



## Policy Brief

January 22, 2021



### First 100 Days of the Biden Administration

On Wednesday, Joe Biden was sworn in as the 46<sup>th</sup> President of the United States. With COVID-19 cases rising and the economy further deteriorating, President Biden has vowed to move forward a packed policy agenda during his first 100 days in office. This includes passing a [\\$1.9 trillion stimulus package](#) and administering 100 million vaccines nationwide. Here's what to expect in the months ahead.

**COVID-19:** The President has signed several [executive orders](#) to address the COVID-19 pandemic. This includes extending the ban on evictions and foreclosures, requiring masks for interstate travel, directing the creation of a COVID-19 Health Equity Task Force, and invoking the Defense Production Act to increase medical supplies. The President's number one priority will now be to work with Congress to pass his proposed [\\$1.9 trillion stimulus package](#), which includes several provisions to combat the pandemic. If the Administration fails to obtain the 60 votes needed to pass legislation in the Senate, they will likely use the [budget reconciliation](#) process, which only requires a simple majority, to pass some of the COVID-19 measures. However, because that process requires that all provisions in a reconciliation bill have an impact on the federal budget, there are some provisions in President Biden's plan that may not qualify for inclusion (e.g. creating a new COVID-19 protection standard for frontline workers). Policymaking

related to the current COVID-19 waivers will likely happen through rulemaking, with potential proposals being released during the summer.

**Roll Back Trump-Era Policies:** Incoming presidents traditionally sign an array of executive orders when taking office to reverse previous policy actions; President Biden will be doing the same. He already has signed [several executive orders](#) to roll back Trump-era policies, including reinstating ties with the World Health Organization. Other actions that he may take in the future include:

- Restoring the Health Insurance Exchanges' open enrollment period back to 90 days;
- Revising the premium adjustment percentage methodology;
- Rolling back prior guidance on Section 1332 waivers;
- Revising rules on Section 1557 and provider conscience protections;
- Curbing state flexibility for selecting new essential health benefits.

**Halt or Delay Regulations:** The President will halt or delay regulations issued by the Trump Administration that have not taken effect as of January 20<sup>th</sup>. Issuing a regulatory freeze is standard practice for all presidents as it gives them an opportunity to review any policies that may conflict with their agenda and make any needed changes.

**Confirmation of President Biden's Cabinet:** Another top priority for the President is for Congress to confirm his Cabinet nominees. Although Senate hearings have started, President Biden is running behind due to the contested election. President Trump had two Cabinet members confirmed by Inauguration Day in 2017; President Barack Obama had six.

**Other Priorities:** Due to the pressing demands of the COVID-19 pandemic, the Biden Administration is expected to tackle other key health care priorities in the fall of 2021. At that time, actions can be expected on the following:

- Increasing ACA health coverage subsidies in the individual and small group market;
- Instituting drug pricing reforms, including inflation caps, spurring generic and biosimilar uptake;
- Proposing policies to promote access to care, including telehealth expansion and interoperability.



## President Biden's Expected Direction for the COVID-19 Response

President Biden recently [released](#) the first part of his “American Rescue Plan”, a \$1.9 trillion [proposal](#) for COVID-19 relief. With current vaccine distribution [efforts](#) falling far below expectations, many Americans are wondering if President Biden's response will be enough to adequately address the pandemic. President Biden's proposal includes significant funding for vaccine distribution, contact tracing and addressing health disparities. While the COVID-19 response under the Trump Administration could be characterized by emphasizing state or local-level responses to the pandemic, the Biden Administration recently released a [national strategy](#). In addition, the President has made mention of passing another stimulus to boost the economy. Below are highlights from the American Rescue Plan; for more details on the proposal, [click here](#).

**Rectifying a Lagging COVID-19 Vaccine Distribution:** The Trump Administration strongly supported COVID-19 vaccine development. When the vaccines were given Emergency Use Authorization by the FDA, 20 million doses were expected to be [administered](#) by December. However, only 10.6 million people have received the first dose; 2.2 million people have been fully [vaccinated](#) as of January 20<sup>th</sup>. President Biden's [proposal](#) plans to expand the distribution efforts for vaccines by providing \$20 billion for a national vaccine program, in which he envisions using community vaccination centers to achieve widespread vaccinations. He has also proposed funding for 100,000 public health workers to engage in vaccine outreach and contact tracing.

**President Biden's Proposed Response to COVID-19:** The President's [American Rescue Plan](#) is a two-part response to the COVID-19 pandemic. The first part of this plan contains President Biden's recently released \$1.9 trillion COVID-19 relief proposal; the second outlines long-term measures to restore the American economy. Additionally, President Biden promised to address racial disparities and increase funding for community health centers and fund vaccination efforts in prisons and jails. President Trump faced [difficulty](#) passing COVID-19 relief funding through a split Congress. Although Democrats control both the House and Senate, President Biden may also face difficulty due to differing priorities within the Democratic Party.

**More Details Still to Come:** President Biden’s recent proposal to support the economy was not unlike the proposals made under the Trump Administration, including funding for unemployment benefits and support for small businesses. President Biden further [indicated](#) that his next package will stimulate the economy even more, [saying](#) it will center on job creation, which will include infrastructure and clean energy projects along with health care and education. Additional details of President Biden’s plan are expected to be released in February.



## A Second Trump Impeachment: What’s Different This Time?

President Trump has been impeached a second time, this time for inciting the violent attack on the U.S. Capitol that resulted in the loss of five American lives. The former President’s impeachment by the House was the most bipartisan in history, reflecting disapproval from lawmakers on both sides of the aisle. The timing of his impeachment is unique, as his trial will occur *after* President Biden’s inauguration. Keep reading for more on the charges against the President, the timing of the trial and what happens next.

### **What exactly is President Trump being impeached for?**

President Trump is being impeached on one count of inciting an insurrection by encouraging violence against the Government of the United States. The [article of impeachment](#) outlines how President Trump encouraged a crowd to “fight like hell” against the legitimate results of the 2020 presidential election. The article alleges, “[The President] willfully made statements that, in context, encouraged—and foreseeably resulted in—lawless action at the Capitol.”

### **Why even hold a trial after President Biden is sworn in?**

Modern convention is that the Senate focuses only on the trial during a presidential impeachment and doesn’t vote on unrelated matters. With the security of the Capitol and multiple confirmation hearings taking priority, the impeachment trial could not be scheduled immediately. Even though the most well-known consequence of an impeachment conviction is a President’s removal, conviction can also bar the person from ever holding public office again—something that would still be relevant after the inauguration and that would have major implications for the 2024 presidential race. As the Senate held off on scheduling President Trump’s trial, some

[disagreement](#) has risen on the legality of trying a *former* President; the Constitution does not explicitly address this question, leaving it open for [legal debate](#).

### **What happens next?**

President Trump will face his impeachment trial before the Senate. In order to convict him, two-thirds of Senators will need to vote in favor of his guilt. With a 50-50 Senate split, and Vice-President Kamala Harris casting the tie-breaking vote, at least 16 Republicans have to join Democrats to reach the 67 votes required for conviction. Sen. McConnell's [public blaming](#) of the President for the Capitol violence, as well as [his private approval](#) of impeachment, may help to sway some Republican colleagues.

## **Updates to COVID-19 Regulations**

AHPA continues to follow new COVID-19 regulations, guidance and other government actions. The updates below are the latest guidance and other developments since January 11<sup>th</sup> to help mitigate the impacts of COVID-19. For earlier COVID-19 regulations and guidance, visit the previous [Policy Brief](#).

### **HHS Delays Reporting Deadline for Provider Relief Fund**

- HHS has [announced](#) that it will push back the previously-announced February 15<sup>th</sup> deadline for Provider Relief Fund recipients to submit their reporting requirements on the use of these funds. HHS has not yet announced what the new reporting timeline will be.

### **OCR Plans Not to Penalize for Unintentional HIPAA Violations in Scheduling Apps**

- The Office of Civil Rights (OCR) and HHS have [announced](#) that they will not impose penalties for violations of the HIPAA Rules in connection with scheduling applications for COVID-19 vaccination appointments during the nationwide public health emergency.



**A Look at the Federal Register**

### **Withdrawal of Proposed Rule: Medicaid Fiscal Accountability Regulation (MFAR)**

CMS has [withdrawn](#) its proposed Medicaid Fiscal Accountability Regulation, which would have established new reporting and financing requirements in Medicaid.

## **Public Inspection Desk: Improving Prior Authorization in the Medicaid Program**

CMS has released a [final rule](#) placing new prior authorization and electronic data exchange requirements on State Medicaid and CHIP fee-for-service programs, Medicaid managed care plans, CHIP managed care entities and Qualified Health Plan issuers on the Health Insurance Exchanges.



### **AHPA Resources**

**Save the Date!** AdventHealth invites AHPA members to attend their upcoming webinar to discuss the health care implications of the election results.

#### **Implications of the Election Results: What to Expect**

Host: AdventHealth Advocacy and Public Policy

Date: Thursday, January 28, 2021

Time: 1:30 – 2:10 PM EST

[Request a Calendar Invitation](#)

## **IN OTHER NEWS**

[The Challenge of Vaccine Hesitancy in Rural America](#) – Kaiser Family Foundation

[Trump's Final Pardon Spree, Explained](#) – Vox

[A Year In, COVID-19 Cases Have Reached Every U.S. County](#) – The Wall Street Journal

[Exiting CDC Chief on the Challenge of Serving Trump During Pandemic](#) – The NY Times