

Key Healthcare Issues That Hinge On The Election Outcome

By **Miranda Franco** (October 29, 2024)

Election cycles inevitably introduce uncertainty and potential shifts in health policy as priorities within Congress and the executive branch evolve.

The 2024 presidential race, while not heavily dominated by healthcare issues compared to past elections, holds significant implications for the direction of healthcare policy in a potential Harris or Trump administration. Each administration would approach healthcare with distinct visions, reflecting different priorities and enforcement philosophies.



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Anticompetitive Practices in Healthcare

From 2011 to 2017, as California's attorney general, Vice President Kamala Harris actively opposed healthcare consolidation, taking action against major industry players for fraud and antitrust violations. Her stance aligns closely with the Federal Trade Commission's current strict antitrust policies.

In contrast, a reelected former President Donald Trump is expected to adopt a more business-friendly approach, likely reducing the intensity of antitrust enforcement compared to the Biden-Harris administration.

Medicare Policy

Harris has long supported Medicare expansion, being among the first to endorse the Medicare for All bill introduced by Sen. Bernie Sanders, I-Vt., in 2017. As a 2019 presidential candidate, she proposed a phased-in approach to Medicare for All that would allow competition with private insurers.

Trump's platform, by contrast, has emphasized protecting Medicare and Social Security without outlining detailed plans for economic sustainability.

Maternal Health

In 2020, then-Sen. Harris was the lead Senate sponsor of the Black Maternal Health Momnibus Act to address high rates of maternal morbidity and mortality among women of color. Harris leads the Biden administration's work on maternal health and released the 2022 White House Blueprint for Addressing the Maternal Health Crisis with a whole-of-government strategy.

As vice president, she also led the effort to require Medicare obstetrics conditions of participation for hospitals and has encouraged states to provide 12 months of postpartum Medicaid coverage.

Inflation Reduction Act Implementation and Drug Pricing

If elected, Harris is expected to continue rolling out Medicare drug pricing provisions under the Inflation Reduction Act and may push for further expansions, such as introducing insulin

copay caps in the commercial market, contingent on congressional support.

During her 2019 presidential run, Harris advocated for leveraging "march-in rights" to allow the government to assume control of patents on certain drugs developed with public funds, aiming to make these drugs more affordable.

In contrast, a second Trump administration might selectively support Medicare negotiation mechanisms to advance its own drug pricing strategies. The extent to which a Trump administration would seek to uphold or dismantle Inflation Reduction Act drug pricing provisions will likely hinge on the personnel appointed to lead key policy roles, reflecting the administration's broader healthcare priorities.

Affordable Care Act and Medicaid Coverage

A Harris administration would likely aim to preserve and expand Affordable Care Act coverage, including restoring Section 1557 nondiscrimination protections and enhancing premium tax credits.

In contrast, a second Trump term might seek to roll back some Biden-era policies and deprioritize Affordable Care Act and Medicaid coverage expansions. Further, a Trump administration would likely provide states with more deference to experiment with their Medicaid programs than a Harris administration would.

Drug Shortages

Trump's approach to resolving drug shortages could involve using tariffs and reviving a "Buy American" executive order. While Trump issued such an order in 2020, Biden and Harris later broadened the focus to include supply chain resilience. A key difference might be Trump's willingness to use the tax code to incentivize domestic manufacturing.

Artificial Intelligence

Last October, Biden signed a sweeping executive order and invoked the Defense Production Act to establish the first set of standards for using artificial intelligence in healthcare and other industries, calling for greater public oversight and regulation of AI. Harris would likely extend Biden's executive order and urge Congress to pass legislation that would codify greater consumer protections.

Conversely, Trump's platform seeks to repeal the executive order, and he supports a lighter regulatory touch on AI and other emerging technologies.

Public Health Agency Reforms

A second Trump administration likely would look to promote a structure where public health decisions could be questioned. Congressional Republicans have recommended splitting the Centers for Disease Control and Prevention into two entities — one charged with infectious diseases and the other with chronic illness.

Some Republican Party committee leaders have also proposed restructuring the National Institutes of Health, something a Trump administration would likely support.

Post-Election Congressional Docket

Regardless of the presidential outcome, congressional control will significantly shape health policy. Congress will reconvene on Nov. 12, for a lame-duck session, with priorities centered on government funding, as the current continuing resolution expires on Dec. 20.

Appropriators are negotiating a fiscal year 2025 spending package, but the outcome of the election could determine whether another continuing resolution extending into 2025 is needed or if the process can be completed before the 119th Congress is sworn in. Congress passed all 12 appropriation bills to fund federal agencies during the last two lame-duck periods. Such an omnibus appropriations bill could be a vehicle for a package of healthcare policy priorities.

Multiple policies expire at the end of December, setting the stage for a deal that could include a number of healthcare priorities and bipartisan bills — including but not limited to addressing Medicaid Disproportionate Share Hospitals cuts, reauthorizing priority review vouchers for rare pediatric drugs, preventing payment reductions for physician services under the Medicare conversion factor, extending pandemic-era telehealth waivers, and tightening rules on prior authorizations and pharmacy benefit managers.

Congress also must now contend with addressing disaster relief following recent hurricanes.

The election results will affect the size and scope of a year-end package. If Democrats win the presidency, Republicans may limit provisions to avoid facilitating an easier transition.

Likewise, a Republican White House might prompt Democrats to scale down legislative support. Under this scenario, expect Democrats to stay deep into December to work on confirming judicial appointments before a change in administration.

Looking Ahead to the 119th Congress

The 119th Congress will bring significant changes, especially within the House Committee on Energy and Commerce, as new Republican leadership takes over with fresh health subcommittee heads on both sides of the aisle. Retirements among physician members also raise questions about who will lead the GOP Doctors Caucus agenda.

Several issues await resolution in the coming session, including the Affordable Care Act premium tax credits expiring in 2025, the fate of the Inflation Reduction Act, the expiration of Trump-era tax cuts, and a debt limit decision in early 2025. Premium subsidies are likely to become part of a broader tax package, as Democrats push to extend subsidies and Republicans work to maintain the tax cuts.

The direction these policies take hinges on the election outcome. With results imminent, stakeholders await with anticipation as the future of healthcare policy in America unfolds.

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