

With Republicans taking control of the House while Democrats retain control of the Senate, organizations interested in healthcare policy need to prepare for the realities of divided government, narrow majorities and changes in leadership. While GOP “messaging bills” will no doubt come out of the House, particularly to unwind parts of the Inflation Reduction Act and reform Medicare and Social Security, they are unlikely to advance in a Democratic Senate, nor is President Biden going to sign such measures. With an increased focus on government oversight, House Republicans have already started signaling their appetite to investigate how the government responded to the pandemic. While President Biden may take additional action to protect abortion and other reproductive healthcare rights, any executive action is expected to be challenged in the courts.

AREAS OF POTENTIAL BIPARTISANSHIP

- Pharmacy Benefit Manager (PBM) regulation
- Medicare physician fee schedule reduction restoration
- Curbing out-of-pocket costs for insulin
- Additional purchasing and distribution of COVID-19 vaccines

LIKELIHOOD OF POTENTIAL LEGISLATIVE AND REGULATORY ACTIONS

Based on National Journal’s industry impact summaries, the outlook for a number of high-profile actions under a Republican-controlled House and Democrat-controlled Senate is as follows:

Regulatory Actions

- Moving marijuana out of Schedule I: **Possible**
- Congressional action to handle healthcare workforce shortages: **Likely**
- Home-based care expansion: **Unlikely**
- Congressional action regarding health disparities and utilization of social determinants of health: **Possible**

Health Policy

- Further action on codifying abortion rights or a national band on abortion: **Unlikely**
- Gridlock regarding pandemic aid: **Likely**
- Affordable Care Act (ACA) reforms using Medicare Advantage or a variety of other lower-cost, lower-coverage options: **Unlikely**
- Healthcare reforms using Medicaid as a vehicle for youth access, especially for mental healthcare services: **Likely**

COMMITTEE LEADERSHIP

SENATE HEALTH, EDUCATION, LABOR AND PENSIONS

Chair:

Patty Murray (D-Wash.)

Ranking Member:

Bill Cassidy (R-La.)

SENATE FINANCE, SUBCOMMITTEE ON HEALTH

Chair:

Debbie Stabenow (D-Mich.)

Ranking Member:

Steve Daines (R-Mont.)

HOUSE ENERGY AND COMMERCE, SUBCOMMITTEE ON HEALTH

Chair:

Brett Guthrie (R-Ky.)

Ranking Member:

Anna Eshoo (D-Calif.)

HOUSE WAYS AND MEANS, SUBCOMMITTEE ON HEALTH

Chair:

TBD

Ranking Member:

Lloyd Doggett (D-Texas)

CONSIDERATIONS FOR ORGANIZATIONS

Organizations following healthcare policy should have the following considerations in mind as they prepare to engage on these issues during the 118th Congress:

- **Don't expect significant changes for healthcare consumers.** The drug pricing and negotiation provisions in the Inflation Reduction Act are likely to stand, though the Republican House will no doubt attempt to roll them back. Any significant reforms to the Affordable Care Act or entitlement programs that might advance in the House are unlikely to pass in the Democratic Senate.

- **Prepare for hearings investigating the pandemic from the House GOP.** House Republicans have questioned how the Biden Administration handled the pandemic since the president took office. Expect formal investigations into how the administration responded and the origins of COVID-19 in the coming session.

- **Be prepared to engage with members of Congress on the issues of bipartisan interest,** starting with introductory education – such as if your organization has a stake in the future of telehealth – and speak to how the pandemic enabled homebound people to access care they wouldn't otherwise have received. Talking about how specific policies affect constituents in each district will always get legislators' attention.

- **Watch for continued action by regulators** like the Federal Trade Commission (FTC), which will continue to investigate Pharmacy Benefit Managers and their practices. This has been an area of interest for all current commissioners – not just those appointed by President Biden.