

# McDermottPlus Health Care Preview

WEEK OF OCTOBER 14, 2019



Congress is back for a six week stretch.

- + **WHAT WILL CONGRESS GET DONE IN THE NEXT SIX WEEKS?** The next six weeks are critical for moving health care legislation and funding the government. The Senate is in session for all six weeks, while the House is in session for five weeks. (The House will be in recess the week of November 4<sup>th</sup>.) Both chambers will be working to advance legislation prior to the November 21 government funding deadline when the most recent continuing resolution expires. Congress also needs to use these next six weeks to make progress on surprise billing and prescription drug pricing reforms if there is to be any legislation making it to the President's desk.

**WHAT TO WATCH FOR OVER THE NEXT SIX WEEKS.** Rhetoric on prescription drug pricing will remain high, and we expect the House will vote on Speaker Pelosi's prescription drug package, H.R. 3, The Lower Drug Costs Now Act. Last week, the [Congressional Budget Office released a report](#) finding that H.R. 3 will save a staggering \$345 billion over seven years. This adds another layer of complexity to the process of advancing the bill. Some Democrats may believe that this gargantuan number is too high, and some language in the analysis regarding research and development may present challenges in garnering support. We will be looking for signals of these concerns in this week's hearing and potential markup. Regardless of how the bills move in the House, major changes to prescription drug pricing, such as Medicare negotiation, are not likely to advance in the Senate. But smaller and less controversial provisions, such as the CREATES Act, the BLOCKING Act, the Purple Book Continuity Act and the Orange Book Transparency Act, are definitely still in play. On surprise billing, additional hearings in the House are possible. The question remains if there is enough time to come to a resolution on surprise billing payment methodology, since there are now three major approaches (benchmark rate setting, arbitration, and negotiated rulemaking). It is unclear if policymakers will be able to reach consensus prior to November 21, or even before December 13 when the congressional session ends. Finally, there are the health care extenders. We expect that the health care extenders will get done before the November 21 deadline. The question remains how long they are extended and what is used to pay for them. Could surprise billing or prescription drug reforms be used to pay for the extenders? That answer is YES. Any health care package is likely to be tied up in a larger spending deal than traveling on its own.

## THIS WEEK IN THE SENATE

Special Committee on Aging  
[Falls Prevention: National, State, and Local Solutions to Better Support Seniors](#)

Wednesday, October 16<sup>th</sup> at 10am

## THIS WEEK IN THE HOUSE

Energy and Commerce Committee  
[Legislation to Reverse the Youth Tobacco Epidemic](#)

Wednesday, October 16<sup>th</sup> at 10:30am

Energy and Commerce Committee  
*\*Expected Markup of HR 3*  
Wednesday, October 17

Ways and Means Committee  
[Investing in the U.S. Health system by lowering drug prices, reducing out of pocket costs, and improving Medicare benefits](#)

Thursday, October 17<sup>th</sup> at 10am

## CONTACT INFO

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