



# McDermottPlus Healthcare Preview

WEEK OF NOVEMBER 9, 2020

## HEALTHCARE AND PRESIDENT-ELECT BIDEN.

+ **WHAT CAN HEALTHCARE STAKEHOLDERS EXPECT UNDER A BIDEN ADMINISTRATION?** With media outlets calling the presidential race for former Vice President Joe Biden, all healthcare stakeholders are asking what is on healthcare agenda for a Biden-Harris Administration. More specifically, who will be the healthcare leaders and expert advisors, and what are the early executive actions? Issues of addressing the COVID-19 pandemic and reversing Trump Administration executive orders are likely to be the first on the list. However, with the congressional makeup still uncertain due to the Georgia runoff elections, the landscape of policy in healthcare remains uncertain. We have to keep a close eye on Georgia to know what party holds majority in the Senate and to better understand what policies are likely to move over the next few years.

+ **WE STILL HAVE LAME-DUCK.** Before the next Congress is sworn in, we have lame duck to get through. What can get done during a lame duck session is also unclear at this point, because President Trump remains a wild card. Will President Trump sign legislation that passes Congress? Will President Trump veto legislation and why? Until we have clarity on how he will react to the results, it will be difficult to determine what actually is possible during lame duck, specifically as it relates to a COVID-19 package.

+ **AFFORDABLE CARE ACT (ACA) IN THE HIGH COURT.** This week, the Supreme Court of the United States will hear the *California v. Texas* case, which challenges the constitutionality of the ACA's individual mandate. The Court will first consider whether a group of states and private individuals have standing to challenge the ACA. If that procedural hurdle is cleared, the Court then must consider whether the ACA's individual mandate is constitutional, and, if it is not, whether that requirement can be severed from the ACA or whether the entire ACA must fall. The Court will not likely announce a decision on the case until June, but the proceedings throw the ACA back into the forefront on the heels of the presidential election.

### THIS WEEK IN THE SENATE

No healthcare related hearings in the Senate this week.

### THIS WEEK IN THE HOUSE

No healthcare related hearings in the House this week.

### MedPAC Meeting

Monday-Tuesday, November 9-10<sup>th</sup>  
[Agenda](#)

### CONTACT INFO

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