

ML Strategies Health Care Preview Week of June 11th

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Welcome back. This week, the Senate Finance Committee will mark up an opioid package. The final text will be important for gauging how close the Senate is to the House package. The House will begin voting on dozens of proposals over the next two weeks, putting them on pace to finish their work by the July 4th recess. However, the Senate appears to be a little behind the House's timeline. We will also begin to look for signals on other pieces of legislation that could be tied to opioids.

Additionally this week, the HELP Committee will hold a hearing reviewing the Administration's effort to lower drug prices with Secretary Azar. The hearing is important to see what issues have traction before key players on the Committee and what, if any, signals the Secretary provides on next steps from the Administration. We also watch to see how Democrats question Azar on his ability to bring down drug prices. This hearing will provide insight to how the Democrats plan to message their ability to address drug pricing and why their solutions would be better than anything from Azar and the Administration.

Also on the drug pricing front, the Senate Judiciary Committee will review two pieces of legislation which will certainly catch stakeholder interest. The Preventing Drug Diversion Act of 2018 would take steps to improve systems for identifying diversion of controlled substances and the CREATES Act would take a number of steps to promote competition and lower costs. These are important to consider in the context of other moving vehicles in the June and July work periods.

ACA Back in the News

Last week, the Trump Administration said it would not defend the constitutionality of the ACA in a filing submitted in a Texas federal court. The suit, which was initially filed in February, alleges that since the individual mandate will no longer be constitutional in 2019 that consumer insurance protections, such as guaranteed issue and community rating provisions, will no longer be valid.

While the Texas court could agree with the Justice Department, this is an early fight in this battle which could make its way to the Supreme Court. A number of states intend to fight the suit which will hear its first arguments later this year. While this is a slow moving development, it is certainly one worth watching for its potential impact on the Marketplace. We continue to wait to see the finalized short-term limited duration insurance (STLDI) and association health plan (AHP) rule. We could be seeing these in the next few weeks, so keep an eye out for that.

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