

ML Strategies Health Care Preview

WEEK OF NOVEMBER 26TH

Welcome back. This week, Congress returns to Washington with 10 working days to prevent a partial government shutdown by December 7th. Reaching an agreement on funding is the highest priority of the Lame Duck, and it could prove contentious given that issues like disaster aid, border wall funding, and legislation to protect the Special Counsel will likely be lurking as potential riders on any package.

The Senate will continue looking at health costs in its ongoing health hearing series, and will also consider several legislative items, which could be moved before the end of this Congress.

Another issue that could emerge in end-of-year discussions is legislation to protect pre-existing conditions. However, since the case known as *Texas v. Azar* is still hanging in the balance, there's little Congress *needs* to do to restate the law of the land. That said, a decision in the case in the next two weeks could create a challenge for policymakers.

Democrats are eyeing a vote on pre-existing conditions as one of their first votes once they retake the majority. It's unclear if this will do anything more than force Republicans to go on the record on the issue, or if the legislation would be considered in the Senate. On oversight, the Democrats are sure to look into the implementation of new short-term limitation duration insurance plans and association health plans recently introduced into the Marketplace in the context of pre-existing conditions.

HEALTH CARE FIGHT SHIFTS TO STATES

The Administration [will continue](#) to take an offensive approach to shaping health care reform, putting forth guidance with lessons learned and new examples for states to consider in pursuing new 1332 waivers. Congress will be largely constrained on significant Marketplace legislation given the split in Congress, so state-based reforms offers the path of potential change for the Administration to push its policy priorities.

Last week, CMS re-approved Kentucky's plan to include work requirements in its Medicaid plan, months after a federal judge struck down the agency's initial approval. While the program is set to take effect in April, advocates will likely ask a federal court to block the implementation.

Kentucky is among five states with work requirements in its Medicaid program. The most notable of those states is Arkansas, which has been the subject of scrutiny after more than [12,000 beneficiaries lost coverage](#) upon implementation of the work requirements since September 2018 due to failure of meeting the work or reporting requirements.

THIS WEEK IN THE HOUSE

No hearings this week.

THIS WEEK IN THE SENATE

On Wednesday (11/28), the Senate HELP Committee will hold a [hearing](#) titled, "Reducing Health Costs: Improving Affordability Through Innovation."

On Thursday, (11/29), the Senate HELP Committee will hold an Executive Session. Click [here](#) for more information.

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