



# *Health Care Weekly Preview*

*Week of October 9<sup>th</sup>*

The news that the Trump administration would roll back the Affordable Care Act's (ACA) birth control coverage mandate for employers with a religious or moral objection prompted lawsuits from Massachusetts and California's attorney general's as well as the ACLU with more on the way. This will be an important legal fight to watch that will test how far the Trump administration can go in walking back key parts of the ACA. Last week Congress accelerated its work on the health extenders package, conducting hearings on CHIP and the community health centers program. We also got signals on other programs – like MIECHV – that will find their way to the table as the package takes shape. The timing and size of the package(s) will depend in part on reaching bipartisan consensus on payfors - a topic that turned heated last week in E&C and that Senate Finance avoided altogether.

Late last week the Medicare Payment Advisory Commission (MedPAC) called for replacing the Merit-based Incentive Payment System (MIPS), which they believe is too much of a burden for physicians. This is a big deal. MIPS replaced the previously unpopular Sustainable-Growth Rate, so we wait for reactions from Congress and what recommendations MedPAC makes in the coming months. If MedPAC Commissioners approve draft recommendations in December, they will appear in its annual March report.

The House is in session this week and will consider a disaster aid package to replenish FEMA's disaster fund and relieve the debt of the National Flood Insurance Program. The timing of the package could mean it becomes a vehicle for something much larger.

## **THIS WEEK IN THE HOUSE**

On Wednesday (10/11) the House Energy & Commerce Subcommittee on Oversight and Investigations will hold a hearing Wednesday titled, "Examining How Covered Entities Utilize the 340B Drug Pricing Program." For more information, [click here](#).

## **THIS WEEK IN THE SENATE**

The Senate is in recess this week. But worth noting, the Senate HELP Committee already [announced](#) a hearing on prescription drug costs next week.

## **WHITHER BIPARTISAN STABILIZATION?**

President Trump reached out to Chuck Schumer on Friday to seek a path forward on health care. This was far more likely Trump taking a shot at Republicans than a real attempt to work with Democrats. The reality is this Administration continues to undermine the ACA wherever possible. The move last week to roll back the birth control provisions along with its continued attacks on the ACA open enrollment have Democrats questioning if a bipartisan stabilization package can move forward all the way to the President's desk and get signed into law.

With the open enrollment period days away, we wait and see if bipartisan talks gain steam. There is a lot at stake here for both sides. Democrats know the law is struggling and want to see it improved to function more as intended. Republicans know that the next open season is right before an election and could go much worse than this one. Then again there are Democrats who are moving beyond the ACA to Medicare-for-all and Republicans who will never be getting over the ACA. Are there enough people in DC vested in the success of the ACA? We learn that answer this fall.

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