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HHS Secretary Tom Price Resigns and the Search Begins for Replacement

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October 11, 2017

Department of Health and Human Services (HHS) Secretary Tom Price resigned on September 29, following the collapse of Republicans' efforts to repeal-and-replace the Affordable Care Act (ACA) and revelations that he spent more than \$1 million on charter and military airplane travel at taxpayers' expense. Price's resignation has significant implications for HHS's regulatory priorities, including enforcement of the ACA, regulatory flexibility on physician practices and the broader health care industry, efforts to combat opioid abuse and childhood obesity, and other HHS initiatives. Speculation about who may succeed Price has mentioned Seema Verma, Centers for Medicare and Medicaid Services Administrator; Scott Gottlieb, Food and Drug Administration Commissioner; and Bobby Jindal, former Governor of Louisiana. Any candidate nominated to replace Price is expected to undergo a highly contentious and drawn out confirmation process in the Senate, especially given the polarized politics surrounding the ACA. On October 10, the White House designated Eric Hargan as Acting HHS Secretary, following his U.S. Senate confirmation as HHS's Deputy Secretary six days prior. Hargan served as Acting Deputy Secretary and Deputy General Counsel at HHS during the George W. Bush Administration.

Background and Analysis: Prior to serving as HHS Secretary, Price was a seven-term representative in Congress from Georgia. Price was expected to play an instrumental role in enacting repeal-and-replace of the ACA; however, Price reportedly lost favor with President Trump after Republican efforts to overhaul the ACA failed in the Senate, and frustrations only increased after revelations surfaced that Price had chartered private flights at least 26 times for official business at taxpayers' expense. Don Wright, who previously served as the Deputy Assistant Secretary for Health and Director of the Office of Disease Prevention and Health Promotion, had served as Acting HHS Secretary following Price's resignation on September 29.

As HHS Secretary, Price led efforts to administratively roll back elements of the ACA. Under Price, HHS issued media releases discrediting the ACA, created uncertainty regarding enforcement of the individual mandate, shortened the open enrollment period, and cut funding and department support for enrollment marketing and outreach efforts. Price also led efforts to deregulate the health care industry, especially focusing on creating more flexibility for physician practices, such as through rulemaking for the Medicare Access and CHIP Reauthorization Act (MACRA). Price's impact at HHS will likely continue to be carried out by the staff he brought to the agency, the policies he helped enact, and proposed rules that are still under review.