

EDITION: February 11, 2021



COVID-19 Resources

[HLB COVID-19 Resource Center](#)

Congressional

Budget Reconciliation Process Begins

Last week, Congress passed the FY 2021 Budget Resolution, beginning the process of Budget Reconciliation with Democrats' hopes of being able to pass COVID relief legislation needing only a simple majority in the Senate, but due to narrow margins, they need all 50 Democrats plus Vice-President Kamala Harris to vote in favor. Congressional Committees have been given their reconciliation instructions including top-line funding numbers, and their packages must only include provisions that impact spending. This process has begun in House Committees and text has been prepared:

- [Energy and Commerce](#)
- [Ways and Means](#)

Once Committees complete their markups this week, the separate pieces will be sent to the House Budget Committee, which will combine them into one package and hold its own markup next week, followed by the House Rule Committee to prepare the legislation for the House floor. The full House is expected to vote on the package the week of February 22.

QUALITY PAYMENT PROGRAM HIGHLIGHTS

In the year-end spending bill, Congress included a provision to continue the current Alternative Payment Model (APM) thresholds for two additional years (performance years 2021-2022; payment years 2023-2024), allowing more providers to qualify for the 5 percent APM payment set to increase in 2021.

UPCOMING HEALTH CARE ACTIVITIES ON THE HILL

There are no hearings scheduled at this time.

The Senate will begin their work on the package that same week with a vote on the full package expected the first two weeks of March, prior to unemployment benefits running out March 14.

Thus far, the health care committees in the House have included provisions expanding coverage under the Affordable Care Act and COBRA during the pandemic, providing funding for various COVID and public health efforts, and expanding coverage through Medicaid and CHIP. The package also includes stimulus funding and other relief outside of health care.

Senate Committees Organized

Last week, Senate Majority Leader Chuck Schumer (D-NY) and Senate Minority Leader Mitch McConnell (R-KY) agreed to the organizing resolution under a 50-50 party split in the 117th Congress. Senate Committee makeup will be evenly split, with Democrats serving as Chairs. With this change in Committees and their leadership, Senators have been shuffled around with a few changes to health care committees of jurisdiction.

Senate Finance Committee

Senator Ron Wyden (D-OR) will now serve as Chairman of the Committee with Senator Mike Crapo (R-ID) serving as Ranking Member. Senator Elizabeth Warren (D-MA) will join the Committee.

Senate Health, Education, Labor & Pensions (HELP) Committee

Senator Patty Murray (D-WA) will now serve as Chairwoman of the Committee with Senator Richard Burr (R-NC) serving as Ranking Member. Senators Ben Ray Lujan (D-NM) and Senator John Hickenlooper (D-CO) will join the Committee.

Administration

Regulatory Review Delays

As is typical at the beginning of a new Administration, the Biden Administration has begun a [review](#) of certain regulations released late in the Trump Administration or those that are not yet effective. The delay allows further time for review by the agency to determine if they will be changed or move forward. The following rules have so far been delayed in this process:

- [Secure Electronic Prior Authorization For Medicare Part D Program](#) (delay through 3/30/21)
- [Organ Procurement Organizations Conditions for Coverage](#) (delay through 3/30/21 with 30 day comment period)
- [Removal of Safe Harbor Protection for Rebates Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection for Certain Point-of-Sale Reductions in Price on Prescription Pharmaceuticals and Certain Pharmacy Benefit Manager Service Fees](#) (delay through 3/22/21 with further delay by Courts until 2023)
- [Implementation of Executive Order on Access to Affordable Life-Saving Medications](#) (delayed through 3/22/21)
- [National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table](#) (public comment period through February 16 to delay through 4/23/21)

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