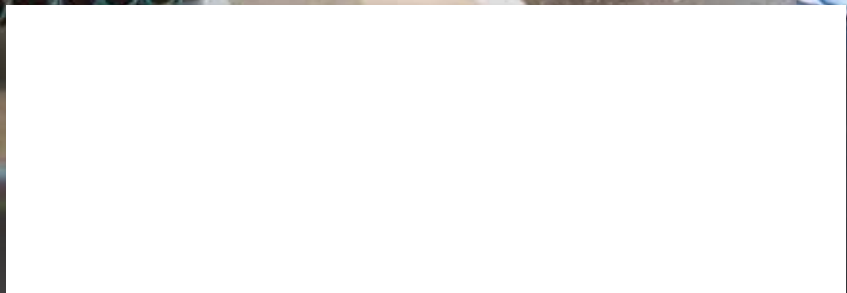


# ST. LOUIS METROPOLITAN MEDICINE

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## One Year Later: The Impact of COVID-19 on Medical Practices



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# The Future of Health Care Under President Biden

## A look at the President's expressed priorities and actions to date

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On January 20, 2021, Joseph R. Biden, Jr. was inaugurated as the 46th president of the United States. Due to the COVID-19 pandemic, among other concerns and long-standing issues, health care has become a central political issue and was hotly contested during the 2020 presidential debates. A look at President Biden's expressed priorities, signed executive orders, cabinet nominations and agency appointments during his first months in office provides indications as to the future—at least the short-term future—of U.S. health care.

President Biden campaigned on a health care plan that prioritizes creating greater access to care by: 1) upholding and expanding the Patient Protection and Affordable Care Act (ACA) to increase the number of insured Americans and reduce the amount that consumers pay for health insurance on the individual marketplace; 2) offering a new, public insurance option similar to Medicare; 3) prohibiting the practice of “surprise billing;”<sup>1</sup> 4) leveraging the Department of Justice's and Federal Trade Commission's antitrust authority to target market concentration within the health care system; and 5) driving down prescription drug prices by increasing competition for—and regulation of—pharmaceutical companies.<sup>2</sup>

Despite Biden's ambitious plans, there is doubt as to how much of his health care agenda he will be able to accomplish, as any significant effort to expand or amend the ACA will require congressional action. Despite the Democratic Party's control of the U.S. Senate and House of Representatives, the existence of several moderate Democratic senators will likely require that any legislation be bipartisan in order to pass.<sup>3</sup>

Upon inauguration, Biden immediately began implementing his health care agenda through executive orders. On January 28, 2021, Biden signed orders that opened up a “Special Enrollment Period” at HealthCare.gov from February 15 to March 15, 2021, for the 36 states served by ACA exchanges.<sup>4</sup> He also called for

the following to be re-examined: policies for protecting those with pre-existing conditions, legislation that undermines health insurance markets and reduces Medicaid or ACA coverage, policies that create enrollment difficulties for Medicaid or the ACA, and, factors reducing coverage affordability and financial assistance.<sup>5</sup> Biden also issued a presidential memorandum that expands access to reproductive health care and directs the Department of Health & Human Services (HHS) to consider rescinding Title X family planning regulations.<sup>4</sup>

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Prior to his inauguration, Biden set out a three-point plan to counter the COVID-19 pandemic during his first 100 days in office. As of late March, he has taken the following steps to achieve these goals:<sup>6</sup>

- (1) Encourage mask wearing. On January 20, 2021, Biden signed an executive order requiring Americans to wear face masks in federal buildings and on public transportation crossing state lines.<sup>7</sup>
- (2) Distribute “at least 100 million COVID-19 vaccine shots.” On March 19, it was announced that over 100 million shots had been administered.<sup>8,9</sup>
- (3) Enable “the majority of our schools” to reopen. School reopening has been a slow and contentious process.<sup>10</sup> The Biden administration has indicated it will largely leave the issue of reopening up to the discretion of local officials, with the Centers for Disease Control and Prevention releasing a guide on January 26, 2021, to help schools safely reopen.<sup>11</sup> As of February 2021, four states—Iowa, Florida, Texas and Arkansas—had ordered schools to reopen.<sup>12</sup>

The current political climate casts doubt on Biden's ability to get his cabinet and other nominations approved by the Senate.<sup>13</sup> Biden's pick for HHS Secretary, Xavier Becerra, was confirmed by the Senate on March 18 in a narrow 50-49 vote.<sup>14</sup> As California's attorney general, Becerra received attention for filing an antitrust case against Sutter Health in 2020 for using its large market share in northern California to drive up prices for services.<sup>15</sup> He is a strong defender of the ACA but has



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been successful in generating bipartisan support. For example, Becerra successfully worked with Louisiana's Republican attorney general to increase availability of Remdesivir, a drug used to treat COVID-19, in California and Louisiana. Additionally, Becerra has worked with many Republican attorneys general on legal issues against opioid manufacturers.

Biden's focus will most likely shift in the second half of the year to his numerous goals involving the ACA, affordability in health care and regulatory and other structural changes to the health care system.<sup>21</sup>



Rachel Levine, MD, was confirmed on March 24 to serve as assistant secretary for HHS under Becerra. As Pennsylvania's health secretary, Dr. Levine coordinated and directed the COVID-19 response in Pennsylvania. Her work consistently emphasized issues of health equity, including LGBTQ equity and awareness.<sup>16</sup> Dr. Levine is a licensed pediatrician and has served in top positions at Mount Sinai Medical Center in New York and at the Penn State Milton S. Hershey Medical Center. Dr. Levine is the highest-ranking transgender federal government official in U.S. history.

Chiquita Brooks-LaSure has been nominated to serve as administrator of the Centers for Medicare and Medicaid Services. She currently is managing director at Manatt, Phelps & Phillips, LLP, a national law firm whose services include health care payment, policy, mergers and acquisition, regulation and other areas.<sup>17,18</sup> She served under former President Obama as a senior official in CMS, helping to implement ACA expansion and other reforms.<sup>19</sup> Her experience aligns with Biden's expressed health care priorities and executive actions to strengthen the ACA.

While the COVID-19 pandemic has been Biden's primary health care focus in the early days and months of his presidency, increased vaccine production and other factors have led to a rapid and significant decrease in COVID-19 cases and deaths from early January 2021.<sup>20</sup> Should this trend continue, Biden's focus will most likely shift in the second half of the year to his numerous goals involving the ACA, affordability in health care and regulatory and other structural changes to the health care system.<sup>21</sup>

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