



The Capitol Circuit

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National Advocacy

Congress Forges Ahead on Next COVID-19 Package

Prior to his swearing in, President Biden released a comprehensive COVID-19 proposal – the American Rescue Plan. The President had expressed hopes of passing a bipartisan package, but Congress is now planning to use a special legislative process called budget reconciliation to pass the next COVID support bill. The reconciliation process was created by the Congressional Budget Act of 1974 and allows for expedited consideration of legislation that changes spending, revenues, and the federal debt limit. This process has been used by both parties to pass an expensive agenda with a simple majority, or 51 votes, in the Senate rather than the typical 60 votes needed to end debate and move towards a vote.

To start the reconciliation process, earlier this month, the House and Senate passed a budget resolution instructing committees to pull together provisions detailed in Biden's COVID-19 relief plan. Last week, committees began to mark up their sections of the bill. The goal is to pass the reconciliation package before unemployment insurance expires on March 14. With final details still being negotiated, as of now, the reconciliation package includes several key priorities the patient and disability communities have advocated for such as additional direct payments to Americans and for the first time, recognizing that adult dependents can receive an Economic Impact Payment; additional funding for Medicaid home and community-based services; extending emergency paid leave tax credits; and extending and expanding unemployment benefits. The package would also take several steps to improve the affordability of health care coverage, including subsidizing premium costs for those on COBRA and increasing subsidies to purchase coverage through the Affordable Care Act, as well as expanding eligibility for those subsidies.

Special Enrollment Period for Marketplace Plans

In response to the COVID-19 pandemic, President Biden issued an Executive Order on January 28th calling for a Special Enrollment Period (SEP) for individuals and families to enroll in Marketplace health insurance plans. Due to the pandemic, many Americans may be facing new health challenges and/or have lost coverage as a result from the economic fallout – millions remain uninsured or underinsured.

Beginning February 15, 2021 and through May 15, 2021, individuals and families can enroll in a new Marketplace plan or change plans. This SEP will be available to consumers in the 36 states served by Marketplaces that use the [HealthCare.gov](https://www.healthcare.gov) platform. Consumers who are uninsured will be able to look for coverage that would start prospectively the first of the month after plan selection and learn whether they qualify for financial assistance to help pay for health insurance. Currently, 9 out of 10 consumers enrolled in coverage through Healthcare.gov receive financial help and 75% of consumers can purchase a plan for \$50 or less per month after financial assistance. Additionally, consumers will not need to provide any documentation of a qualifying event (e.g., loss of a job or birth of a child), which is typically required for SEP eligibility.

Visit [HealthCare.gov](https://www.healthcare.gov) or [CuidadoDeSalud.gov](https://www.cuidadodesalud.gov) to learn more and enroll or see if you qualify for Medicaid or CHIP. Consumers can also call the Marketplace Call Center at 1-800-318-2596 which provides assistance in over 150 languages. TTY callers should use 1-855-889-4325.

Harmful Regulations to Patient and Disability Community Rolled Back

New Administrations often issue Executive Orders early in their tenure to relay priorities and start laying the groundwork for policy action. While they cannot change existing law, Executive Orders usually direct federal agencies to issue new rules or guidance within existing legal authority. On January 28, President Biden issued an Executive Order declaring making high-quality healthcare accessible and affordable for every American and as such, instructed the Administration to protect and strengthen the Affordable Care Act (ACA) and Medicaid in certain ways. This includes issuing the Special Enrollment Period discussed above and reviewing policies that undermine protections for people with pre-existing conditions and reduce coverage, undermine or create unnecessary barriers to the ACA or Medicaid.

This Executive Order set the stage for action taken by the Centers for Medicare and Medicaid Services (CMS) on February 12 to roll back the previous Administration's policy of allowing work requirements in Medicaid. The Epilepsy Foundation and many other disability and patient organizations strongly oppose work requirements, as they impose administrative and financial barriers that jeopardize patients' access to comprehensive and affordable care and could have serious - potentially life-threatening - consequences for people with serious or chronic conditions like the epilepsies. Currently, 8 states have approved 1115 Medicaid Waivers, 7 states have pending waivers, and 4 states' waivers have been set aside due to legal challenges. Courts so far have found that work requirements are in direct contradiction to the purpose of the Medicaid program—which is to provide health coverage. The Supreme Court had agreed to hear a Medicaid work requirements case and it is currently being determined if and how the Biden Administration's actions impact the court case.

Additionally, the Equal Employment Opportunity Commission (EEOC) has withdrawn the "Wellness" rule, which attempted to clarify incentives that employers could offer as part of wellness programs without violating the Americans with Disabilities Act (ADA) and Genetic Information Nondiscrimination Act (GINA) and in doing so, would have expanded employers' ability to access their employees' medical information. The proposed rule raised significant concerns over disclosure of medical conditions and the privacy of employee medical information, so the Foundation and disability community are pleased at its withdrawal so that rules can be newly issued in a manner that is more protective of rights and privacy.

State Advocacy

Updates on Seizure Safe Schools Legislation Introduced Across the Country

As more state legislatures begin, more states have also begun to introduce Seizure Safe Schools legislation. Thus far, this critical bill has been introduced in Alabama, Arizona, Iowa, Maryland, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Pennsylvania, South Carolina, Virginia, and Washington. Grassroots advocates and their bill sponsors continue to make strides to move this legislation forward. [Visit our Action Alert Center to see if you can take action to support the bill in your state!](#)

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