

# ML Strategies Health Care Preview

*Week of September 4th*

Welcome back. Congress hits the ground running this week with several high-profile hearings, including the already underway Supreme Court confirmation hearing of Brett Kavanaugh. There are a number of health care topics which will be on display throughout this hearing, including access to abortion, contraception, aspects of the Affordable Care Act, and Medicare, among others. This will be a marathon hearing so buckle up.

The House committees of jurisdiction will also be holding hearings which could lead to mark ups of a number of potentially relevant health care bills, although floor action before the midterms seems less likely with the upcoming election and the Kavanaugh nomination stunting any potential for bipartisan legislating. The Senate may move to pass its version of the House-passed opioid package, setting up for a conference which would likely take place during the lame duck session.

On spending, the House has passed half of the 12 spending bills for fiscal year 2019, with the Senate completing nine of the bills. Both chambers leadership would like to complete as many of the spending bills as possible between now and October 1<sup>st</sup>, with several conference committees set to meet this week to hash out the remaining issues. Still, for the agencies whose appropriations have not been considered, we could be looking at a continuing resolution for at least the first two months of fiscal year 2019.

A government shutdown could occur if there is not agreement on some level of short-term funding prior to October 1. While that remains unlikely, the President remains a wildcard in government funding negotiations.

## **TEXAS v. USA SET TO BEGIN**

Oral arguments are set to begin [this week](#) in a case with potentially seismic ramifications for the Affordable Care Act. For background, 20 Republican state attorneys general are challenging the constitutionality of the law after the repeal of the individual mandate. This would bring into question provisions like guaranteed issue and community rating protections. Earlier this summer, the Department of Justice declined to defend the ACA's provisions, prompting criticism from some Republicans when asked to explain the Administration's position.

With concern that these protections could be thrown out weeks before the open enrollment, and midterms, 10 Republican senators introduced a bill they say will protect consumers if the Texas court rules to throw out the protections. Democrats are not satisfied with that legislation as they argue it does not fully protect consumers as the ACA does.

This case could have ramifications for the midterms. We watch for signals this week from the court that the case is serious or laughable.



## **THIS WEEK IN THE HOUSE**

On Wednesday (9/5), the House E&C Health Subcommittee will hold a [hearing](#) titled, “Opportunities to Improve Health Care.”

On Wednesday (9/5), the W&M Committee will conduct a full Committee markup of four bills. Click [here](#) for more information.

On Thursday (9/6), the House E&C Oversight & Investigations Committee will hold a [hearing](#) titled, “Examining Federal efforts to Ensure Quality of Care and Resident Safety in Nursing Homes.”

## **THIS WEEK IN THE SENATE**

No hearings in the Senate this week.

## **SIGN UP**

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## **TEAM**

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