



## Biden unwinds Trump health-care policies

A Democrat in the White House and a Democratic Congress could bring big changes to US health policy, but challenges remain. Susan Jaffe reports from Washington, DC.

Standing on the same steps of the US Capitol where a violent insurrection exploded 2 weeks earlier, Democrat Joe Biden was sworn in as the 46th President of the United States on Jan 20, 2021. His party also won control of the US senate by a narrow margin and kept its majority in the House of Representatives. But even a triple victory does not mean it will be easy for Biden to pursue his health-care agenda.

Before the administration can tackle other health priorities, the first order of business is the fight against the COVID-19 pandemic, which has killed more than 420 000 Americans—a death toll higher than that of any other nation—and has exposed health-care inequities and crippled the economy. Although the Pfizer/BioNTech and Moderna COVID-19 vaccines are finally available, distribution has sputtered and demand outstrips supply. In his inaugural address, Biden dampened expectations of a quick fix, warning that the pandemic will get worse before it gets better.

“We will need all our strength to persevere through this dark winter”, he said. “We are entering what may well be the toughest and deadliest period of the virus. We must set aside the politics and finally face this pandemic as one nation.”

But unity may be difficult to achieve as the senate puts former President Donald Trump on trial after his historic second impeachment for inciting the Jan 6 riot at the Capitol intended to block Biden’s election.

“Biden has an opportunity to effectuate changes across a number of different policy areas and he’s made it very clear that he wants to do things quite differently from his predecessor”, said Lanhee Chen, a

public policy fellow at the Stanford University’s Hoover Institution who served as Republican Senator Mitt Romney’s policy director during his 2012 presidential campaign.

Although Biden will have a lot of support for his health-care agenda, “that doesn’t mean that it’s smooth sailing”, Chen said. “I think there

**“The Biden administration will be ‘very proactive’ in using its executive authority to make health policy changes...”**

are still a lot of people who are very upset about the outcome of the election.”

Just hours after the inauguration ceremony, Biden was at his desk in the White House signing the first round of executive orders, including one to rejoin the Paris Agreement on climate. Biden can use such administrative directives to take action relatively quickly, without involving congress, or in a matter of weeks by proposing new regulations. By the end of the month, Biden is expected to issue dozens of executive orders and administrative decisions related to the economy, the pandemic, climate change, and racial equity, among other issues. Many of these actions will reverse the Trump administration’s health and science policies (panel). Under his COVID-19 action plan, Biden has marshalled almost every possible government agency to respond to the crisis—in some cases for the first time since the virus began ravaging the country.

The Biden administration will be “very proactive” in using its executive authority to make health policy changes, especially given the narrow opportunities to pass legislation, said Drew Altman, president of the Kaiser

Family Foundation, an independent health research organisation. The foundation has identified at least 50 areas in which the administration could implement its health-care agenda without congress.

### Working with congress

Although some Trump policies can be erased with the stroke of a pen, some health-care changes Biden promised during the presidential campaign require approval from congress. Even after an historic victory in Georgia’s run-off election in which Democrats won both of the state’s senate seats, they now have the slimmest possible majority in the senate: just one vote.

That’s because if all 50 Democrats and 50 Republicans vote precisely along party lines, Vice President Kamala Harris, a Democrat, can cast the deciding vote in favour of the Democrats. In the house of representatives, Democrats retained their majority, although with a slightly smaller margin. With the Democrats’ very slight senate majority, the opportunities for passing health-care legislation are limited, said Altman.

But Eliot Fishman, senior director of health policy at Families USA, a health-care advocacy group, believes Democrats are well positioned to get some health-care reforms through congress. During the 2020 campaign, Biden and his fellow Democrats made health care one of their top issues, said Fishman, who also served on a health advisory committee for the Biden transition team. “And they won both houses of congress and the presidency—that’s the very definition of a mandate.”

While the pandemic remains Biden’s most urgent health and economic

priority, his administration will be focused on working with congress to pass the president's massive US\$1.9 trillion pandemic relief package. Among other things, it would speed up vaccine production and distribution, provide \$1400 stimulus cheques to most Americans, reopen schools safely, raise unemployment benefits, and support local governments that have lost tax revenue. Some Republican senators have said the price tag is too high.

Biden has responded to the criticism with a sober warning. "The bottom line is this: we're in a national emergency, and we need to act like we're in a national emergency." He has also said that "failure to do so will cost us dearly".

On the campaign trail, Biden promised to expand eligibility criteria for premium subsidies and raise the amount so that more people could purchase health insurance from the Affordable Care Act (ACA) insurance marketplace. Legislation would be necessary to make these changes.

Increasing subsidies does not get at the root of the problem, which is the rising cost of health insurance, said Representative Michael Burgess of Texas, who is also a physician and is expected to be the senior Republican on one of the health subcommittees in congress.

Biden also pledged to protect the ACA, but needs help from congress to cushion the impact of a supreme court decision expected sometime before July. The court could either invalidate some provisions questioned by opponents of the law or overturn it completely. One provision requires all Americans to have health insurance, even though 2 years ago congress eliminated the tax penalty usually imposed on those without insurance. If Democrats can muster the votes to impose a nominal penalty or else remove the insurance requirement, they might be able to mitigate any damage the court could inflict.

Biden also supported establishing a government-run insurance plan known as the public option, which would compete with private insurance policies in the ACA marketplace. Congress would have to pass legislation to create it.

Burgess said the public option would have an unfair advantage over private insurers, who have to account for the cost of capital as part of their operating expenses while the public option would be funded by the government. "This is going to be one of the agenda items for the president

**"...they won both houses of congress and the presidency—that's the very definition of a mandate."**

so I'm willing to listen to what they have to say", said Burgess. "But at the same time, I would like to be listened to."

Another Biden proposal to make health care more affordable would lower the age of Medicare eligibility from 65 years to 60 years. The programme currently provides health insurance for almost 62 million people who are over 65 years of age or disabled. Republicans generally criticise the idea because they say it would expand the role of the government and increase federal spending. Progressive Democrats like Vermont Senator Bernie Sanders say it does not go far enough, and support Medicare for All, a government health insurance plan that would cover people of all ages and replace most commercial insurance. Changing the Medicare eligibility age or Medicare for All would also require congressional approval.

Biden has also promised to reduce the high cost of prescription drugs, a problem both political parties have tried to tackle. Among other strategies, Biden supports allowing the federal Medicare programme to leverage its purchasing power to negotiate drug prices directly

#### Panel: With the stroke of a pen

During his first few days in the White House, President Joe Biden is signing a flurry of executive orders and administrative decisions to unwind many Trump administration policies. Several changes affect health and science, including the following.

#### International initiatives

- The USA is rejoining WHO and its global partnership, COVAX, which ensures that all countries receive COVID-19 vaccines.
- The USA is rejoining the 2015 Paris Climate accord.
- The Mexico City policy is expected to be rescinded. Also known as the global gag rule, it prohibited organisations receiving US funding from paying for abortion or providing abortion counselling.

#### COVID-19

- Face masks must be worn in airports and on trains, buses, and other public transportation.
- Federal agencies are directed to require mask wearing in federal buildings and on federal lands.
- Anyone boarding a plane in a foreign country going to the USA must have proof of a recent negative COVID-19 test before departure.
- A public health workforce programme will be created to address shortages of personnel needed to conduct COVID-19 testing, contact tracing, and mass vaccinations, in addition to other urgent workforce needs.

#### Health insurance

- Open enrolment in the Affordable Care Act's health insurance plans is expected—usually allowed only at the end of the year.
- The Medicaid programme, providing health insurance to low income families, is expected to be strengthened.

with manufacturers. The change was included in a comprehensive drug pricing bill the house of representatives approved in 2019, which then languished in the Republican-controlled senate. A bipartisan senate bill addressing drug costs has suffered the same fate. However, this year, Democrats control the senate calendar and are not likely to ignore an issue that received much attention during the presidential race.

"There is a bipartisan coalition around drug pricing reform", said Chen, and he is optimistic about congress acting on it.

Susan Jaffe