

NOVEMBER 2022 NEWSLETTER

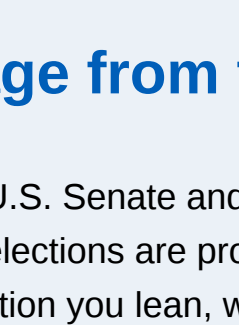
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A Message from the Chair

With majority control of the U.S. Senate and House of Representatives at stake, the 2022 midterm elections are proving to be a battle to the finish. No matter which direction you lean, we can all agree that this election season has been a rollercoaster of divisive social issues and economic uncertainties amidst getting “back to normal” as we emerge from the pandemic.

We can declare success for emergency medicine's involvement in the elections and give a special thank you to everyone who generously supported NEMPAC in these unprecedented times. NEMPAC had the resources to support the congressional campaigns of many friends and champions of emergency medicine who we helped return to Congress or who will become new members in January.

You gave emergency medicine a strong voice when it was most needed. The NEMPAC Board of Trustees carefully vetted hundreds of candidates with the help of our VIP members, ACEP chapter leaders, and staff. We are confident that our participation in these elections will make a difference in the 118th Congress when emergency medicine will look for help on critical issues like Medicare reimbursement cuts, boarding and violence in our emergency departments, and protecting the future of our specialty amidst scope and workforce challenges.

[ACEP members' support of NEMPAC is essential](#) as we help educate the 118th Congress about the realities we are facing on the front lines and work to build new and stronger relationships on Capitol Hill. Thank you! I am hopeful for what the future will bring as we enter a new year and begin to work with the 118th Congress. There is nothing we cannot do together!

We will provide a more comprehensive look at NEMPAC's work over the past two years in our 2022 Election Report which will be distributed in early 2023. Meanwhile, please feel free to reach out to me anytime at nempacchair@acep.org.

Peter Jacoby, MD, FACEP
Chair, NEMPAC Board of Trustees

Midterm Election Overview

The dust continues to settle from the 2022 midterm elections, which will break records in both dollars spent and voter turnout. Federal candidates and political committees spent more than \$8.9 billion, which has already blown past the inflation-adjusted 2018 mid-term total of \$7.1 billion. The [most expensive races](#) this election cycle were U.S. Senate races rated [toss ups](#) by the *Cook Political Report* with the Pennsylvania Senate race topping the list at over \$370 million. 46 million people cast ballots early and many millions more voted in person on Election Day to determine which party controls Congress and key governors' mansions across the country. Nearly 47% of the voting-eligible population (112.3 million) cast a ballot in the midterm elections according to early estimates from the [United States Elections Project](#).

At this writing, the battle for control of both chambers of Congress is still up in the air. In the Senate, election results give 48 seats to Democrats (one pick-up in PA) and 49 to Republicans with races in AZ, GA, and NV undecided. The winner in the AK Senate race has not been called but the top two vote recipients are Republican. Ballots continue to be counted in AZ and NV while the GA race will head to a run-off election on Dec. 6 since neither candidate, Sen. Raphael Warnock (D) or Herschel Walker (R) received 50 percent of the vote.

35 Senate races were on the ballot, with 21 held by Republicans and 14 by Democrats. However, just 13 races were considered truly competitive and five or six (depending on the day) were regarded as “toss ups”, with many eyes and dollars focused on races in Arizona, Georgia, Nevada, and Pennsylvania. At least eight Senate races were within 5 percentage points in the weeks leading up to November 8.

The battle for the House majority – one that favored Republicans, who expected to benefit from high inflation, historical trends, and friendly new district lines after 2021's redistricting – remains unsettled. Republicans needed to net only five seats to take control although a dozen or so races have not been called as of this writing. The results of the midterm elections at this writing give 211 seats to Republicans and 192 seats to Democrats so neither party has the 218 seats needed. In the current 117th Congress, Democrats control 220 out of 435 US House seats (218 are needed for control), while Republicans control 212 Seats, with three vacancies.

NEMPAC Highlights in the 2022 Elections

- NEMPAC donated nearly \$1.6 million to federal candidates, party committees, SuperPACs, and Independent Expenditures on both sides of the aisle
- [172 candidates were supported in the general election](#) – 21 in Senate races and 150 in House races
- 94% of NEMPAC-supported candidates in the Senate and 97% in the House have won their races (with 10 races undecided)
- Donations to candidates split 55% Democrat/45% Republican
- NEMPAC supported 19 physician candidates
- 45% of NEMPAC's contributions for the 2022 cycle went to diverse candidates (defined as women and non-white/Caucasian candidates) with the overall diversity of congress currently at 43%.
- Nearly 500 campaign checks were delivered by ACEP members and staff during the election cycle through fundraising events in DC, back home in the district, and through virtual events - many co-hosted by NEMPAC.

U.S. House of Representatives

NEMPAC supported 150 candidates for the House of Representatives in the general election. 136 won their elections, four candidates lost, and 10 are undecided at this writing. In addition, 18 candidates lost a primary race or decided to retire after NEMPAC donated to their campaigns.

U.S. Senate

NEMPAC supported 21 candidates for the Senate in the general election. 17 candidates supported by NEMPAC won their elections, one candidate lost (Rep. Tim Ryan in OH) and three races supported by NEMPAC are undecided in Alaska, Arizona, and Nevada. Two ACEP member/emergency physician candidates supported by NEMPAC lost in their respective Senate primaries: Dr. Kevin Bauml in Pennsylvania and Dr. Niki Thran in Vermont.

Physician Candidates

NEMPAC supported 19 physician candidates in the general election, including emergency physicians Rep. Raul Ruiz, MD (D-CA), Rep. Mark Green, MD (R-TN), and Rich McCormick, MD (R-GA), who were successful in their races. All NEMPAC physician “champions” in Congress were re-elected including Rep. Raul Ruiz, MD (D-CA), Rep. Ami Bera, MD (D-CA), Rep. Larry Bucshon, MD (R-IN), Rep. Greg Murphy, MD (R-NC), Rep. Brad Wenstrup, DPM (R-OH) and Rep. Kim Schrier, MD (D-WA).

NEMPAC also supported two physician candidates running in open seats: Dr. Kermit Jones in CA-03 and Dr. Yadira Caraveo in CO-08. Dr. Caraveo won with a margin of less than 1,000 votes, while Dr. Jones' race has not been called as of this writing.

For a complete listing of physician candidates who ran for Congress in 2022 and their race outcomes, [click here](#).

Legislative Update

As the dust continues to settle in the aftermath of the Midterms, the remainder of the 117th Congress' legislative calendar is even less clear than it was a week ago. Both chambers return for legislative business next week (11/14) and as currently scheduled, have about a month to clear out any lingering legislative priorities and must-pass items – not least of which is a government funding deadline of December 16, when the current continuing resolution (CR) expires. Keep in mind this also includes a week-long recess to observe Thanksgiving. Currently, the House is scheduled to be in session until December 16, while the Senate is scheduled until December 21.

In addition to the wide variety of legislative priorities remaining on the table, there is some hope that legislators will be able to agree on an omnibus spending package for the remainder of fiscal year (FY) 2023 and avoiding another CR showdown early in the 118th Congress, but details remain scarce. ACEP continues to advocate for emergency medicine priorities, including passage of the MAT Act to eliminate the X-waiver, mental health policies, workplace violence prevention legislation, and preventing a possible 10.5 percent Medicare cut scheduled to go into effect on January 1, 2023, among others. In an encouraging sign, a bipartisan group of 46 Senators recently sent a Dear Colleague letter to Senate leadership expressing their serious concerns with the stability of Medicare physician payments and the impending cuts, ensuring that this critical issue remains front and center for year-end negotiations.

For those who may have noticed a theme of uncertainty, things are no different in anticipation of the upcoming 118th Congress and what is in store for health care policy. While most polling and historical precedent had projected a significant wave election in favor of Republicans, Tuesday's election bucked most expectations and left much in flux. As of this writing, the outstanding House and Senate races will determine who controls the majority in January. As reported earlier, most projections still indicate the GOP is favored to win the House but with a single-digit margin. There is an improbable-but-not-mathematically-impossible scenario where Democrats could maintain control.

In the House, current Minority Leader Kevin McCarthy (R-CA) is expected to become Speaker, but the real question is what he will need to do to secure support from his members. With only a slim governing majority, various coalitions and factions within the GOP may command significant power and leverage in exchange for supporting McCarthy as Speaker. All of this has significant implications not just for the GOP's legislative priorities but especially for what is achievable in such an environment. The Senate remains a true toss-up where control may be unknown until the Georgia Senate runoff election on December 6. Regardless of who controls the chamber, Republican leadership is not expected to change but potential committee chairmanships are still up in the air.

At this point it is still too early to say what opportunities there may be for bipartisanship and meaningful health care legislation. What we do know at least is that a Republican majority in either chamber (or both) will be focused on their oversight authority, intending to go after the Biden Administration on its response to the COVID-19 pandemic, particularly on federal spending, vaccine mandates, and school closure policies. Additionally, Republicans have signaled that they will highlight the growing issue of fentanyl and its role in the nation's ongoing opioid crisis.

All of this is to say, “who knows?” what the 118th Congress holds in store, but it will certainly be interesting if nothing else.