

## **ML Strategies Health Care Preview Week of July 23rd**

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Welcome back. This week, the House is on pace to review a series of health care tax proposals that were advanced by the Ways & Means Committee last week. A repeal of the medical device tax is also expected to be considered. In addition to the medical device repeal, a two-year delay of the health insurance tax, and a reversal on the ACA's ban on using tax-preferred accounts for over-the-counter medicine will be considered and are expected to pass. These bills prospects in the Senate are unclear given the 60-vote threshold needed and the politics of the midterm elections bearing down on the Senate.

It's not entirely clear what August will hold in the Senate. As it stands, the Senate will be in recess the week of August 6th before returning to Washington for the balance of the month. This does not appear to be a bluff either, as there are early indications of hearings being scheduled which will surely keep members and relevant stakeholders on their toes. Whether the Senate finds time to work on opioids or other relevant health issues remains to be seen. Regardless of whether they are truly working, expect the Administration to continue its churn of regulations.

### **Administration Regs Update**

Last week, we pushed out an update which listed 14 forthcoming regulations from HHS currently on the Office of Information and Regulatory Affairs (OIRA) Dashboard. For those of you unfamiliar with OIRA, it is housed in the Office of Management and Budget and provides a window into regulations that are coming down the pike. Stakeholders can prepare as best they can, but until you see the actual text, it's a waiting game.

Today is the kind of day we might see some action from OIRA. One such regulation which could drop is the "Removal of Safe Harbor Protection for Rebates to Plans or PBMs Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection." This rule, per OIRA, is expected to remove safe harbor protections for drug rebates paid to insurers and pharmacy benefit managers, but the actual details remain to be seen. When we see the text, is the Administration trying to make a point or committed to policy that can survive challenges?

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