The Capitol Circuit
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National Advocacy

November is National Epilepsy Awareness Month

November is National Epilepsy Awareness Month and there are so many opportunities for the community to engage and help make a difference! Learn how to get involved with #NEAM2020 here!

2020 Election Results

Joseph R. Biden achieved the requisite Electoral College votes and has been elected the 46th President of the United States. The Democratic party will continue to hold a majority in the U.S. House of Representatives. As of now, the Senate party breakdown is 50 Republicans and 48 Democrats (2 of whom
are Independents but caucus with the Democrats). Ultimate party control in the Senate will be determined by two run-off elections in Georgia in early January. The 117th Congress will be sworn in on January 3, 2021 and President-Elect Biden and Vice President-Elect Kamala Harris will take the oath of office on January 20, 2021.

Due to the change in the Administration and results of races across the country, there will subsequently be changes in federal agency leadership (such as the U.S. Department of Health and Human Services) and congressional committee leadership. As we prepare to advocate for our policy priorities in the 117th Congress, we will be monitoring changes to all federal agencies and several key committees, including: Senate Appropriations, Finance, and Health, Education, Labor and Pensions (HELP) Committees and the House Appropriations, Ways and Means, Energy and Commerce, and Education and Labor Committees and continuing to strengthen relationships with decisionmakers.

At the state level, there actually was not much change nationwide in terms of party control. You can read more about state-level elections and your state’s status [here].

**Congressional Budget Update**

The current stopgap spending bill funds federal agencies until December 11. With the election over, lawmakers have returned to Washington to finish up year-end items including the Fiscal Year (FY) 2021 federal budget. This includes several agencies and programs important to the epilepsy community including the National Institutes of Health (NIH), Food and Drug Administration (FDA) and Centers for Disease Control and Prevention (CDC)’s Epilepsy Program.

Earlier this fall, the House of Representatives passed its FY 2021 Labor-HHS-Education appropriations bill with $10.5 million for the CDC’s Epilepsy Program, which would be a $1 million increase over FY 2020. The Senate recently released all its FY 2021 funding bills and recommended level funding of $9.5 million. This week, both chambers of Congress are working on negotiating and finalizing a 12-bill funding package. The Foundation is advocating for $10.5 million for the CDC’s Epilepsy Program to be included in the final package.

>>>TAKE ACTION: Tell Your Lawmakers to Support Increased Funding for Vital Epilepsy Programs!

20 Patient Groups Urge U.S. Supreme Court to Prioritize Patients and Uphold Health Care Law
On November 10, the U.S. Supreme Court began hearing oral arguments in the case of California v. Texas (previously Texas v. United States). The Epilepsy Foundation joined with 19 national patient advocacy groups in a statement urging the high court to protect patients with pre-existing conditions and uphold the Affordable Care Act (ACA). In May, the Foundation joined those same groups on an amicus curiae (“friend-of-the-court”) brief, highlighting the devastating impact individuals living with acute and chronic conditions would face should the court rule to invalidate the entire Affordable Care Act.

There was a lot of discussion during oral arguments about whether the remainder of the Affordable Care Act—including protections for people with pre-existing conditions—can remain if the individual mandate is unconstitutional. While several justices seemed to infer that such protections could remain, it will not be known for sure until the Court’s ruling is issued sometime in 2021.

**Open Enrollment for Medicare and the Marketplace**

People seeking to buy or change their Medicare or Marketplace plan must do so during open enrollment unless a specific exception occurs like getting married, moving out of state, or losing a job. Since each year, plans make changes to benefits and costs, and new plans are available, your current plan may or may not be the best plan for you in 2021. It is very important to use the open enrollment time-period to compare your coverage choices and find the plan that best meets all of your health care needs at an affordable cost.

The annual open enrollment for Medicare prescription drug coverage (part D) and Medicare Advantage began on October 15, 2020 and will run through December 7, 2020 for coverage beginning January 1, 2021. Visit medicare.gov or call 1-800-MEDICARE (1-800-633-4227) to learn more.

**Read the 2021 Medicare Part D Open Enrollment FAQ Brochure**

The open enrollment period for the Health Insurance Marketplace began November 1, 2020 and will run through December 15, 2020 for coverage beginning January 1, 2021. Learn more about your options at healthcare.gov or 1-800-318-2596 (TTY: 1-855-889-4325). Individuals may be eligible for premium tax credits that will help make coverage more affordable.

**Quick Guide about the Health Insurance Marketplace**

**Get Ready to Apply and Enroll**

**Already Enrolled? Keep or Change Plans for 2021**
Checklist to Apply or Re-Enroll

You can find these resources available at advocacy.epilepsy.com/access-to-care.

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State Advocacy

2020 Ballot Initiative Outcomes and the Impact on the Epilepsy Community

This past Election Day, voters across the U.S. had the opportunity to decide on different issues on their ballot. If you reside in one of these states, these ballot initiatives have wide-ranging effects on the epilepsy community.

In California, residents approved Proposition 14 also known as the California Stem Cell Research, Treatments and Cures Initiative of 2020. Supported by the Epilepsy Foundation and Epilepsy California, which is comprised of all four Epilepsy Foundation offices in the state, this initiative will authorize $5.5 billion in state general obligation bonds to continue funding stem cell research and the development and delivery of treatments in California including $1.5 billion specifically allocated for central nervous system diseases like the epilepsies.

In four states — Arizona, New Jersey, South Dakota, and Montana — residents approved ballot measures to allow for the adult recreational use of cannabis. Mississippi and South Dakota residents also approved ballot measures to allow for the medical use of cannabis. As of today, 48 states and the District of Columbia have legalized either the recreational or medical use of cannabis on the local level. The Epilepsy Foundation supports safe, legal, and timely access to medical cannabis when individuals and their healthcare providers feel the potential benefits outweigh the risks. The Foundation also supports more research to better understand potential therapeutic benefits and potential harms of cannabis. The Foundation does not have a policy position on adult use recreational cannabis programs – however, under these laws, individuals and their physicians are able to work together to access cannabis to control seizures when medically appropriate.

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