

2023 State & Federal Healthcare Legislative & Regulatory Landscape

April 6, 2023

Freddy Warner

Chief Government Affairs Officer

Memorial Hermann Health System



1

OUTLINE

- **Impact of 2022 Election Cycle on the Health Sector**
 - State
 - Federal
- **2023 Texas Legislative Session**
 - 2021-22 Interim Legislative Activity
 - Health Sector Impacts
- **2023 Federal and Congressional**
 - Health Sector Impacts

2

2022 Election Cycle Overview

- **Republicans swept all statewide offices in Texas**
- **Republicans gained seats in the Texas Senate and House**
- **Texas gained 2 congressional districts this cycle**
 - **CD 38 (Houston); and CD 37 (Austin/Central Texas)**
- **Republicans gained ground in South Texas**
 - **Including CD 15 Monica De La Cruz**
- **Democrats generally outperformed expectations nationally**
- **Republicans regained control of US House**
- **Democrats maintained control of US Senate**
- **Expect most ideologically conservative Texas legislature in history**
- **Expect significant congressional gridlock, particularly as the 2024 presidential election cycle looms**

2022 Election Cycle Overview - State

- **Republicans maintained control of all statewide offices**
 - **Last Democrat elected statewide was in 1994**
- **Republicans gained one seat in the Texas Senate**
 - **19/12 Republican majority**
 - **With incremental weakening of the *traditional “2/3 rule,”* Republicans only need 18 votes to advance legislation**
 - **6 new freshman senators**
 - **Only one Democrat chairs a Senate committee**
- **Republicans gained three seats in the Texas House**
 - **86/64 Republican majority**
 - **25 new freshmen House members**
 - **Republicans hold majorities of all House committees**
 - **Democrats chair one-third of House committees**

2022 Election Cycle Overview - Federal

- **In considering historical mid-term, election cycle performance, Republicans generally underperformed, and Democrats outperformed expectations**
- **Democrats retained control of the US Senate; picked up seats**
 - 49 Republicans; 48 Democrats; 3 Independents (Sanders, King and Sinema, all of whom caucus with Democrats)
- **Republicans took control of the US House**
 - 222/213 Republican majority
 - House Speaker Kevin McCarthy
 - Democratic Majority Leader Hakeem Jeffries supplants Nancy Pelosi; signals the future of US House leadership
 - House Republican leadership has prioritized “cutting federal spending” and balancing the federal budget within 10 years
 - Anticipate considerable investment of House committees’ time exploring COVID mandates and funding

2021-22 Interim Legislative Activity

- **Several Texas Senate and House Standing Committees considered an array of health and human services issues during the legislative interim:**
 - **Use of American Rescue Plan Act (ARPA) funding: determining whether providers are complying with state reporting requirements, including reporting of COVID relief funds**
 - **COVID impacts on the health sector workforce, and mental health; and education deficiencies in Texas public schools**
 - **1115 Medicaid Waiver and supplemental payment programs**
 - **Medicaid eligibility**
 - **Price transparency, competition, and consumer protections within the health insurance marketplace**
 - **Broadband infrastructure, telemedicine and telehealth**
 - **Interim Committee reports, and associated legislative proposals, emerged in the weeks before the beginning of the 2023 state legislative session**

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: 2023 State and Federal Healthcare Legislative Landscape

First appeared as part of the conference materials for the
34th Annual Health Law Conference session
"2023 State and Federal Healthcare Legislative Landscape"