

# The 2024 Election: What it Could Mean for Health Policy

AND HOW IT COULD IMPACT YOUR ORGANIZATION

**LEAVITT**  
PARTNERS  
*An HMA Company*

**September 2024**



# Today's Experts



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*Former Deputy Assistant Secretary for  
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*Policy Advisor for Senate HELP Committee  
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*Senior Director of Advocacy for Cystic  
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*Former Health Policy Director for Senator  
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*Regulatory and Strategy Director at  
Fortune 500 Company*

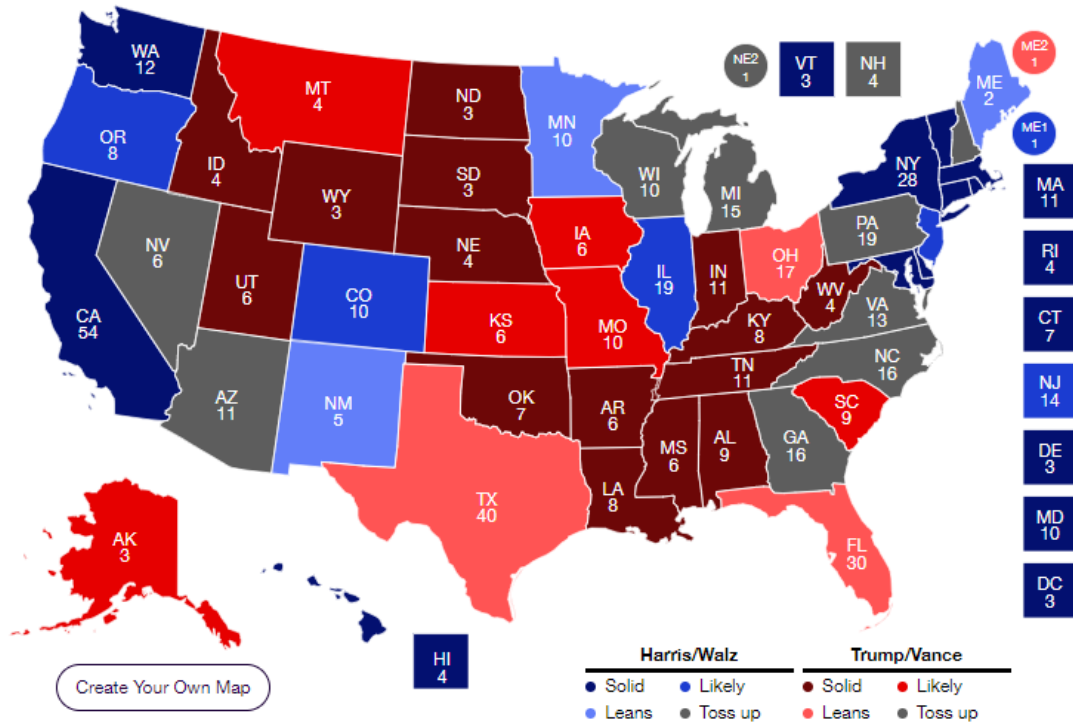
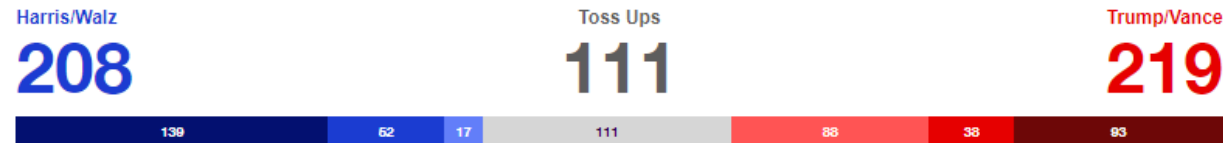
**The most productive and impactful time for a new Administration is often the first 100 days. This opportunity only happens once every four years.**

**If you want to shape policy, act now to lay the groundwork for success in 2025!**

# Once Every Four Years



# Current Election State of Play - Presidential



## 2024 Pennsylvania: Trump vs. Harris

Multi-Candidate Polls | Trump vs. Biden Polls | Senate Polls

**Battlegrounds:** Arizona | Nevada | Wisconsin | Michigan | Pennsylvania | North Carolina | Georgia | RCP Electoral Map

**Pennsylvania This Day in History:** September 11, 2020: Biden +4.3 | September 11, 2016: Clinton +6.2

POLLSTER	DATE	SAMPLE	MOE	TRUMP (R)	HARRIS (D)	SPREAD
RCP Average	8/13 - 9/6	—	—	47.6	47.6	Tie

## 2024 Georgia: Trump vs. Harris

Multi-Candidate Polls | Trump vs. Biden Polls

**Battleground States:** Arizona | Nevada | Wisconsin | Michigan | Pennsylvania | North Carolina | Georgia | RCP Electoral Map

**Georgia This Day in History:** September 11, 2020: Trump +1.3 | September 11, 2016: Trump +2.0

POLLSTER	DATE	SAMPLE	MOE	TRUMP (R)	HARRIS (D)	SPREAD
RCP Average	8/9 - 9/8	—	—	48.3	48.0	Trump +0.3

## 2024 North Carolina: Trump vs. Harris

Multi-Candidate Polls | Trump vs. Biden Polls | Governor Polls

**Battleground States:** Arizona | Nevada | Wisconsin | Michigan | Pennsylvania | North Carolina | Georgia | RCP Electoral Map

POLLSTER	DATE	SAMPLE	MOE	TRUMP (R)	HARRIS (D)	SPREAD
RCP Average	8/4 - 9/8	—	—	47.9	47.8	Trump +0.1

# Current Election State of Play – Senate and House



Democrats

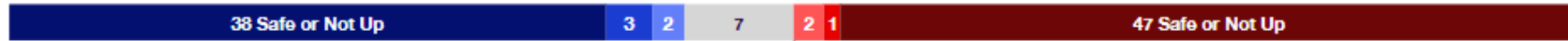
43

Toss Ups

7

Republicans

50



51 Seats Needed For Majority

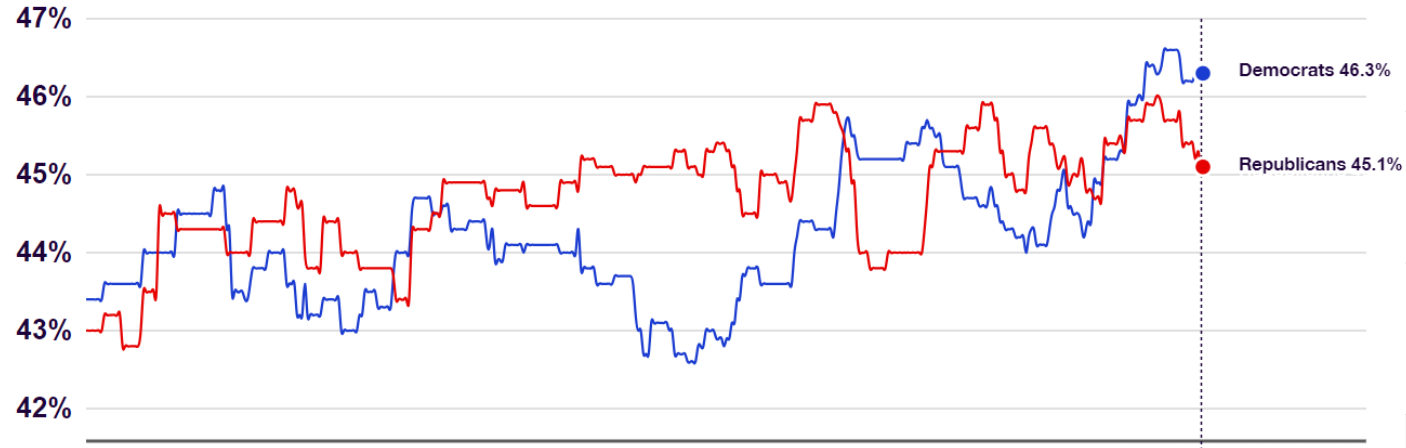
LIKELY DEM	LEANS DEM	TOSS UP		LEANS GOP	LIKELY GOP
MN: Klobuchar (D) NJ: Menendez (D) VA: Kaine (D)	MD: Open (D) NM: Heinrich (D)	AZ: Open (D) MI: Open (D) MT: Tester (D) NV: Rosen (D)	OH: Brown (D) PA: Casey (D) WI: Baldwin (D)	FL: Scott (R) TX: Cruz (R)	MO: Hawley (R)

## 2024 Generic Congressional Vote



Democrats +1.2

Sep 5, 2024

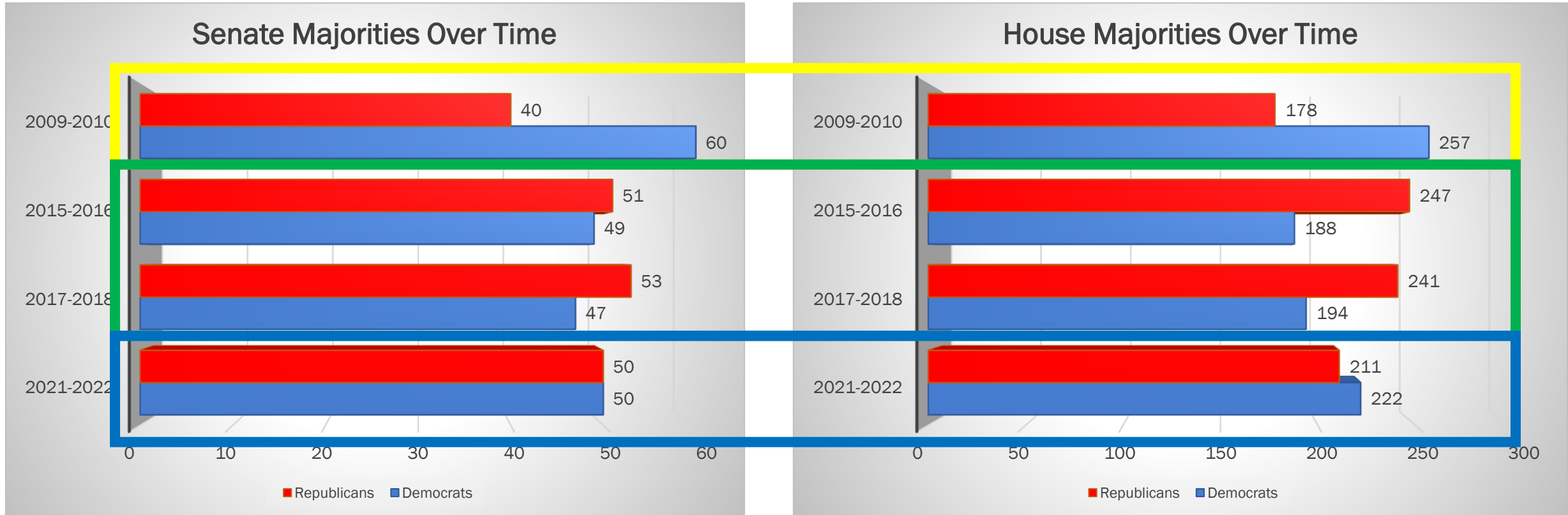




## Predictable Truths in an Unpredictable Election Landscape

- The Presidential election polls will swing back and forth over the next couple of months; there may be a “September/October surprise” that causes a ripple in the election.
- All eight political scenarios for the balance of power are possible, but some scenarios are more likely than others (full GOP control; full Dem control; GOP Senate with Dem POTUS and House).
- **Regardless of outcome, the margins of control will be small (filibuster still a factor; small group in House can tank legislation).**
- Health care is not a major issue in the election, but will play a much larger policy role in 2025.

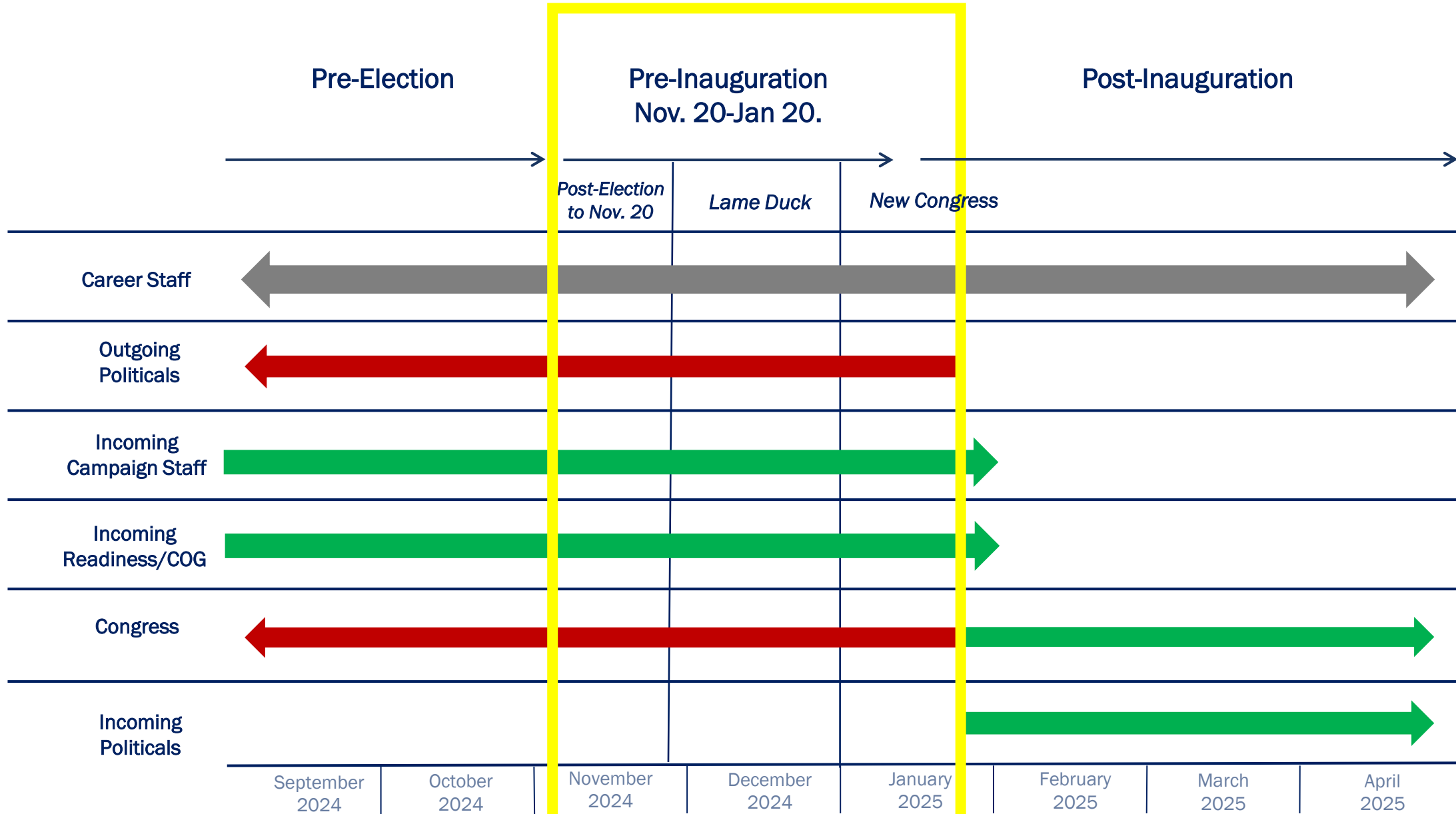
# Putting the Numbers in Context



**2009-2010:** Full Democratic Control, ACA passed  
**2015-2016:** Republican Congress and Democratic President; Reconciliation used, but not signed into law  
**2017-2018:** Full Republican control – Repeal and Replace passes in House, but fails in the Senate; TCJA signed into law  
**2021-2022:** Full Democratic control; Slimmed down Inflation Reduction Act passes after months long delay with Build Back Better



# The Future Starts Now.....



## Transition Team & Cabinet Picks

Staffing decisions influence regulatory priorities and timeline.

Who is on the landing team?

Who is leading an agency?



**Yohannes Abraham (Harris)**

- U.S. Ambassador to Association of Southeast Asian Nations
- Executive Director Biden Transition
- Former Chief of Staff to Valerie Jarrett



**Linda McMahon (Trump)**

- Small Business Administrator
  - Former CEO of WWE
- Chair of the Board of America First Policy Institute

How are agencies being staffed?

How quickly can nominees be confirmed, and staff get up-to-speed?

# Reading the Health Policy Tea Leaves



**Party  
Platforms**

**Campaign  
Statements**

**Candidate  
Records**

**Third Party  
Policy  
Proposals**

# Big Deadlines Will Drive Significant Legislative Activity



## To-Do Legislative Items in 2025

**Raise the  
Debt  
Ceiling**

**FY26  
Funding**

**Expiring  
Individual  
Tax Cuts**

**Expiring  
Enhanced  
ACA Tax  
Credits**

**Medicare  
Extenders**

**Health  
Care as  
“Pay-fors”**

**Will drive the legislative action**

# 2025 Hot Policy Topics



**Health  
Costs**



**Health  
Coverage**



**Taxes &  
ACA Credits**

# Other Health Care Issues in 2025



**Medicare  
Payment**



**Telehealth  
Flexibilities**



**Artificial  
Intelligence**



**Competition in  
Health Care Markets**



**Mental Health &  
Substance Use**



**Affordability & Access  
for Treatments**



**Onshoring  
Supply Chain**



**340B Prescription  
Drug Policy**

## Loper Bright Enterprises v. Raimondo

**Congress will need to be more active and need more technical knowledge.**



**How will this change the scope of future regulations?**



**What regs might be subject to legal challenges?**



**What new evidence/data will regulators need?**



**Will this make cutting legislative deals harder?**

## Budget Reconciliation

Planning for reconciliation takes time, expertise, and creativity.



Is it on the table?



What is/are the scope of reconciliation bill(s)?



What are the key hurdles to priorities being included (i.e. budgetary impact)?



What priorities are off-the-table?



# Prospective Action on Significant Health Changes

Full Democratic Control    Dem House GOP Senate Harris    GOP House Dem Senate Harris    GOP House GOP Senate Harris    Dem House Dem Senate Trump    GOP House Dem Senate Trump    Dem House GOP Senate Trump    Full Republican Control

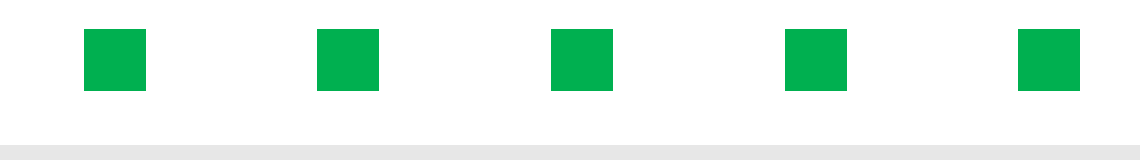
Medicare For All/Repeal and Replace

Some polices are unlikely under any political scenario



Affordability, Drug Prices, Competition, Etc.

Some policies are likely under any political scenario



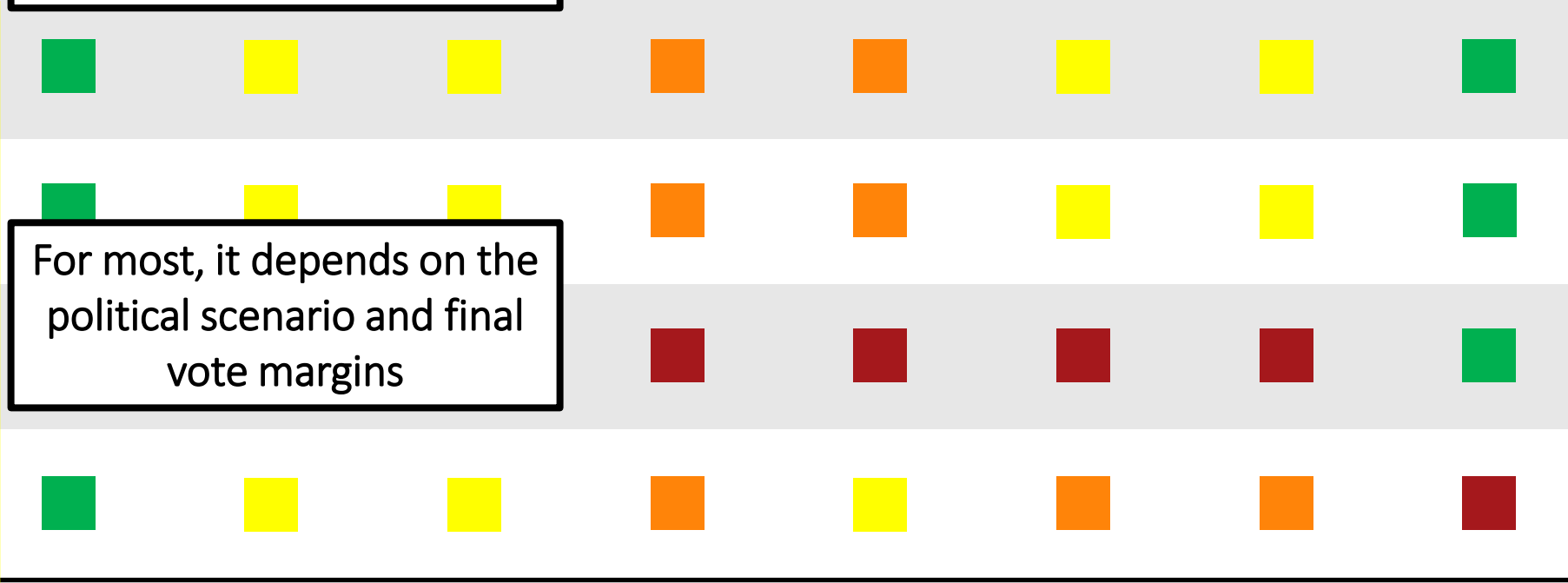
Medicare Advantage Changes

Medicare FFS Changes

Medicaid Financing Reforms

ACA Enhanced Subsidies Extended As Currently Constructed

For most, it depends on the political scenario and final vote margins



■ Action Likely    ■ Potential Action    ■ Action Less Likely    ■ Action Unlikely

# Example: ACA Subsidies – Path Forward Varies Based on Political Makeup



## Full Democratic Control

- Permanent Extension Of Enhanced ACA Subsidies
- Budget Reconciliation As Likely Vehicle
- Additional Coverage Expansion Policies

## President Harris And Divided Congress

- Some Extension Of Enhanced ACA Subsidies
- Possible Changes To ACA Subsidy Structure
- Potential Health Or Tax Policy Concessions

## President Trump And Divided Congress

- Potential For Limited Extension Of Enhanced ACA Subsidies With ACA Subsidy Structure Changes
- Health Or Tax Policy Concessions Likely

## Full Republican Control

- Extension of Enhanced ACA Subsidies Unlikely
- Budget Reconciliation As Likely Vehicle
- Alternative Health Or Tax Policy Impacting Subsidies Likely



# What Else Should You Consider?

- Significant turnover in Leadership, Committee Chairs, bipartisan dealmakers, and health care leaders could leave a health care vacuum
- The desire for Medicare policy (e.g., telehealth extension and changes to Physician Fee Schedule) could include bipartisan Medicare changes as offsets (e.g., site neutral and MA changes)
- Lawsuits regarding the fiduciary responsibilities of self-insured employers and coverage of preventive services could upend the commercial market
- Policymakers are warming up to more aggressive action against health care monopolies
- **GOP trifecta:** HSAs will take center stage, but abortion will be a barrier to potential policy proposals; could utilize the Congressional Review Act
- **Dem trifecta:** Without Manchin or Sinema, Democrats could consider targeted changes to the filibuster

# Key Takeaways

1. **Congressional margins** will be small regardless of party control
2. Need more **specificity on policy solutions** moving forward due to *Loper* decision
3. Policy solutions vary dramatically in structure and substance depending on if **reconciliation is in play**
4. **Tax provisions & debt ceiling** will drive health activity in 2025
5. **You can and should engage** new Administration and Congress *before 2025*

# Examples of How We Can Help

1. Personalized Webinars with LP staff (e.g., specific policy area focus)
2. SWOT Analyses
3. Landscape Assessments
4. Stakeholder Mapping
5. Policy & Strategy Recommendations
6. Advocacy & Engagement

