



In this Issue:

Year-End Surprise Billing Update

Congress Reaches Deal on \$1.4 Trillion Spending Package

Federal Appeals Court Finds ACA Mandate Unconstitutional; Legal Threat to Law Remains It's Not Too Late to Support NEMPAC This Year

Year-End Surprise Billing Update

Congressional efforts to address surprise billing will continue in early 2020, as legislators were unable to come to an agreement on a solution to be included in the year-end spending package.

Congressional leadership stated that a surprise billing fix will be included in a larger health care package that includes the "health extenders" that were temporarily funded until May 22, 2020.

House Energy and Commerce Chairman Frank Pallone (D-NJ) and Ranking Member Greg Walden (R-OR) and Senate Health, Education, Labor, and Pensions (HELP) Chairman Lamar Alexander (R-TN) had worked to include their compromise solution in the year-end deal, which would have established a payment rate at median in-network for out-of-network care, among numerous other provisions. However, the recent bipartisan agreement between House Ways and Means Committee Chairman Richard Neal (D-MA) and Kevin Brady (R-TX) on their own approach to surprise billing signaled that significant differences remain, and so congressional leaders opted to push the issue into early next year. Though the Ways and Means proposal is only a broad outline at the moment, they are expected to mark up their own legislation in late January or early February.

And on Thursday, E&C and HELP [announced an expanded surprise billing investigation](#) into physician staffing companies and large insurers. This announcement follows the [initial investigation](#) launched in September 2019 by E&C regarding private equity firm ownership and investment in physician staffing and emergency transport companies.

This timeline allows additional committees of jurisdiction to weigh in on this important issue, and also ensures that a major policy change is not rushed through in a year-end funding deal. ACEP continues to work with Congress to ensure that patients are taken out of the middle of payment disputes between physicians and insurers, and will provide updates as this issue evolves in early 2020.

Congress Reaches Deal on \$1.4 Trillion Spending Package

This week, the House and Senate passed a \$1.4 trillion spending package to fund the government throughout fiscal year 2020, avoiding the threat of shutdown like the one that brought the government to a halt last year (the longest shutdown in U.S. history).

The overall deal is comprised of two spending bills, one a smaller "minibus" of national security bills for the Department of Defense and Department of Homeland Security, the other a larger domestic funding package that included a number of significant health care provisions, but notably did not include deals on surprise billing or prescription drug prices – major priorities for both chambers. Among the significant health care provisions were a permanent repeal of the ACA's Health Insurance Tax, medical device tax, and "Cadillac" tax on generous health insurance plans – at an estimated cost of \$400 billion.

In a significant year-end victory for emergency medicine, the deal includes several major ACEP priorities as well:

- \$5 million for the Alternatives to Opioids (ALTO) in the Emergency Department program

- \$4 million for the Preventing Overdoses While in Emergency Rooms (POWER) Act program to help connect patients who have overdosed with longer-term treatment options
- Reauthorization of the Poison Center Network program through FY2024
- \$25 million for the Centers for Disease Control and Prevention (CDC) and National Institutes of Health (NIH) to conduct research on firearms violence and injuries – for the first time in more than two decades
- Extension of the Medicare work geographic index floor until May 22, 2020 (GPCI)

Funding for the ACEP-developed ALTO and POWER Acts, signed into law as part of last year's bipartisan opioid package (H.R. 6), is a particularly important victory and ensures that these programs will be expanded into more communities throughout the country.

Federal Appeals Court Finds ACA Mandate Unconstitutional; Legal Threat to Law Remains

On Wednesday, the 5th Circuit Court of Appeals ruled that the Affordable Care Act's (ACA) individual mandate is unconstitutional, bringing the legal challenges to the law back to the forefront of health care policy discussions.

Notably, the court deferred on the main issue of "severability" and whether or not the entirety of the ACA may be struck down, instead referring that question back to the District Court that originally made the decision. As a result, it is less likely that the case will be considered by the Supreme Court in 2020, delaying any resolution until after the November elections.

The decision is a reminder that significant uncertainty remains about the future of the ACA and its provisions, especially pre-existing conditions protections, essential benefits, and other important consumer protections.

It's Not Too Late to Support NEMPAC This Year

2019 has been a busy and productive year for NEMPAC. We are finding that now, more than ever, your support is making a difference in our ability to advocate on behalf of emergency medicine and patients. [Click here](#) to read more about NEMPAC and our recent legislative wins. Your support will ensure our voice continues to be heard on Capitol Hill and that we remain at the top of the leaderboard among medical and physician PACs. Please [click here](#) to support NEMPAC today.

Due to the congressional recess, the next issue of the ACEP 911 Network Weekly Update will be on January 10.



Connect with us on  Facebook and  Twitter!

To ensure delivery to your inbox, add ACEP@acep.org & JSlade@acep.org to your address book.
Copyright © 2019 American College of Emergency Physicians. All rights reserved.

View the ACEP [privacy policy](#).

ACEP Public Affairs | 2121 K Street, NW Suite 325 | Washington, DC 20037

[Click here to unsubscribe.](#)