



Wednesday, December 16, 2009

**There are several scenarios that could play out and I have listed them below.**

*HCR News Update from APhA's Kristina Lunner*

**(Finish by Christmas)**

In order for the Senate to finish the health care bill by Christmas, Senator Reid will need to file three cloture motions tonight or by the latest tomorrow. The first on the manager's amendment, the second on the Reid-Dodd Substitute and the third on the underlying bill H.R. 3590. Taking into consideration the rules governing cloture, which demand 30 hours of debate post cloture vote and 30 hours of debate on the underlying provision, this whole process would require close to 8 days to complete and would bring them right up to Christmas. This is a very tight time-line and looking less and less possible as we get later in the week. The only way I see the Senate being able to complete its work by Christmas is if the Senate Republicans lose the first cloture vote on the manager's amendment, concede defeat and do not force the Democratic leaders to exhaust all 180 hours of debate required under cloture.

**(Finish by the end of 2009)**

Under this scenario the Senate Democratic leaders will have secured the 60 votes needed to invoke cloture to end debate, but not in time to finish by Christmas due to the time requirements stipulated above under cloture and assuming that the Republicans refuse to yield back time under cloture. With the overriding goal to complete Senate action before the end of the year and a deal being in place that has the support of 60 Senators, the Senate Majority Leader is likely to keep the Senate in session the week between Christmas and New Year's in order to hold a vote on final passage.

**(No Conference with the House)**

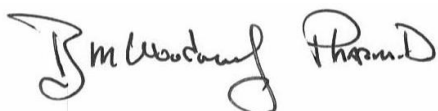
Under either of the two scenarios above there would be some question of the possibility of seeking to have the House take up the just passed Senate bill and pass it "as is", without calling a conference, before the end of the year. I believe this is unlikely to occur without major changes to the Senate bill as the current Senate bill includes items

such as the tax on high cost insurance plans that are strongly opposed by a majority of House Democrats and their Union supporters. Further making this less likely is that fact that the House would have to be called back into session and Members called back from home to "rubber stamp" a not very attractive Senate product. This might just be too much for the more liberal Democratic House caucus to swallow after being home for Christmas. *Kind of like getting a stocking full of coal after Christmas.*

In order for this to be even a remote possibility, the Senate manager's amendment would need to further modify the current proposal to tax high cost health plans in order to lessen the opposition from Unions.

Forcing the House to take the Senate bill would require herculean pressure from President Obama, who would have to convince Democratic House leaders that they politically need to get a bill to the President before the New Year. He could argue that Members of Congress will get an earful from their constituents in opposition to health care reform bill making it all but impossible to hold support for the current Senate or House bills and force them to essentially re-open old wounds.

More likely the House and Senate will have unofficial pre-conference meetings in early January to determine if they go to conference or devise some face-saving way to allow the House to pass the Senate bill. Such face-saving could include a promise to make fixes to the Senate bill in 2010 as it is likely the Congress will have to consider a smaller health care bill to extend the anticipated 1 year Medicare physician payment fix and other likely technical corrections to the recently passed health care reform bill. At this point it is really too early to predict how the decision to conference - or not - will play out.

A handwritten signature in black ink that reads "Phillip Woodward Pharm.D". The signature is written in a cursive, flowing style.

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