

ML Strategies Health Care Preview

WEEK OF SEPTEMBER 23, 2019

Congress returns to session this week with days to pass a continuing resolution (CR) to keep the government open. The House of Representatives passed a short-term bill to keep the government open through November 21st, but a vote on that package has yet to be scheduled in the Senate. While the Senate is expected to vote in time to avoid a shutdown, it's possible they vote on a "clean CR" that removes provisions looking at the impact of the Administration's trade policies, among other policies.

That would also have implications for a number of health care programs that are set to expire at the end of the month. The House did extend several programs through the November 21st deadline, but stakeholders are pushing for a full reauthorization to avoid the paralyzing month-to-month planning that preceded last year's government shutdown that spilled into early 2019. With a number of larger political fights still unresolved, we are likely looking at an intensive fall work period where policymakers can address a number of outstanding programs and policies in an end-of-year megadeal.

We are seeing signs of what that might look like this week with two hearings in the House on drug pricing. The Energy & Commerce Health Subcommittee will be reviewing four bills centered mostly on drug price negotiations, including the recently released Lower Prescription Drug Costs Now Act from Speaker Pelosi and introduced by the Chairman of leading health committees. This legislation would require HHS to publish a list of 250 negotiation-eligible brand drugs with the greatest total cost to Medicare. Of those, 25 would be subject to negotiation with HHS. While negotiating drug prices has been a long sought policy of many Democratic lawmakers, this proposal represents an incremental approach to the issue in an effort to win over the President, who has expressed support for the policy in the past.

INSURER TAX, DEVICE TAX UPDATE

The Health Tax Taskforce, comprised of members of the Senate Finance Committee, failed to achieve consensus on a path forward on a number of expiring tax provisions. This includes the controversial medical device tax and health insurance tax, both of which will take effect in 2020 absent action. There are bills in both chambers to repeal or suspend the taxes but have yet to be considered in their respective committees.

It is fair to expect continued advocacy on these issues into the fall as Congress looks to finalize a budget and resolve a number of outstanding, and costly, issues.

THIS WEEK IN THE HOUSE

Oversight – Don't Vape: Examining the Outbreak of Lung Disease and CDC's Urgent Warning Not to Use E-Cigarettes ([Tues @ 10am](#))

E&C O&I – Sounding the Alarm: The Public Health Threats of E-Cigarettes ([Wed @ 10am](#))

E&C Health – Legislation to Negotiate a Better Deal for Americans ([Wed @ 10:30am](#))

Ed & Labor – Lowering Drug Prices and Increasing Transparency ([Thurs @ 2pm](#))

THIS WEEK IN THE SENATE

Agging – Promoting Healthy Aging: Living Your Best Life into Your Golden Years ([Wed @ 2:30pm](#))

SIGN UP

MLSDCHealth@mintz.com

TEAM

Alex Hecht

Frank Guinta

Aaron Josephson

Eli Greenspan