRIPTION DRUG PACKAGE THIS WEEK?** Yes, this has been said before. Yes, it is still rumored to include changes to the Part D coverage phases, Medicare Part B reforms, the Medicaid rebate cap, cap seniors' annual retail drug spending and make drug companies pay for a percentage of catastrophic costs. The real question is, 'What is the hold up?' Rumors are the Republican side of the dais is struggling with the extensive nature of the changes being pushed by the Chairman and the White House. Probably sooner than later, the Chairman will call the question: Do Senators really want to go home for August recess with nothing accomplished on drug pricing?
- + **CHANGES TO THE NO SURPRISES ACT.** Last week the House Energy and Commerce Committee approved the *No Surprises Act*, now included in H.R. 2328. The Committee also made a significant change to the bill by adding an arbitration process to address payment disputes for certain surprise billing situations. The arbitration amendment was pushed by Representatives Raul Ruiz (D-CA) and Larry Bucshon (R-IN), and reflected a delicately crafted compromise with the bill sponsors, Chairman Pallone (D-NJ) and Ranking Member Walden (R-OR). Adding arbitration processes accommodates some of the concerns that physicians and hospitals have with the median in-network benchmark rate approach.
- + **SO WHAT'S NEXT?** The House Education and Labor Committee, which oversees employer-based insurance plans, will likely mark-up the House surprise billing legislation after the August recess. Following that there could be additional changes to reconcile differences and include changes from leadership. Then the bill will proceed to the House floor for a vote in some still to be determined package. That vote is unlikely to happen this week, so it will wait until after August recess. As a result, members will be hearing from their constituents back home about the bill during the break. We also have to look to the Senate on their next steps. The HELP Committee has their bill, the Lower Health Care Costs Act, which does not include an arbitration process – only a median in-network benchmark rate for payment disputes. Senator Cassidy (R-LA) and his bipartisan working group have a bill with an arbitration process. There still are a lot of steps to take to resolve differences with a very high stakes outcome, but it is clear that all steps are moving in a direction towards a law.

THIS WEEK IN THE SENATE

Senate Finance Committee

[Promoting Elder Justice: A Call for Reform](#)

Tuesday, July 23rd at 10:15am

THIS WEEK IN THE HOUSE

Energy and Commerce

[Member Day Hearing](#)

Thursday, July 25th at 10am

CONTACT INFO

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