

# McDermottPlus Health Care Preview

WEEK OF September 3, 2019



## Welcome to September!

- + **WHAT DOES THE REST OF THE YEAR HAVE IN STORE FOR US?** Prior to the August recess, there was significant movement in Congress to advance health care proposals. As a reminder, the proposals under consideration include prescription drug pricing, surprise billing, and the extenders. So let's recap where everything stands.
- + **PRESCRIPTION DRUG PRICING.** The Senate Finance Committee marked up and advanced its comprehensive prescription drug pricing package in July. The package includes changes to Medicare Part B, Medicare Part D, and Medicaid. Although the package did pass the committee on a bipartisan basis, many Republicans on and off the committee have concerns about the proposal. This makes it an uphill battle to advance the package in the Senate. In the House, we are expecting that the Speaker's Office will release its own prescription drug pricing proposal, which will likely be a nod to Democrats wanting stricter price control measures. The Administration has also been moving regulations and its agenda on prescription drug pricing throughout the year, and we can expect them to continue to push Congress to pass something on the topic. Moreover, we could see the Administration's International Pricing Index proposal very soon.
- + **SURPRISE BILLING.** On surprise billing, the major question remains – how to resolve payment disputes and set payment methodology for surprise billing situations? The Senate HELP Committee advanced, on a bipartisan basis, its Lower Health Care Costs Act, which addresses surprise billing by setting an in network benchmark rate. In the House, the Energy and Commerce (E&C) Committee also advanced its surprise billing proposal which sets the minimum benchmark rate for insurers to pay providers but also includes an arbitration process for claims over \$1,250. Resolving differences in opinion on how to address payment rates will continue to drive conversation on surprise billing throughout the fall and winter.
- + **EXTENDERS.** The extenders are set to expire on September 30<sup>th</sup>. To date, the Senate HELP Committee and the House E&C Committee have tied the extenders to their respective surprise billing proposals. Whether the extenders are addressed through a short-term continuing resolution and then a longer-term deal, or are addressed before the September 30<sup>th</sup> deadline, remains to be seen.
- + **AND DON'T FORGET ABOUT TEXAS V. AZAR.** The Fifth Circuit ruling on Texas v. Azar still lingers. If the ruling is in favor of Texas, we can expect most, if not all, all the work to date on health care to come to halt. However, it all depends on timing of the decision.
- + **NEEDLESS TO SAY IT'S GOING TO BE A BUSY FALL AND WINTER.**

### THIS WEEK IN THE SENATE

The Senate returns from recess next week.

### THIS WEEK IN THE HOUSE

The House returns from recess next week.

### CONTACT INFO

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