



ACEP 911 Network Weekly Update April 28, 2017

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House Delays Vote and Continues to Look for Deal on Health Care Reform

The Republican caucus has been under considerable pressure from the White House to give President Trump a legislative victory prior to the end of his first 100 days in office. This week, House Republican leaders scrambled to secure enough votes on a modified proposal to their health care reform plan, the "American Health Care Act (AHCA)." Speaker Paul Ryan (R-WI) and key leaders decided late last evening to delay a vote on the latest version of the AHCA until next week at the earliest. According to the most recent reports, at least 15 House Republicans remain solidly opposed, with another 20 leaning "No" or still undecided on the bill.

The revisions in the latest version, proposed by an amendment offered by Reps. Tom MacArthur (R-NJ) and Mark Meadows (R-NC), would reinstate Essential Health Benefits as the "federal standard" and "maintain" several other patient protections, such as coverage for individuals with pre-existing conditions, guaranteed issue and renewability, coverage of dependents on parents' plan up to age 26, and community rating rules.

The amendment would also create an option for states to obtain waivers so insurance plans would not have to provide coverage for the Essential Health Benefits, which includes emergency services, and essentially eliminate community rating by allowing health insurers to charge different rates based on the individuals health.

For a state to qualify for a waiver, it would only have to express its intent to lower premium costs, increase the number of individuals covered or advance another benefit to the public interest. In addition, the state would have to establish a high-risk pool to cover individuals with expensive medical conditions, which has previously been tried by dozens of states with mixed results. The revised proposal (if it were to include another amendment offered by Reps. Gary Palmer (R-AL) and David Schweikert (R-AZ) could help states initially fund

their high-risk pools through \$130 billion in grants derived from three risk-sharing and/or state innovation programs.

A separate amendment in the works would reverse a provision in the MacArthur-Meadows Amendment that would have (unintentionally according to the sponsors) exempted lawmakers and their staffs from possible loss of the EHBs and health status underwriting.

ACEP along with other medical specialty societies have activated grassroots actions against the legislation in its current form. ACEP cannot support legislation that does not include emergency medical care as an essential covered benefit. [Take action here](#) to urge your Member of Congress to oppose any legislation that erodes guaranteed coverage for emergency medical care.

[Click here](#) for ACEP's press release on the latest actions in congress on health care reform legislation.

CR Funds Government for one more Week

On Friday, Congress approved a short-term Continuing Resolution to keep the government funded through May 5. Without this legislation, federal agencies and programs would lose funding and shut-down today. The weeklong stopgap measure easily passed the House this morning on a vote 382-30. 16 Republicans and 14 Democrats voted against the stopgap bill in the House. The Senate vote was unanimous.

Both chambers are working on a larger, omnibus bill to keep the government funded through the remainder of the fiscal year, which ends on September 30, although several key issues have yet to be resolved.

Congress must finalize action of the current year's spending bills before it can turn its attention to the fiscal year 2018 appropriations process.

EMS Standing Orders Bill Advances in Senate

On Monday, Sens. Bill Cassidy (R-LA) and Mike Bennet (D-CO) reintroduced the ACEP-supported "Protecting Patient Access to Emergency Medications Act" (S. 916) and the Senate Health, Education, Labor and Pensions (HELP) Committee approved it by voice vote on Wednesday.

The legislation will ensure continued access to pain and anti-seizure medications for patients in medical emergencies. It will explicitly permit physician medical directors to issue standing orders to EMS personnel so they may administer controlled substances to their patients. In addition, the legislation clarifies and codifies who is authorized to provide verbal orders for controlled substances; provides the option for a single EMS agency registration; and clarifies receipt, movement and storage rules for EMS agency controlled substances.

ACEP, in coordination with the National Association of EMS Physicians (NAEMSP), National Association of Emergency Medical Technicians (NAEMT) and Emergency Nurses Association (ENA), have led the coalition of associations pursuing enactment of this

legislation.

WH Nominates New Assistant Secretary for Mental Health and Substance Use

Last Friday, President Trump nominated psychiatrist Elinore McCance-Katz, MD, PhD, to be the first ever HHS Assistant Secretary for Mental Health and Substance Use. This position was created as part the mental health reforms ACEP supported that were enacted last year as part of the 21st Century Cures Act. The new position will oversee the Substance Abuse and Mental Health Services Administration (SAMHSA) and coordinate the nation's mental health and substance misuse treatment programs at other agencies throughout the federal government.

Dr. McCance-Katz currently serves as the Chief Medical Officer at Rhode Island's Department of Behavioral Healthcare, Developmental Disabilities and Hospitals and previously was the CMO at SAMHSA.

WH Dismisses Surgeon General

Also last Friday, the Trump Administration dismissed Vivek Murthy, MD, MBA, as Surgeon General. Dr. Murthy (internal medicine) was appointed by President Barack Obama and was confirmed in December 2014 to serve a four-year term. However, his nomination was held-up in the Senate for more than a year, primarily due to opposition from the National Rifle Association. Rear Admiral Sylvia Trent-Adams, PhD, RN, FAAN, who has served in the Public Health Service Commissioned Corps since 1992, has been elevated to Acting Surgeon General.

FDA Nominee Clears Committee Hurdle

On Thursday, the Senate HELP Committee approved (14 to 9) the nomination of Scott Gottlieb to become the next head of the Food and Drug Administration (FDA). All Republicans and two Democrats (Sens. Sheldon Whitehouse, D-RI, and Mike Bennet, D-CO) voted yes. The vote was originally scheduled for Wednesday, but Ranking Democrat Patty Murray (D-WA) asked for a 24-hour postponement after receiving responses to paperwork relating to Gottlieb's financial holdings less than an hour before the vote was to take place.

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