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Congressional State of Play

On November 8, 2022, American voters went to the polls to determine control of the 118th Congress. In an environment largely thought to heavily favor Republicans, Democrats were able to retain control of the Senate. Although results in the House of Representatives are not yet finalized, Republicans will control the chamber with a slim majority, far from the 20-25 seat majority originally expected.

Up until election night, it was a foregone conclusion that California Republican and current Minority Leader Kevin McCarthy would ascend to Speaker of the House. However, with the less than stellar results there is some willingness within the House Republican Caucus to explore other options. Former Freedom Caucus Chair Andy Biggs (R-AZ) mounted an unsuccessful challenge to Minority Leader McCarthy's campaign for Speaker with McCarthy winning the GOP nomination by a vote of 188-31. However, McCarthy will still need to receive 218 votes on the House floor at the start of the 118th Congress. An outcome that is far from certain.

No matter who ultimately ascends to the speakership, a Republican controlled House of Representatives will have a number of priorities, most notably performing oversight of the Biden administration and specifically implementation of the Inflation Reduction Act. A common theme in Republican circles is to prevent another "Solyndra," a solar company that received millions of dollars in loans from the Obama Administration and ultimately filed for bankruptcy approximately 2 years after receiving the loans.

While the House will likely flip to Republican control, Senate Democrats effectively defended their seats and even picked up a Republican held seat in Pennsylvania. Whether the Senate will be 50-50 or 51-49 will depend on the runoff in Georgia between incumbent Senator Raphael Warnock (D-GA) and Republican challenger Herschel Walker. That race will ultimately be decided on December 6, 2022.

Moving into the lame duck session, Congress has a number of “must pass” items it must address before the 118th Congress, including Fiscal Year 2023 appropriations legislation and the annual National Defense Authorization Act (NDAA). Congress will also seek to tie up a number of other loose ends, notably permitting reform legislation sought by Senator Joe Manchin (D-WV). Whether all of these items will be addressed before the new year is still up in the air as House Republicans, who will be soon to take over the majority, could push to delay into the new year, where they will have more leverage. Should a government funding deal ultimately come together, it could provide a vehicle for an end-of-year tax title, commonly referred to as “tax extenders.”

What the Election Means for Health Policy

Baseline:

- In 2020, the incoming Biden-Harris Administration campaigned on ending the COVID-19 pandemic, lowering prescription drug prices, expanding the Affordable Care Act while reducing healthcare costs, expanding maternal health, and ensuring that healthcare is a “right for all.” The burden of delivering on these promises was alleviated by Democratic control of both the House and Senate, allowing for the successful expansion of the Affordable Care Act by the American Rescue Plan through increased subsidies that made health insurance more affordable.
- While the Inflation Reduction Act included comprehensive drug pricing reform, President Biden and Congressional Democrats have not succeeded in pushing a government-run “public option” within the Affordable Care Act across the finish line.
- The Administration released the Maternal Health Blueprint that delivers for women, mothers, and families earlier this year, setting the stage for future agency action.
- In June 2022, the Supreme Court of the United States overturned the constitutional right to an abortion, going against precedent that began with *Roe v. Wade*.

Status:

- Appropriations legislation has stalled in Congress. Republicans, in anticipation of taking over the House, could wait for the 118th Congress to finalize federal funding. A short-term continuing resolution to carry over funding until January will better allow Republicans to protect their interests.
- Final funding levels for medical research and Advanced Research Projects Agency for Health (ARPA-H), the new federal entity that has yet to be authorized, become more uncertain with a divided government.
- The bipartisan Cures 2.0 Act, comprehensive medical research legislation introduced by Representatives Fred Upton (R-MI) and Diana DeGette (D-CO) that builds upon the success of the 21st Century Cures Act, has stalled in the House of Representatives with little likelihood of being considered before the start of a new Congress.

Pulse Check:

- Although divided government will make it difficult to enact broad healthcare legislation, the Republican-led House will be keen to advance mental health legislation and conduct

oversight of the U.S. healthcare system in response to recent expansions of the Affordable Care Act.

- With Rep. Fred Upton's (R-MI) retirement and no clear Republican champion, the future of the Cures 2.0 Act now hangs in the balance. In the absence of a new Republican lead cosponsor, its future could idle indefinitely, as partisan legislation with a big price tag is unlikely to progress through the Republican-controlled House.
- While the overruling of Roe v. Wade was a key driver of turnout during this election, Democrats' campaign promises to protect reproductive rights face an uphill battle in the divided 118th Congress. Divided power limits legislation opportunities to middle-of-the-road initiatives, and it is unlikely that Republicans and Democrats could reach a consensus on any sort of reproductive rights legislation.
- With a split Congress looming on the horizon, many Democratic priorities will languish unless President Biden exerts executive authority. However, with the President heading into the second half of his term, executive discretion could be tightly controlled by a Congress with at least one house controlled by Republicans seeking to thwart executive action. That said, healthcare issues are a priority for the Administration and Democratic Party alike, so look for President Biden to use every available executive tool (including executive orders and regulations) to protect reproductive rights, and to expand both maternal health and access to healthcare for underserved communities.

FY23 Appropriations Update

Baseline:

- Traditionally, government funding runs out at the end of the fiscal year, September 30, 2022. Congress passed a Continuing Resolution (CR) on September 29, 2022 to avert a government shutdown and fund the government through December 16, 2022.
- Congress has completed the appropriations process before the start of the fiscal year only 4 times in the last 40 years with the last time being over 20 years ago, in 1996.
- Senate Appropriations Committee Chair Patrick Leahy (D-VT) and Vice Chair Richard Shelby (R-AL) are retiring at the end of the 117th Congress.

Status:

- The House of Representatives passed their government funding package earlier this year, while the Senate has yet to move on any appropriations legislation. However, in July, Chair Leahy released draft text of the Senate legislation.
- The House and Senate attached supplemental appropriations to the CR to support Ukraine in its war with Russia. Further support to Ukraine is an additional topic of debate for the House and Senate Appropriations Committees.
- The House and Senate are currently in negotiations to fund the government before the CR deadline of December 16, 2022. If a deal between the House and Senate does not come together before that time, another CR might be necessary.

Pulse Check:

- With Chair Leahy and Vice Chair Shelby retiring, there will be new leadership at the top of the Senate Appropriations Committee. Should Democrats hold on to the Senate, Senator Patty Murray (D-PA), current Chair of the Labor, Health, and Human Services Subcommittee will likely assume the Chair of the full committee.
- On the Republican side, Senator Susan Collins (R-ME) is likely to assume Vice Chair Shelby's leadership position on the full committee. Current Senate Minority Leader Mitch McConnell (R-KY) outranks Senator Collins on the committee; however, he is ineligible due to his role as the Republican Leader.
- With the House flipping to Republican control, current Ranking Member Kay Granger (R-TX) will assume the role of Chair while current Chair Rosa DeLauro (D-CT) will move into the Ranking Member spot.
- Whether an ultimate omnibus deal comes together will likely be determined by who controls the Senate. Should Republicans flip the Senate and control both chambers, they are likely to force another CR until the new Congress and pass legislation that focuses on Republican funding priorities.

Telehealth Update

There is a push by industry and Congress to extend the COVID-19 era telehealth rule by including a provision that would allow high-deductible health plans to offer telehealth before patients hit their deductibles to an end of year spending package. A [letter](#) from the Alliance to Fight for Health Care was sent to House and Senate leaders on Tuesday that urged for expanded telehealth flexibilities. The Alliance to Fight for Health Care is a broad group of stakeholders including employers, patient advocates, health care companies, and consumer groups.

The current telehealth rule expires on December 31, 2022 and there is bipartisan and bicameral support in Congress to extend the provision in some form. PRG will keep SNO updated on any end-of-year developments.

In The News

[Politico](#) (11/11/2022): **BURR, MURRAY PRESS FORWARD ON LEFTOVER FDA BILLS** — FDA legislation that fell off the September user fee reauthorization package is likely to find a home in an end-of-year government funding bill after Democrats emerged stronger than expected from the midterm election.

[Axios](#) (11/10/2022): **Republicans poised to take power without a health care agenda** - For the first time in more than a decade, a party without a definable health care agenda is on the cusp of a new congressional majority, all but ensuring that next year's agenda will be driven by real-world events more than campaign promises, Axios' Caitlin Owens writes.

[Politico](#) (11/11/2022): **ALL EYES ON ARIZONA, NEVADA SENATE RACES** — With the Georgia Senate race headed to a Dec. 6 runoff and votes still being tallied in Arizona and Nevada, control

of the chamber hangs in the balance. Which party holds the House majority is also still up in the air, though Republicans are expected to eke out a narrow edge over Democrats.

[Politico](#) (11/11/2022): **PUBLIC HEALTH EMERGENCY WATCH** — There is no expectation that the Biden administration will issue a 60-day notice before Saturday that the Covid-19 public health emergency will end, a senior administration official told POLITICO’s Adam Cancryn.

[Politico](#) (11/11/2022): **WHY THE MIDTERM RESULTS ARE GOOD NEWS FOR FDA BILLS** — FDA policies left off the September user fee reauthorization are likely to be included in an end-of-year government funding bill after Democrats emerged stronger than expected from the midterm election, POLITICO’s David Lim and Lauren Gardner report .

[Politico](#) (11/10/2022): **A 2023 HEALTH AGENDA** — Republicans, poised to take control of the House, are already planning their first moves in the new Congress. Outside of abortion, healthcare topics — and the pandemic in particular — were conspicuously absent from a number of campaigns during the midterms. But new GOP strategies are likely to change that.

[Politico](#) (11/10/2022): **DEMS REMAIN HOPEFUL** — Biden declared Election Day a “good day for democracy and, I think, a good day for America,” keeping an optimistic tone about his party’s performance.

[Bloomberg](#) (11/9/2022): **Drugmakers Seek Long Shield From Price Negotiation:** Makers of cancer drugs and other medications are pressing for longer protection from government-negotiated prices as one of several potential technical changes to the landmark drug price law. The Inflation Reduction Act (Pubic Law 117-169) allows Medicare for the first time to negotiate with manufacturers of drugs for lower prices.

[The Hill](#) (11/9/2022): **Biden’s cancer moonshot will miss without intellectual property** - President Biden recently set a goal of slashing cancer death rates by at least 50 percent in the next 25 years — and announced billions of dollars in new research funding to make it a reality. It’s a plan with sky-high ambitions, a real “cancer moonshot,” as the president has branded it.

[Bloomberg](#) (11/9/2022): **FDA Touts Its ‘Broad’ Discretion in Generic Drug Review:** The FDA can refuse applications for generic drugs if a manufacturer fails to show that the product’s active ingredient is the same as the brand-name product, according to draft guidance published Tuesday. The proposal says the FDA has “broad discretion” over whether a generic drug applicant provided enough information to show its drug’s primary component is identical to the reference drug. Read more from Celine Castronuovo.

[Politico](#) (11/8/2022): **WHAT DOES THE ELECTION MEAN FOR THE LAME DUCK?** — Today’s ballot box results will determine to a great extent how Washington approaches health care and pharma policy from January until the 2024 presidential contest. But the fallout will also surely seep into how Congress handles the lame-duck session, set to culminate in an omnibus spending bonanza by Dec. 16.

[Bloomberg](#) (11/8/2022): **Drug Price Law to Demand Close FDA Coordination With Medicare:** The FDA aims to work with Medicare officials to ensure a landmark drug pricing law won’t hinder development of alternatives to costly brand-name medicines, the head of the FDA drug center

said. Collaboration with the Centers for Medicare & Medicaid Services “will be central” as the Medicare office implements provisions of the Inflation Reduction Act (Public Law 117-169), Patrizia Cavazzoni said. Read more from Celine Castronuovo.

[Bloomberg](#) (11/7/2022): **Health Riders Eyed for Omnibus, NDAA** - Democrats are floating a combined omnibus spending bill and defense authorization as lawmakers flood leaders with items they want attached to both packages they’re seeking to pass in December. Leaders in both parties are reviewing long lists of priorities—including many touching on health-care—to ride on either bill.

[Politico](#) (11/4/2022): **FDA SENDS AMAZON, WALMART WARNING LETTERS OVER UNAUTHORIZED DRUG SALES** — The FDA warned Amazon and Walmart on Tuesday to stop selling products that contain nonsteroidal anti-inflammatory drugs not listed on the product ingredient labeling, Katherine reports. In the past, the FDA has usually just gone after manufacturers of products that don’t comply with the agency’s stipulations. But it is also now sending warning letters to companies that distribute illegal products.

[Bloomberg](#) (11/4/2022): **GOP Prepares to Grill Top Health Agencies** - Republican leaders of a House health panel are pushing the Centers for Disease Control and Prevention for answers on flaws in the agency’s initial response to the spread of monkeypox in the US.

[Politico](#) (11/3/2022): **REPS ASK LEADERSHIP TO BOOST ALTERNATIVE PAYMENT MODELS** — In another lame-duck win for providers, more than 40 lawmakers in the House sent a letter to congressional leadership on Wednesday asking to extend a 5-percent payment increase to incentivize alternative payment models.

[Bloomberg](#) (11/3/2022): **Medicare Drug-Pricing Hiring Binge Underway at CMS**: The Biden administration is beginning its hunt for health and policy pros to staff its massive efforts to overhaul US drug prices by negotiating costs with the pharmaceutical industry. Among the positions being sought are a director for drug pricing negotiations, health policy analysts, and pharmacists, according to listings on the Centers for Medicare & Medicaid Services’ website. Ian Lopez has more.

[Politico](#) (11/3/2022): **FLORIDA REPUBLICANS ASK ABOUT IMPORTING CANADIAN DRUGS** — Four members of Florida’s congressional delegation sent a letter to the FDA asking for an update on the state’s application to import cheaper prescription drugs from Canada, POLITICO’s Arek Sarkissian reports.

[Politico](#) (11/2/2022): **AHA EAGER TO HELP HHS POLICE INSURERS** — The American Hospital Association sent a letter to the Biden administration Wednesday morning asking it to use open enrollment as an opportunity to scrutinize the “abuses” of commercial insurers.

[Axios](#) (11/3/2022): **GOP floats Medicare changes while ducking details** - Some House Republicans aren't waiting for the election to think about overhauling Medicare. But it's hard to tell if there are specifics behind the talking point, Axios' Peter Sullivan and Victoria Knight report.

[Bloomberg](#) (11/2/2022): **Surging Hospital Prices Put Firms on Edge** - The biggest threats to the affordability of employer-provided health coverage are drug prices, high-cost claims, and hospital prices, according to a survey of employers released Wednesday.

[Axios](#) (11/2/2022): **The next health care wars are about costs** - All signs point to a crushing surge in health care costs for patients and employers next year — and that means industry groups are about to brawl over who pays the price, Axios' Caitlin Owens writes.

[Axios](#) (11/2/2022): **CMS finalizes discount drug payment policy** - Medicare will increase payments for discounted drugs provided to safety-net hospitals next year under a policy the Biden administration finalized Tuesday that will affect how the program reimburses other facilities.

[Bloomberg](#) (11/1/2022): **Democrats Warn Voters of GOP Medicare Plan** - Democrats on the campaign trail are ramping up warnings that Republicans will raise the eligibility ages for Social Security and Medicare or subject them to frequent reauthorization debates. Some allied consultants and pollsters say the party should have launched the message sooner, and amplify it more in the closing days.

[Bloomberg](#) (11/1/2022): **Eli Lilly, HHS Highlight Contrasts in Drug Discount Legal Row:** Pharmaceutical giant Eli Lilly and the Department of Health and Human Services faced intense scrutiny from a federal appeals court as they peddle starkly contrasting positions on a government drug discount program that could shape access to drugs for low-income Americans. The hearing was before a three-judge panel and is part of a dispute over whether the US government's 340B drug discount program requires pharmaceutical giants to ship steeply discounted products to for-profit pharmacies. Ian Lopez has more.

[STAT](#) (10/31/2022): **Inconsistent clinical practices thwart wider use of personalized medicine** - The promise of personalized medicine — safer and more effective treatments tailored to each individual's body and needs — isn't being fully met because of challenges associated with its implementation in clinical practice.

[Politico](#) (10/28/2022): **CALIFF, SHUREN PUSH FOR VALID ACT** — Top FDA officials are becoming more pointed in their warnings that if Congress fails to take action this year on an overhaul of regulation of diagnostics and laboratory-developed tests, the agency might pursue rulemaking instead, David reports.

[Axios](#) (10/28/2022): **Hospitals test Congress' goodwill on Medicare relief** - Hospitals are pleading with Congress to postpone looming Medicare pay cuts, citing what they say has been an extraordinarily difficult year.

[Bloomberg](#) (10/27/2022): **Health Premiums Could Surge Amid Inflation** - Annual premiums for family health coverage sponsored by employers in 2022 bucked trends by rising far slower than inflation or workers' wages, but they could increase at higher rates in 2023, the Kaiser Family Foundation found.

[Axios](#) (10/27/2022): **The trouble with fixing drug prices** - If you want to understand why lowering retail drug prices can be so difficult, look no further than billionaire investor Mark Cuban's online pharmacy.

[Bloomberg](#) (10/26/2022): **Biomedical Agency to Weigh Affordability, Chief Says:** The US government's new biomedical innovation incubator will bake in ways to make technologies widely accessible from the project's nascency, the agency's leader said. Renee Wegrzyn, director of the Advanced Research Projects Agency for Health, underscored the importance of figuring out how to make new discoveries available in the early phases of development. Jeannie Baumann has more.

[STAT News](#) (10/26/2022): **After 30 years of 340B, it's time for data and an honest conversation** - The 340B Drug Discount Program turns 30 on Nov. 4. This once-obscure drug access program began modestly, but has grown to be the second-largest federal prescription drug program, behind Medicare Part D. It's time, past time, really, for an honest conversation about it.

[Politico](#) (10/25/2022): **Telehealth is a boon to people with disabilities** - The Covid-19 public health emergency prompted government to ease telehealth rules, which reduced the burden of traveling to doctors' offices. It made it easier to handle routine matters for many patients, particularly those with mobility issues.

[Politico](#) (10/25/2022): **RENEWED ACCELERATED APPROVAL QUERIES, CRITICISMS** — Last week's overwhelming vote in favor of pulling preterm-birth drug Makena from the market — and the advisory committee's commentary before the 14-1 tally was taken — backed up concerns that keeping the injectable available to patients could undermine the FDA's accelerated approval process, Lauren writes.

[Bloomberg](#) (10/25/2022): **Drugmakers, HHS Fight Over Low-Income Discounts:** Steps drug companies take to rein in a federal program that "has gone off the rails" must be held lawful, they said during oral arguments on whether they can impose conditions on the discounts they give to health-care providers under the 340B program. D.C. Circuit judges questioned whether manufacturer-imposed limits on pharmacies would frustrate the law's primary directive. Read more from Mary Anne Pazanowski.

[Politico](#) (10/21/2022): **AHA, AMA WEIGH IN ON SURPRISE BILLING SUIT** — The American Hospital Association and American Medical Association filed an amicus brief in the Texas Medical Association's case against HHS over the surprise billing rules from the Biden administration.

[Axios](#) (10/21/2022): **The next step in Biden's effort to lower drug prices** - The next phase of the Biden administration's bid to curb rising drug costs is in the hands of an under-the-radar federal office called the Center for Medicare and Medicaid Innovation (CMMI), Axios' Maya Goldman writes.

[Bloomberg](#) (10/21/2022): **Blunt Wants One Last Medical Research Hike** - The top Republican on the Senate health appropriations panel is optimistic he can finalize spending bills with robust medical research funding before packing up his office—even if "we're getting down to where the days would be countable."

[Politico](#) (10/21/2022): **FIRST IN PULSE: HEALTH SPENDING GROWS, BUT SLOWER THAN INFLATION** — That's according to a new report from Altarum , which found national health spending in August grew nearly 5 percent year over year.

[Politico](#) (10/20/2022): **NEW TELEHEALTH-USE DATA** — Telehealth isn't adding extra volume to Medicare usage that could drive up health care costs, says a new independent analysis by health policy analysis group Teus Health, Ben reports. The analysis was commissioned by the lobbying group Alliance for Connected Care.

[Axios](#) (10/20/2022): **Telehealth isn't causing extra Medicare visits** - Pandemic-era policies to expand telehealth haven't increased the number of patient services that Medicare pays for, a new claims analysis from consulting group Teus Health suggests, Axios' Maya Goldman writes.

[Bloomberg](#) (10/19/2022): **FDA Pushes Congress to Pass Medical Device Bill This Year:** The FDA's top medical device regulator, Jeffrey Shuren, said he hopes Congress can get diagnostics reform legislation over the finish line this year. Lawmakers are currently deliberating which FDA policy riders, if any, they want to include in an end-of-the year spending bill, and diagnostics reform is a top contender. The VALID Act (S. 2209) would put all diagnostics under the FDA's purview by creating a new product category for in vitro diagnostics and then calibrate the level of oversight to the level of risk, Jeannie Baumann reports.

[Politico](#) (10/19/2022): **Sen. Brian Schatz was championing telehealth before the Covid-19 pandemic made it commonplace.** As this Congress winds down, the Hawaii Democrat is pressing colleagues to take up legislation to extend the Health and Human Services Department's pandemic rules that allow Medicare beneficiaries to more easily have virtual appointments with their doctors. His CONNECT for Health Act to bolster telehealth access has the backing of more than 60 senators, but it's up to party leaders whether to bring it, or another bill, up for a vote.

[Politico](#) (10/18/2022): **ACCELERATED APPROVAL UNDER SCRUTINY AT ADCOMM** — The subject of the lengthy expert panel meeting on Makena — a drug with questionable benefit that's been approved for 11 years — provides a case study of the FDA's accelerated approval pathway, Lauren writes. The program gives patients with serious conditions early access to potentially life-changing treatments, but the flip side is that drugs with questionable benefits and possible risks may remain available for years before regulators can take action.

[Bloomberg](#) (10/18/2022): **Prescription Drugs Eat Up Bigger Share of Spending by Medicare** - Prescription drugs made up a larger-than-expected and growing portion of Medicare spending, a trend researchers warn risks complicating a new drug pricing law meant to help seniors afford their medicines.

[Bloomberg](#) (10/18/2022): **FDA's Fast Drug Approval Pathway Needs Revamp Soon, Califf Says:** The FDA's accelerated drug approval process needs an update "as soon as possible" to address uncertainties about the risks and benefits of medications cleared through this pathway, agency chief Robert Califf said Monday. "We need a system of evidence generation that provides a confirmation of benefits and the risk over the course of many years," Califf said. Jeannie Baumann has the latest.

[Politico](#) (10/17/2022): **WHEN ACCELERATED APPROVAL DOESN'T GO AS PLANNED** — The FDA will argue this week to take a drug off the market that it granted accelerated approval in 2011, underscoring the risks and complications of the increasingly controversial program, POLITICO's Lauren Gardner reports .

[Bloomberg](#) (10/17/2022): **Cash Windfall Spurs Contest to Host ARPA-H** - Creation of a \$1 billion-plus federal health research agency has touched off a race between deep-pocketed research institutions to bring the new entity to their state or region, lobbying reports show.

[Bloomberg](#) (10/17/2022): **House GOP Deputy Leader Defends Medicare, Social Security Plans:** Representative Steve Scalise, the number two House Republican, defended his party's plans to curb spending in Medicare and Social Security, which have become a campaign issue ahead of US midterm elections in November. Read more from Erik Wasson.

[Bloomberg](#) (10/17/2022): **Biden Presses HHS to Test Cheaper Drug Payment Model:** New health-care payment models to lower the price of prescription drugs could be tested by HHS under a Friday executive order from Biden. The executive order seeks to lower prescription drug costs across the US and follows landmark health-care legislation passed by Congress earlier this year that allows the HHS to negotiate drug prices with pharmaceutical companies (Public Law 117-169). Ian Lopez has more.

[Axios](#) (10/17/2022): **Biden stumps on prescription drugs** - As he travels the country in the leadup to the midterms, President Biden has been leaning into health care issues such as prescription drug costs, according to the Associated Press.

[Politico](#) (10/14/2022): **NEW THIS MORNING** — President Joe Biden plans to sign an executive order asking HHS to explore new ways to lower drug costs, according to the White House.

[Bloomberg](#) (10/14/2022): **FDA Reforms Sought After Stopgap Bill Snub** - A leading medical technology trade group is aiming to get legislation changing how the FDA regulates diagnostic tests added to an end-of-year government spending package, Celine Castronuovo reports. Advanced Medical Technology Association President and CEO Scott Whitaker said in a call with reporters Thursday that getting the "VALID Act" in an omnibus spending bill is a major priority for the group, adding that the chances of passage "certainly goes down a bit" once the outgoing Sen. Richard Burr (R-N.C.), one of the bill's key backers, officially retires.

[Axios](#) (10/14/2022): **The Biden administration's next challenge is paying for discount drug mistakes** - Four months after it lost a high-profile dispute at the Supreme Court, the Biden administration has yet to figure out how it will reimburse hospitals for as much as \$10 billion in unlawful cuts to Medicare outpatient drug payments, Axios' Maya Goldman writes.

[Bloomberg](#) (10/14/2022): **Biden Pushing Lower Prescription Drug Costs in Midterm Press** - President Joe Biden is set to highlight his administration's efforts to lower prescription drug costs on Friday as part of his three-state Western tour this week, as he confronts a sobering inflation report in the waning weeks before midterm elections.

[Axios](#) (10/14/2022): **New drug law attempts to marry prices to value** - Democrats' new law giving Medicare the authority to negotiate some drug prices attempts to do something critics say is often lacking in today's market: Tying what the government pays to the treatments' value, Axios' Caitlin Owens writes.

[Bloomberg](#) (10/14/2022): **Biden to Order Exploration of Actions to Lower Drug Costs**: President Joe Biden will sign an Executive Order directing the Department of Health and Human Services to explore additional actions it can take to lower prescription drug cost, according to a statement from the White House. Charles Chapel has more.

[Politico](#) (10/14/2022): **EX-COMMISSIONERS PLUG FORMER UFA SUPER RIDERS** — The decision by lawmakers to drop regulatory reforms of dietary supplements, cosmetics and diagnostic tests from the recent FDA user fee reauthorization constitutes a “profound missed opportunity” to strengthen the agency’s ability to protect consumers, former FDA Commissioners Scott Gottlieb and Mark McClellan wrote in a JAMA piece published Thursday.

[Politico](#) (10/13/2022): **ADVOCATES RUN ADS AGAINST REVERSING DRUG PRICING MEASURES** — Patients For Affordable Drugs said Thursday it would launch digital ads in Florida, Oklahoma, Utah and Wyoming denouncing the recent Republican bill that would reverse the drug-pricing provisions in the Inflation Reduction Act.

[Bloomberg](#) (10/13/2022): **ARPA-H Top Priority of Eshoo**: An independent biomedical innovation center modeled after an existing Defense program will be Rep. Anna G. Eshoo’s (D-Calif.) top priority in the lame-duck session, the Energy and Commerce health chair said Wednesday.

[Bloomberg](#) (10/13/2022): **Medicare Drug Negotiation and Rebate Group Formally Organized**: The Biden administration has formally established the Medicare Drug Rebate and Negotiations Group to implement Medicare drug price negotiations and the inflation rebate program authorized under the Inflation Reduction Act of 2022. Read more from Tony Pugh.

[Bloomberg](#) (10/12/2022): **Medicaid, Telehealth Limbo on Horizon** - Millions of Americans’ Medicaid coverage and remote health-care services are among the items that will be cast into limbo once the Covid-19 public emergency comes to an end.

[Politico](#) (10/11/2022): **DOCTORS HIT THE CAMPAIGN TRAIL IN PA** — Doctors in Pennsylvania are joining Democrats in knocking on doors and showing up at campaign rallies to make the case that abortion restrictions proposed by Republicans would threaten one of the state’s most important economic sectors, Alice reports.



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