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Democrats Reclaim House Majority as 116th Congress Convenes and Shutdown Continues

On Thursday, the First Session of 116th Congress officially convened, with Democrats in the House of Representatives retaking the majority and Nancy Pelosi once again claiming the Speaker's gavel. Senate Republicans increased their majority in the chamber by two seats, now holding a 53-47 majority.

The new House majority wasted little time getting to their legislative priorities, voting on several measures aimed at reopening the portion of the federal government that has been closed since December 22. President Trump issued a veto threat for the bills, and Senate Majority Leader Mitch McConnell has said the chamber will not take up legislation that the President will not sign. Bipartisan congressional leadership is scheduled to meet with the President this afternoon to resume negotiations, but the shutdown standoff continues with no clear path toward a speedy resolution in sight.

House Democrats also signaled that one of their upcoming priorities will be focused on health care, including potentially intervening in the recent Texas district court decision (*Texas v. Azar*) that threatens to undo the protections of the Affordable Care Act, as well as efforts to rein in prescription drug prices and health care costs. As the 116th Congress moves forward, ACEP will continue to monitor these developments and remains engaged with legislators on joint efforts to increase price transparency and ensure access to affordable care for patients.

New Committee Assignments for 116th Congress

With members retiring and a new majority in the House, below are some of the notable changes for the 116th Congress in both chambers:

- House Energy and Commerce: Former Ranking Member Frank Pallone (D-NJ) assumes the Chairman's gavel, former Chairman Greg Walden (R-OR) becomes the Ranking Member.
- House Ways and Means: Former Ranking Member Richie Neal (D-MA) becomes Chairman, former Chairman Kevin Brady (R-TX) takes Ranking Member position.
- House Veterans' Affairs: Former Ranking Member Mark Takano (D-CA) becomes Chairman.

•Senate Finance: With the retirement of previous Chairman Orrin Hatch (R-UT), Sen. Chuck Grassley (R-IA) takes the Chairman's gavel and Sen. Ron Wyden (D-OR) remains Ranking Member.

Senator Pat Roberts Announces 2020 Retirement

On Friday morning, Senator Pat Roberts (R-KS) announced that after four terms in the Senate, he will not seek reelection when his term is up in 2020. Roberts chairs the Senate Committee on Agriculture, and also sits on the Senate Committee on Finance, including the Health Subcommittee.

Roberts was recently able to successfully steer the recent Farm Bill through Congress in mid-December, and he now intends to continue working on implementation of the law in his remaining time in the Senate.

Sen. Roberts' announcement becomes the second Senate GOP retirement for the 2020 cycle. In December, Senate Health, Education, Labor, and Pensions Committee Chairman Lamar Alexander (R-TN) announced he will not seek a fourth term.

HHS Releases Draft Report on Pain Management Best Practices

Last week on December 28, an inter-agency task force on pain management within the Department of Health and Human Services (HHS) issued a [draft report](#) related to pain management best practices. The task force concluded that non-opioid medicines should be the first option whenever possible and payers should reconfigure reimbursement plans to encourage their use. They also recommended that CMS and private payers provide reimbursement that aligns with certain medication guidelines. This includes covering buprenorphine for specific chronic pain patients and placing the medication on private payers' hospital formularies.

The draft report concludes that non-opioid medicines like acetaminophen, NSAIDs, anticonvulsants, local anesthetics and dexmedetomidine have been underused as hospitals apply "simple medication rules" to diverse patient populations. The task force also encouraged non-drug therapies such as behavioral health and mindfulness training, physical therapy, massage and transcutaneous electric nerve stimulation. It called for more research on some alternative therapies and recommended that others, like the nerve stimulation devices, be readily available over the counter. Finally of interest, the task force recommended augmenting interstate cooperation between prescription drug monitoring programs (PDMPs).

The report is open to public comment for 90 days. The task force, as required by Congress through the Comprehensive Addiction and Recovery Act of 2016, has until May to finalize its recommendations in to Congress.

Clinicians Can Start Submitting 2018 data for the Merit-based Incentive Payment System (MIPS) through April 2, 2019

On Thursday, the Centers for Medicare & Medicaid Services (CMS) announced that the agency had officially opened the data submission period for clinicians who participated in the Merit-based Incentive Payment System (MIPS) in Year 2 (2018) of the Quality Payment Program (QPP). MIPS, which was established by the Medicare Access and CHIP Reauthorization Act (MACRA), is the major physician performance program in Medicare. Data from 2018 can be submitted and updated any time from January 2, 2019 to April 2, 2019.

For more information on how MIPS impacts emergency physicians, please click [here](#).

To find out more about reporting data from 2018, please review CMS' frequently asked questions [here](#).



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