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2020 Election Update
Click here to read the November edition of Inside Elections with Nathan Gonzales, a nonpartisan analysis of the elections brought to you by NEMPAC. For information about the outcome of NEMPAC supported candidates in the 2020 Elections, please click here.

Presidential Election:
On Saturday November 7th, the Associated Press and other news agencies declared former Vice-President Joe Biden the winner with 290 electoral votes to 214 for President Trump. As of today, former Vice-President Biden is projected to win Georgia (16 electoral votes) and President Trump is projected to win North Carolina (15 electoral votes), bringing the projected electoral vote tally to 306-232 in Biden’s favor.

U.S. Senate:
Since our last writing, the Alaska and North Carolina Senate races have both been called for Incumbent Republicans, Senators Dan Sullivan (R-AK) and Thom Tillis (R-NC). The current split is 50 Republicans and 48 Democrats. Control of the Senate depends on the outcome of two run-offs in Georgia on January 5, 2021 since none of the candidates received 50% of the vote: Sen. Kelly Loeffler (R-GA) vs. Democrat challenger Ralph Warnock; and, Sen. David Perdue (R-GA) vs. Democrat challenger John Ossoff. In the event of a 50-50 party split, the Vice President would have the authority to cast any tiebreaking votes.

U.S. House of Representatives:
Democrats are projected to maintain control of the House, though their margin appears to have narrowed. According to the Associated Press, the House in the 117th Congress stands currently at 219 Democrats to 202 Republicans with 14 races uncalled at this writing. Democrats went into Election Day with a 232-197 House advantage, plus an Independent and five open seats. Republicans picked up six seats so far. With some races still undecided, it is possible that Democrats will have the smallest majority in the new Congress since Republicans had 221 seats two decades ago.

ACEP Legislative Update
As the House and Senate work through the final few legislative weeks of this Congress, ACEP continues to push hard to find equitable solutions to the impending Medicare payment cuts emergency physicians are facing in January without congressional intervention, as well as efforts to reach an accord on Surprise Medical Bill (SMB) legislation. We have been working with a significant number of physician stakeholder organizations to protect patients from surprise bills, promote a SMB solution that will allow physicians to challenge artificially low reimbursements from insurers, avoids setting a de facto federal reimbursement rate, includes network adequacy requirements, and accounts for different size practices. Yesterday, we participated in a discussion with lawmakers from the House and Senate, including several members of the House Republican Doctors Caucus, to reiterate our position on various aspects of the SMB proposals.
We still need your help! Please [click here](#) to urge your U.S. House Member to co-sponsor legislation to halt impending Medicare cuts.

**Regs & Eggs: HHS Issues Regulations and Guidance on COVID-19 Therapeutics and Vaccines**

Although COVID-19 cases, hospitalizations, and deaths are climbing at an alarming rate, we did receive some positive news from Pfizer and the FDA this week that will help us in our ongoing effort to combat the virus. While these announcements are a great first step, the road ahead to ensuring the safe and effective distribution and administration of COVID-19 vaccines and therapeutics is long. It will be essential going forward that you as emergency physicians understand not only the clinical effectiveness and appropriate use of these vaccines and therapeutics, but also the rules and payment mechanisms associated with them. In other words, we must have solid regulations in place that will mitigate confusion and ensure smooth distribution and administration processes. HHS has already issued some useful regulations and guidance around vaccines and therapeutics, but more will likely be necessary going forward.

Read the [Regs & Eggs blog](#) to learn more about HHS’ new regs and guidance on COVID-19 vaccines and therapeutics.

**CMS Releases 2020 Medicaid and CHIP Managed Care Final Rule**

On Monday, CMS [released](#) the 2020 Medicaid and Children’s Health Insurance Program (CHIP) Managed Care final rule. The rule provides more flexibility to states on how they can manage their Medicaid managed care programs. Of note, the rule changes minimum standards that states must use to develop their network adequacy requirements for Medicaid managed care plans. ACEP had submitted [comments](#) on the proposed rule requesting that CMS specify emergency physicians as a specialty type that states would be required to include in their network adequacy standards. Unfortunately, CMS did not adopt this request in the final rule, instead deferring to states on which specialists to include in their standards.

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