



Biden's Health Care Agenda

PRO POINTS

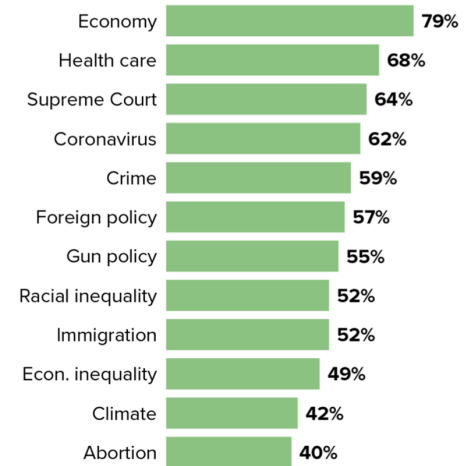
- **President Joe Biden has promised to focus his health agenda beyond the pandemic on expanding the Affordable Care Act and unwinding Trump administration policies.**
- **His health care agenda may largely be implemented through executive actions since it will be difficult to pass ambitious legislation in such a narrowly divided Congress.**
- **Just about a week after his inauguration, Biden signed a series of executive orders on health care, including ones that touch on Obamacare, Medicaid and abortion.**

HOW WE GOT HERE

Democrats spent four years bashing the Trump administration's health care agenda, contending it purposely undercut the health care law. After congressional Republicans were unable to pass legislation repealing and replacing Obamacare, the Trump White House instead pushed out a wave of regulations and conservative changes, such as permitting the first ever Medicaid work requirements and allowing people to buy cheaper, skimpier health plans that don't meet Obamacare's coverage requirements.

Health care remains a top voter priority

Share of voters who say selected issues were "very important" in the 2020 presidential election



Source: Pew Research

Health care consistently ranks as one of the most important issues for voters, along with the economy and the coronavirus pandemic. Biden has pledged to bolster Obamacare with incremental changes, a decision that puts him at odds with the liberal flank of the Democratic party, which champions universal health care and sweeping changes like "Medicare for All." Biden has also promised to unwind Trump-era conservative changes to Medicaid, the health care program for the poor.

Such efforts will have to take a backseat to ending the coronavirus pandemic, which has killed over 450,000 Americans. The administration has already spent its first 10 days in office grappling with a convoluted vaccine distribution system and new, more contagious, coronavirus variants. It could be months before the new administration begins to turn the tide of the pandemic.

Biden is pressing Congress for another round of coronavirus aid in the form of a \$1.9 trillion package. With no Republicans indicating support for that top-line spending number, Democrats can opt to either push the plan through using an expedited budget process known as reconciliation or compromise. A group of Senate Republicans has a counterproposal focused on spending \$160 billion on vaccines, testing, treatment and personal protective equipment.



WHAT'S NEXT

Biden quickly issued a series of executive orders highlighting his first health care priorities for his new administration. The orders directed health care agencies to review a slew of Trump-era rules, even before the Senate confirms Xavier Becerra, Biden's pick to run the federal health department.

Obamacare

Starting Feb. 15, the White House will reopen Obamacare enrollment on HealthCare.gov for a three-month special sign-up window and plans to put \$50 million toward an advertising and outreach campaign — which is five times the amount the Trump administration spent on annual enrollment seasons. The Biden administration is also expected to get rid of Trump's expansion of skimpier alternative health plans to Obamacare coverage.

Democrats could also use the budget reconciliation process to build on the health law's coverage expansions — such as creating a public option to compete with private insurance — but would have no room for error: All 50 Senate Democrats would have to be on board in order for Vice President Kamala Harris to cast the tie-breaking vote. Meanwhile, the Supreme Court is still reviewing a Trump-backed challenge to kill the entire health care law, although many legal experts expect the bulk of the law to survive.

Medicaid

The Biden administration is expected to reverse divisive Medicaid work requirements championed by former CMS Administrator Seema Verma, which require some recipients to work as a precondition for receiving benefits. Biden has already directed agencies to review those policies, and the Biden team could later announce that work requirements are no longer a policy CMS supports, while also rescinding the measures in states' Medicaid waivers. The Supreme Court is slated to review the constitutionality of the work rules later this term.

The new administration will also likely oppose the nation's first Medicaid block grant, which Verma's CMS approved in Tennessee less than two weeks before Biden took office. The move changed the open-ended nature of Medicaid financing by giving the state fixed federal payments that increase with program enrollment and inflation.

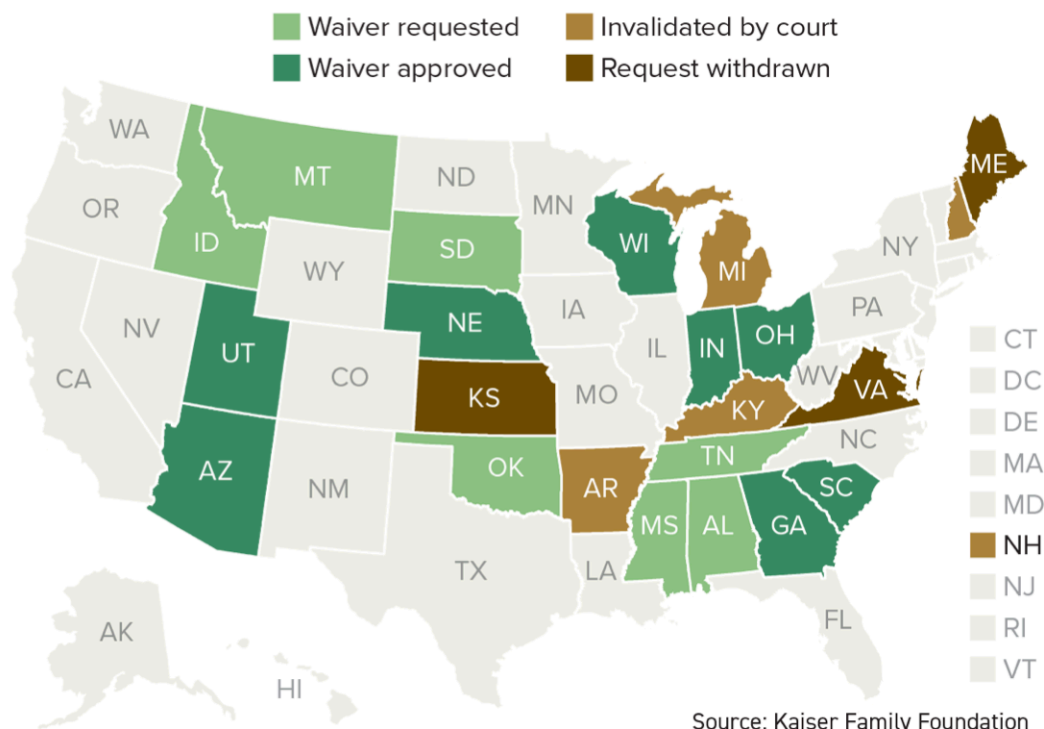
Biden's CMS has the ability to withdraw Medicaid waivers if it determines the project no longer advances the program's objectives, even if that risks drawing the ire of state officials. The Biden administration will also have to contend with new agreements Verma asked states to sign that locked in a lengthy process to unwind controversial Medicaid experiments, like block grants and work requirements.

Abortion

Biden has already started rolling back some of the Trump administration's moves on reproductive health, such as denying U.S. aid to health groups overseas that provide information about the procedure. He has also directed the HHS to review and consider getting rid of the Trump administration's rule overhauling the Title X federal family planning program, which took away grants to Planned Parenthood and other abortion providers.



Which states applied for Medicaid work requirements?



POWER PLAYERS

- **Xavier Becerra:** The California attorney general is Biden's pick to lead HHS, which is responsible for unwinding Trump era health rules and containing the coronavirus. Becerra was Trump's chief legal antagonist on some of the past administration's most contentious health care policies
- **Merrick Garland:** Biden tapped President Barack Obama's last Supreme Court nominee for attorney general, a position that will be crucial in defending the administration's health care moves in court.
- **Neera Tanden:** The head of the left-leaning Center for American Progress will oversee the White House budget office if confirmed, giving her power over health care policies.