



WEBINAR

TOP TAKEAWAYS

OUTLOOK: Health Policy

RECORDED: 11/05/2020

In this session, health law policy authorities discussed changes likely in 2021 in a Biden Administration and how these changes will impact business objectives and strategies for health industry stakeholders. Key takeaways include the following:

1

COVID-19

If Vice President Biden campaigned on anything, it was a more vigorous response to the pandemic. Look for a Biden Administration to make addressing the spread and restoring the economy top priorities early on. Another relief bill is likely, and maybe even in a lame duck session in 2020, but any relief measure will require Republican and Democratic support. Look at both the House-passed HEROES Act and the Senate Republican HEALS Act as likely starting points for discussion.

2

Affordable Care Act

Vice President Biden campaigned on sustaining and expanding health insurance coverage by enacting a public option to compete with commercial plans in exchange marketplaces. With Republicans likely to retain control of the Senate, legislative expansions of the ACA are unlikely. Instead, look to a Biden Administration to reverse or revise ACA-related regulations and Executive Orders advanced by the Trump Administration. Still, keep an eye on the Supreme Court's consideration of *California v. Texas*, which could call the constitutionality of the ACA into question.

3

Prescription Drug Pricing

Both parties share the goal of addressing the cost of prescription drugs, and there are some solutions that enjoy bipartisan support. It will take bipartisan support to advance any reforms, so certain reforms, e.g., government price negotiation, seem less likely.

4

Surprise Billing

A top priority for Republicans and Democrats in Congress in 2019, momentum behind this bill was overtaken by the pandemic. Desire to pass a solution remains, but the urgency is not there, while other needs are more pressing. Look for this issue to remain on the agenda.

5

Telehealth

During the COVID-19 pandemic, the Administration implemented waivers that allowed the delivery system to flex to meet the needs of the pandemic. Ranking high in priority are telehealth flexibilities that dramatically expanded access and created a rapid adoption of new technology. While many of these flexibilities are likely to be extended,

we expect a series of short-term extensions while Congress gathers data to address concerns about quality, effectiveness, cost, and fraud.

5

Medicare Reimbursement

Rising federal debt and deficits driven by rising federal spending and lower tax revenues (largely caused by the pandemic) are straining federal entitlement programs, like Medicare. Lawmakers may look to slow or even reduce Medicare spending by dialing back growth adjustments and making targeted spending reductions, but probably not until healthcare providers are in a more stable post-pandemic.

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