

NEWSSTAND

Healthcare Update: Last Week in DC: The Healthcare Reform Debate

November 16, 2009

[Leslie J. Levinson](#), [Edward Eynon](#)

Following the House's November 7 vote on healthcare reform, the Senate now faces increasing pressure to vote on a bill this year, as evidenced by the words of both the current President and a former President last week. In the House, Members spent the week in their congressional districts, in recess for Veterans Day.

SENATE UNDER PRESSURE TO ACT:

In the hours following the House's historic healthcare reform vote, President Obama called on the Senate to "take the baton and bring this to the finish line." In addition, the White House reaffirmed the President's commitment to a "firm" end of year deadline to complete action on healthcare reform, despite recent speculation that the Senate may not be able to complete legislation this year.

On Tuesday, former President Bill Clinton made a trip to Capitol Hill to echo President Obama's comments, saying that "the worst thing to do is nothing," and subtly reminding Democrats of his own failure to pass healthcare reform in 1994 – the year that Republicans ended up taking back the majority in Congress. Following these cues, Senate Majority Leader Harry Reid (D-NV) began the process of adding healthcare reform to the official Senate calendar – a step that will set the wheels in motion for a vote on a motion to proceed to start debate on the bill.

Despite this formal, procedural step, the exact timing for the debate on healthcare reform remains unclear. In order to win the vote on the motion to proceed, Majority Leader Reid must secure all 60 votes from his Democratic Caucus, and several moderate Democrats have refused to commit to this measure, due to concerns over controversial provisions such as the inclusion of a government-run public insurance option. Such moderates have largely cited the need to read and review the yet-to-be-released cost estimates from the Congressional Budget Office (CBO) before making a decision.

On Friday, the Majority Leader announced that the CBO estimates were not expected until this week, and that he is prepared to keep the Senate in session the week of Thanksgiving in order to vote on the motion to proceed on the healthcare reform bill before breaking for the holiday.

HOUSE IN RECESS:

The House spent the week in recess for Veterans Day, following its rare Saturday session in which its healthcare reform bill (H.R. 3962) passed by a vote of 220-215. On Wednesday,

Majority Leader Steny Hoyer (D-MD) released a revised calendar, showing that the House is now scheduled to be in session this week, as well as the weeks of November 30, December 7 and December 14. In addition, votes are possible the week of Christmas – a move that underscores Democrats’ renewed push to complete healthcare reform legislation by the end of the year.

NEXT STEPS:

The timeline for the Senate’s consideration of healthcare reform remains uncertain. In addition, the exact policy provisions to be included in the final bill that reaches the Senate floor have not yet been set in stone. Majority Leader Reid will need to make big decisions in the coming weeks, and it must be noted that the controversial reconciliation process could come into play, should it become clear that he cannot amass the 60 votes necessary to begin consideration of a bill and to ultimately prevent a filibuster. Though he continues to publicly consider this a last resort, there is growing speculation that the Majority Leader will have no other option than to turn to reconciliation – a procedural maneuver that requires only 51 votes for passage.

Edwards Angell Palmer & Dodge LLP is pleased to provide regular updates on issues affecting the Healthcare Industry. Our lawyers not only provide sophisticated legal advice to a broad array of clients in the healthcare industry, we also monitor and analyze federal and state legislative and regulatory processes to ensure that our clients are informed of government actions and initiatives.

Should you have questions on the content of this advisory, or wish to discuss any other healthcare related issue, please contact those listed below or call the Edwards Angell Palmer & Dodge attorney responsible for your affairs.

Les Levinson, Partner, Chair, Healthcare Practice 212.912.2772

levinson@eapdlaw.com

Teddy Eynon, Partner, Public Policy &
Government Relations

202.478.7379

teynon@eapdlaw.com