Special 2020 Election Edition of the Weekly Update

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**Urge your U.S. House Member to Co-Sponsor Legislation to Halt Impending Medicare Cuts**

As the results of the historic presidential and congressional elections on Tuesday are tabulated and analyzed, your ACEP advocacy team in Washington, DC remains vigilant on issues of importance pending in the current Congress. Yet another threat to your livelihood and ability to care for patients is on the horizon. Emergency physicians will face a 6% cut to Medicare reimbursements in 2021 unless Congress acts.

Please [click here](#) to send your message and learn more about this critical issue.

**2020 Election Update**

Voters cast their ballots in the first presidential election during a pandemic in 102 years, many for the first time in new ways. Election officials counted, and in some places, continue to count ballots in new ways, varying from state to state, often county by county. No matter which side one was on, we can all agree it has been an emotional rollercoaster. [Click here](#) to view the NEMPAC 2020 Election Update presentation.

**What do we know since the polls closed on Tuesday?**

**Presidential Election:**

At this writing, the next president of the United State is unknown. Of the races called, President Trump has 214 electoral votes to former Vice President Joe Biden’s 264, according to AP projections. The states that remain outstanding are Pennsylvania (20 electoral votes), Georgia (16 electoral votes), North Carolina (15 electoral votes), Nevada (6 electoral votes), and Alaska (3 electoral votes). 270 electoral votes are needed to win.

The counting of mail ballots in Pennsylvania is continuing to chip away at Trump’s once double-digit lead. There are more mail ballots, which Biden has won overwhelmingly, left in the state for him to make up Trump’s less-than-20,000 vote lead, including a hair over 95,000 in Philadelphia and Allegheny counties, which gives the former vice president a path to victory. This alone would put him over the magic number of 270.

Trump’s lead in Georgia disappeared early this morning, with Biden inching slightly ahead. But this race will likely not be called for a long time. Voters in the state can cure their ballots through today, and there’s still time for military and overseas ballots to arrive and outstanding provisional ballots. Getting a final call could take some time.
In Nevada, Biden has a roughly 10,000-vote lead. The secretary of state's office estimated on Thursday afternoon that 190,000 ballots were left to be counted, with 90 percent of them coming from Clark County (home of Las Vegas).

Biden needs to take just one of these three states to win the presidency, assuming the AP’s call in Arizona holds. North Carolina, the last uncalled swing state, is not expected to see any movement until next week. President Donald Trump’s barrage of lawsuits related to the 2020 presidential election kicked up considerable dust on Thursday but have not tangibly halted or slowed the vote tallies in key battleground states.

Keep in mind that the rules for how and when votes are counted and certified are set under state law. The results that have been discussed thus far are just projections from news organizations based on available results from votes counted, surveys, exit polls, and voter registration data. The certification process will take place, depending on the state, between November 10 and December 8. The Electoral College meets on December 14 to officially vote for the next president. Congress is scheduled to meet on January 6, 2021 to certify the results, though that date can potentially be changed. Inauguration Day is January 20, 2021.

Senate:
It is unknown who will control the Senate. The current split is 48-48 with four races outstanding. Democrats flipped two seats, while Republicans picked up one seat. In Arizona, Democrat Mark Kelly beat Sen. Martha McSally (R-AZ). In Colorado, former Governor John Hickenlooper defeated Sen. Cory Gardner (R-CO). In Alabama, Republican Tommy Tuberville unseated Sen. Doug Jones (D-AL).

The special election for the seat currently held by Sen. Kelly Loeffler (R-GA) vs. Democrat challenger Raphael Warnock will go to a runoff on January 5, 2012. Sen. David Perdue (R-GA) holds a slim lead over Democrat challenger John Ossoff, but does not have 50% of the vote, which may cause this race to also go to a January run-off. Other races uncalled are Sen. Thom Tillis (R-NC) vs. Cal Cunningham, the Democrat challenger, where Tillis holds a slight lead. Sen. Dan Sullivan (R-AK) has a strong showing against his challenger, Al Gross, MD, an Independent. There is a possibility that the Senate could result in a 50-50 party split and whoever wins the White House will determine control of the Senate, as the vice president has the authority to cast tiebreaking votes. If the tight margins hold in the chamber, control could remain unknown until after the runoff.

House:
Democrats are projected to maintain control of the House, though their margin appears to have narrowed. The House stands currently at 208 Democrat to 193 Republican with 34 races uncalled at this writing. While Democrats projected confidence going into Election Day that they would expand upon their majority, six seats Democrats lost are freshmen in districts that carried them to power in 2018. One is long-time incumbent Rep. Colin Peterson (D-MN). The two seats Democrats picked up so far are both in newly redistricted North Carolina, where the new lines heavily favor Democrats.

What do we know about congressional and committee leadership in the 117th Congress?

Leadership:
Party leadership in both chambers is expected to remain relatively stable. In the Senate, Majority Leader Mitch McConnell (R-KY) easily won reelection and is not currently facing any challenges to his leadership position. Minority Leader Chuck Schumer (D-NY) is expected to remain as head of the caucus.

On the House side, there are no major challenges to Speaker Nancy Pelosi (D-CA), Majority Leader Steny Hoyer (D-MD), or Majority Whip Jim Clyburn (D-SC) so far. There will be an open race for Assistant Speaker, as Rep. Ben Ray Lujan (D-NM) was elected to the Senate. There is also an open race for Vice Chair of the Democratic Caucus, as Rep. Katherine Clark of Massachusetts runs for Assistant Speaker. Rep. Cheri Bustos (D-IL), chair of the Democratic Congressional Campaign Committee (DCCC), survived a competitive race and has not stated whether she will continue as
Chair. Rep. Tony Cardenas (D-CA) is rumored to be interested in the position. Leadership elections for Democrats will be held on November 18-19.

There are no major challenges expected for Republican leadership in the House. Leader Kevin McCarthy (R-CA) is expected to stay in his current role, as is Minority Whip Steve Scalise (R-LA). Leadership elections for the GOP will be held on November 17.

**Committees:**
A new Congress usually brings about changes to the top leadership slots of committees. Several committee leaders in both the House and Senate are retiring or lost reelection. Republicans in both chambers also place term limits on how long a member may serve as both chairman and ranking member of a committee. Here is what we know so far:

Senate HELP: Sen. Richard Burr (R-NC) can claim the Senate HELP Committee chairmanship, if he wants it. If not, the job would fall to Sen. Rand Paul (R-TN), an ophthalmologist by training.

Senate Finance: Sen. Mike Crapo (R-ID) is in line for the Finance Committee gavel. Crapo is expected to take over chairmanship from Sen. Chuck Grassley (R-IA), who is returning to the Judiciary Committee.

This assumes Republicans hold onto the Senate. If Democrats win two races in Georgia that are likely headed to January runoffs, they would flip the chamber — putting Sens. Patty Murray (D-WA) and Ron Wyden (D-OR) in line for HELP and Finance, respectively.

Since the House is expected to stay in Democrat control, key health care committee leaders are not expected to shift. Although, the ranking member position on the House Energy and Commerce Committee is open due to the retirement of Rep. Greg Walden (R-OR). Several Republicans on the committee are running for the position although Rep. Mike Burgess, MD (R-TX) and Rep. Cathy McMorris Rodgers (R-WA) are considered the frontrunners.

**NEMPAC and the 2020 Elections**
Due to the generous support of ACEP members across the country, NEMPAC had the resources to donate $1.65 million to federal candidates, party committees and independent expenditures for friends and champions of emergency medicine. NEMPAC does not get involved in presidential races. Our giving ratio currently stands at 56% Democrat/44% Republican.

**House Highlights:**
Supported 206 candidates - $1,070,500

W/L Ratio – 95% (although many NEMPAC supported candidates are in undecided races)

NEMPAC supported 21 physician candidates in the general election including emergency physicians Rep. Raul Ruiz, (D-CA), Rep. Mark Green (R-TN), Ronny Jackson, MD (R-TX), Hiral Tipirneni (D-AZ) and Rich McCormick, MD, FACEP (R-GA). Most all physician candidates supported won their elections except for Dr. Cameron Webb in Virginia 01. Several physician races supported by NEMPAC are uncalled at this time including: Dr. Marianette Miller-Meeks (R-IA-02); Rep. Kim Schrier (D-WA); and Drs. Tipirneni and McCormick’s races. NEMPAC also supported several physician candidates who lost primaries: Dr. James St. George (R-FL-03); Dr. John Cowan (R-FL-14); Dr. Bill Clifford (R-KS-01); Dr. Knute Buehler (R-OR-02) and Dr. Manny Sethi (R-TN-Senate).

**Senate Highlights:**
Participated in 24 Races - $162,000

W/L Ratio - 87.5% - 2 Undecided (Sen. Tills in NC, Sen. Perdue in GA)
Three candidates supported by NEMPAC lost their elections: Sen. Martha McSally (R-AZ), Sen. Doug Jones (D-AL), and Tennessee primary candidate Dr. Manny Sethi (R-TN).

NEMPAC supported two physicians running for the Senate that were successful: Rep. Roger Marshall, MD (R-KS), who won the seat of retiring Senator Pat Roberts (R-KS), and Sen. Bill Cassidy (R-LA).

For more information about NEMPAC supported candidates in the 2020 Elections, please go to the NEMPAC website.

Nearly 3000 ACEP members utilized the ACEP Voter Resource Center to learn more about voting in their area and the candidates running.

NEMPAC will provide a more complete election report once all votes have been tallied and races have been called. Click here to view the NEMPAC 2020 Election Update as of today.

If you have not yet made your contribution to NEMPAC, please help us reach our goal of $1 million by year end. Recently, the ACEP Board and Council pledged nearly $300,000 to NEMPAC during the ACEP20 Council Challenge. Our involvement in the 2020 races was critical in helping to elect candidates who will work on behalf of the interests of emergency medicine and patients. Please click here to make your donation.

Capital (30) Minutes
Click here to watch this week’s Capital (30) Minutes where ACEP’s Associate Executive Director for Public Affairs, Laura Wooster, provides a short recap of our successful ACEP20, an update on legislative activity to blunt the 2021 Medicare payment cuts, some positive news about ACEP’s lawsuit against Anthem/BCBS’s violation of the Prudent Layperson Standard, and a short update on where we stand after the elections.

Regs & Eggs: CMS Finalizes Health Plan Price Transparency Reg
Last week, the Trump Administration finalized another major regulation that doubles down on its ongoing effort to promote price transparency in health care. As you may recall, the administration had already finalized requirements targeting hospitals. The new reg released last week is focused on health plans. It requires most health plans—including self-insured plans—to disclose pricing and cost-sharing information such as information on negotiated provider rates.

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