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**November 10, 2020**

*Welcome to America's Physician Groups' "Healthcare on the Hill," where you can get the latest on healthcare happenings in our nation's capital--and with a special focus on the value-based care movement.*

*As our nation--and the world--continues to face the many challenges presented by COVID-19, we are working to ensure you have the very latest information on the virus and our rapidly changing healthcare landscape.*

*Think someone else may enjoy "Healthcare on the Hill?" **Forward this email and have them click [here](#) to be added to our subscription list.** And remember, you can always visit our [website](#) for more news and resources.*

**Valinda Rutledge**  
**Senior Vice President of Federal Affairs**  
**America's Physician Groups**

**Joe Biden Elected 46<sup>th</sup> President of the United States**

Saturday morning, Democratic Presidential nominee Joe Biden was officially [declared](#) the winner of the 2020 Presidential election and the 46<sup>th</sup> President of the United States. Along with his running mate Senator Kamala Harris (D-CA), who makes history as the first

woman and person of color to be the Vice President, the duo has gotten right to work in establishing a new coronavirus advisory board made up of various public health officials and chaired by former Surgeon General Vivek Murthy, former Food and Drug Administration commissioner David Kessler and Yale University's Dr. Marcella Nunez-Smith. The board will assist the President-elect in establishing a new plan for combating the pandemic and reestablishing the economy.

President Biden is expected to eventually reverse many of the healthcare specific executive orders we have seen come from the President Trump administration that do not align with Democratic policies and strategies, along with other controversial Trump executive orders. Due to Senatorial electoral outcomes that currently maintain Republican control over the chamber, pending results in two runoff contests in Georgia that could result in a 50-50 split in the Senate should the two Democratic candidates win the races, more progressive leaning legislation and policies such as Medicare for All, public option and lowering the Medicare eligibility to between the ages of 60-64 are not expected to have much traction in the upcoming Congressional session.

Today, the U.S. Supreme Court is scheduled to begin proceedings for *Texas v. California* where it will consider whether a group of states and private individuals have standing to challenge the ACA and if so, whether Congress' setting the penalty tax at zero made the individual mandate in the ACA unconstitutional or if Americans can choose whether to purchase insurance or not with no penalty. If the Court rules that the individual mandate is unconstitutional, it must then decide whether the entire law must be invalidated as a result or if the individual mandate can be severed from the rest of the ACA. Congress could have the option of changing the penalty for violating the mandate to an inconsequential dollar amount, but the projected Congressional balance of power as discussed above may make it difficult. A decision from the Court is expected next spring at the earliest, or before the end of the current term in summer 2021 at the latest.

### **CMS Releases Medicare Advantage Part II**

The Centers for Medicare and Medicaid Services (CMS) [released Part II](#) of the Calendar Year (CY) 2022 Medicare Advantage (MA) and Part D Advance Notice featuring was announced three months earlier than usual to provide MA organizations and Part D sponsors more time to prepare their bids for 2022. The proposed changes included:

- An expected increase in plan revenue of 2.82 percent
- Solicitation of input on how to improve Medicare Advantage and Part D Star Ratings, the quality ratings system for Medicare Advantage and Part D plans

- Solicitation of feedback on a potential COVID-19 vaccination measure to encourage Medicare beneficiaries to receive the vaccine when one becomes available.
- Application of the 5.9 percent statutory minimum coding intensity adjustment to risk scores in 2022
- A reassessment of how CMS calculates the Medicare Advantage coding pattern and what the appropriate level of adjustment should be, starting in 2023
- Consideration of a proposal that would revise the Medicare Advantage ratebook to be based on data about beneficiaries with Part A **and** Part B, instead of beneficiaries with Part A **or** Part B

APG is fully committed to supporting strengthening the MA program and plans to submit comments later this month.

### **APG Colloquium 2020: Answering the Call: Value-Based Care in Public Health Emergencies**

November is here and the APG Colloquium 2020 is just two short weeks away...have you [registered?](#)

By all accounts, the recent presidential election riveted the nation's attention. How will the new administration reshape healthcare? Who will lead HHS, CMS, CMMI, and other important federal agencies and what will this all mean for value-based care? What's next on the horizon at the national and state level?

A number of five-star healthcare leaders are slated to speak at next week's virtual APG Colloquium 2020, some of whom are being considered for prominent positions in the new administration. Please plan on joining us to hear from these experts about how the recent elections may impact healthcare over the next few years. Register for the Colloquium [here](#).

Here are just a few of the prominent speakers on the program:

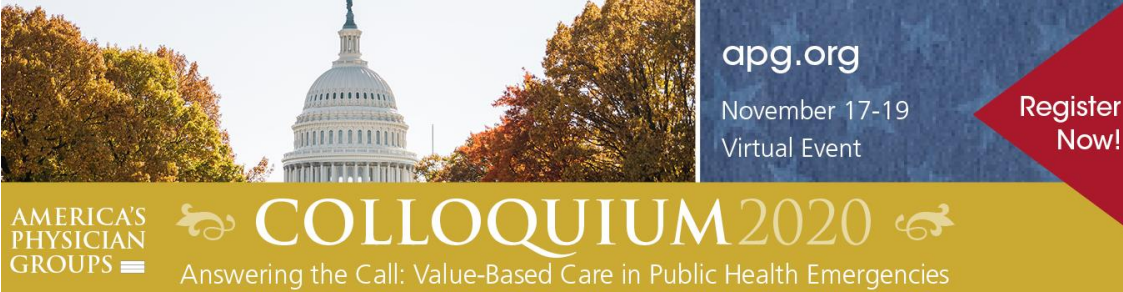
- **Anand Shah, MD**, FDA Deputy Commissioner for Medical and Scientific Affairs — “Evolving Policy Issues Surrounding COVID-19 from the FDA’s Perspective”
- **Richard Gilfillan, MD**, former Founding Director of CMMI, and **Kavita Patel, MD**, Nonresident Fellow, Brookings Institution, and former Director of Policy for the Office of Intergovernmental Affairs and Public Engagement in the White House under President Barack Obama — “Are APMs on the Right or Wrong Track?”

- **Rebekah Gee, MD**, CEO of LSU Health Care Services Division, and former Secretary of the Louisiana Department of Health — “Evolving COVID-19 Policy Issues”
- **Andy Slavitt, MBA**, Board Chair, United States of Care, and former Acting Administrator for CMS under President Barack Obama — “Mid-Pandemic: Should We Be Doubling Down on Value?”
- **Donna Shalala**, Congresswoman from Florida’s 27<sup>th</sup> District, and former HHS Secretary under President Bill Clinton — “The State of Healthcare in America”

This Colloquium will undoubtedly provide many lively discussions on the issues that matter to you and your colleagues. It’s not too late to make plans to attend the Colloquium.



Register now for the [APG Colloquium 2020!](#)

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apg.org  
November 17-19  
Virtual Event

Register Now!

AMERICA'S PHYSICIAN GROUPS  COLLOQUIUM 2020   
Answering the Call: Value-Based Care in Public Health Emergencies



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Valinda Rutledge | America's Physician Groups | 1501 M Street, NW | Washington, DC 20005

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