

McDermottPlus Healthcare Preview

WEEK OF FEBRUARY 10, 2020

IT'S SURPRISE BILLING AND BUDGET WEEK.

- + **IT'S ANOTHER BUSY WEEK FOR SURPRISE BILLING PROPOSALS.** Last week ended with a flurry of activity relating to surprise billing. First, the House Ways and Means Committee released [draft language](#) of its surprise billing package. This package differs from previous surprise billing proposals, such as the [compromise](#) the House Energy and Commerce (E&C) and Senate Health, Education, Labor and Pensions (HELP) committees put out last year, in that it only relies on a mediation approach to address payment disputes between insurers and providers and does not include a benchmark rate. Following the Ways and Means announcement, the House Education and Labor Committee released [its surprise billing proposal](#). The Education and Labor Committee's proposal generally mirrors the E&C-HELP compromise. Clear lines are being drawn on how to address surprise billing. On one side, there is the Ways and Means Committee, and on the other is the House E&C, Senate HELP, and House Education and Labor committees. This week, both the Ways and Means and Education and Labor committees will markup their respective proposals. During the markups and over the next few weeks, we will be watching for signals to identify how long the process of reaching a deal on surprise billing will last. Can all the committees come together relatively quickly to resolve differences, or will this last all the way to May 22 or perhaps beyond?
- + **IT'S BUDGET SEASON.** Also this week, it is expected that the Administration will roll out its budget for Fiscal Year 2021. The Senate Finance Committee will hear testimony from Health and Human Services (HHS) Secretary Azar regarding the HHS budget. As with all presidents' budgets, it is important to keep in mind that, although they outline policy priorities, they are ultimately aspirational.

THIS WEEK IN THE SENATE

Senate Finance Committee

[The President's Fiscal Year 2021 Budget](#)

Thursday, February 13 at 9:30 AM

THIS WEEK IN THE HOUSE

House Education and Labor Committee

[Markup H.R. 5800, Ban Surprise Billing Act](#)

Tuesday, February 11 at 10:15 AM

House Energy and Commerce

[Protecting Women's Access to Reproductive Health Care](#)

Wednesday, February 12 at 10 AM

House Ways and Means Committee

[Markup of Consumer Protections Against Surprise Medical Bills Act of 2020](#)

**Expected Wednesday, February 12*

CONTACT INFO

Please reach out to us at:

rwhitlock@mcdermottplus.com

kwaldo@mcdermottplus.com

emmazimmerman@mcdermottplus.com