

## ML Strategies Health Care Preview

### WEEK OF NOVEMBER 12<sup>TH</sup>

This week, Congress returns to Washington for its lame duck session with uncertain expectations for what gets done between now and the next funding deadline of December 7, 2018. There are a number of legislative items that passed one chamber and not the other, and watch to see which bills make it across the finish line. One example, and the most likely to get done, is the recently expired Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPA), which was passed by the House but awaits Senate consideration.

The political reality that Democrats will control the House in 2019 will begin to take shape and play a role in what moves during the lame duck. In other words, Democrats can be strategic in what they allow to move during the lame duck. While the CREATES Act has garnered bipartisan support, Democrats may be less inclined to accept any compromise offers so House Democrats have more control in what language is considered in a new Congress.

Stakeholders on both sides of the aisle are gearing up for a potential fight over the closing of the Medicare Part D “doughnut hole.” Such a policy change would likely only pass in must-pass bill like the Dec. 7<sup>th</sup> funding deadline. Much will depend on Democrats appetite for making a change and what they could get in exchange for allowing it to pass, if anything.

The lame duck could provide an opportunity for tax policy issues like the insurance tax and medical device tax. The House already passed the Protect Medical Innovation Act, 283-132, which would repeal the 2.3 percent tax on some medical devices passed under the ACA. It could easily pass the Senate as well. Will Democrats choose to pass this now knowing that the incoming majority in that House might not be as inclined to support it? It is a game of chess to be sure.

Who will chair the important committees in the next congressional session? All eyes are on Sen. Chuck Grassley (IA) as he decides between staying at the Judiciary Committee and returning to the Finance Committee. In the House, we await confirmation on important subcommittee posts. Rep. Anna Eshoo (CA) declared her intention to chair the House E&C Health Subcommittee in the 116<sup>th</sup> Congress. Rep. Lloyd Doggett (TX) is expected to chair the Ways & Means Health Subcommittee. These decisions, including higher profile leadership decisions, have a significant impact on health policy with a number of ‘must pass’ bills on the docket in 2019.

#### **THIS WEEK IN THE HOUSE**

No hearings this week.

#### **THIS WEEK IN THE SENATE**

No hearings this week.

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