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Update on Out-of-Network Billing Advocacy

This week, ACEP President Vidor Friedman, MD, FACEP, met with several lawmakers as part of ACEP's ongoing Leader Visit Program to discuss surprise medical bills and to promote baseball-style arbitration as the best, least disruptive solution that will protect patients, and also establish a fair and level playing field between physicians and insurers.



Dr. Friedman is pictured with Senators Roy Blunt (R-MO), Lisa Murkowski (R-AK), and Doug Jones (D-AL)

You can help our efforts in the U.S. Senate! If you reside in the state of a Senate HELP Committee member, [click here](#) to send your Senator a personalized message asking him/her to use the Cassidy Workgroup legislation as the starting point for surprise billing discussions. Note: If you receive an error message, it is because you do not live in the state of a Senator who serves on the HELP committee. Stay tuned for further action alerts on surprise billing where we will need your help.

Additionally, on Wednesday, ACEP submitted a formal response to the Senate Health, Education, Labor, and Pensions (HELP) Committee's discussion draft of its bipartisan proposal to lower health care costs, which includes provisions aimed at the issue of surprise billing. Unfortunately, while the proposal includes three options to address surprise billing that are under consideration by the Committee, none of these options provide a fair and reasonable balance between physicians and insurers regarding disputes over reimbursement above a patient's cost-sharing requirements.

In the letter, we expressed our concerns with the three options to address surprise medical bills and urged the committee to use the arbitration framework established by the bipartisan Senate Price

Transparency Work Group, led by Sens. Bill Cassidy (R-LA) and Maggie Hassan (D-NH), as the starting point for that discussion. We also commended the committee for its work in other areas to improve patient care, such as vaccination education and promoting the use of telemedicine in rural communities, among other things. To read ACEP's comments, click [here](#).

Finally, this upcoming Wednesday (6/12), the House Energy and Commerce Health Subcommittee will hold its first hearing on surprise medical bills. ACEP staff will be in attendance and a recap of this hearing will be provided in next week's update.

ACEP-Supported PAHPA Reauthorization Sent to President

On Tuesday, the House of Representatives approved the "Pandemic and All-Hazards Preparedness and Advancing Innovation Act" (S. 1379) by voice vote. The ACEP-supported legislation includes improvements for Regional Health Care Emergency Preparedness and Response Systems, which will identify and provide guidelines for regional systems of hospitals, health care facilities, and other public and private-sector entities to treat patients and increase surge capacity before, during, and immediately after a public health emergency, including threats posed by one or more chemical, biological, radiological, or nuclear agents, including emerging infectious diseases.

The bill adds the MISSION ZERO Act's provisions to facilitate the use of military trauma teams in civilian trauma centers. S. 1379 also includes provisions to improve the National Disaster Medical System (NDMS); expand public health surveillance; study DMAT readiness capabilities; improve the Public Health Emergency Fund (PHEF); extend authorization for the Emergency System for Advanced Registration of Volunteer Health Professionals (ESAR-VHP); and study hospital preparedness capabilities. Finally, the bill reauthorizes and increases funding for the Hospital Preparedness Program (HPP), which provides grants to improve the capacity of the health care system to plan for and respond to medical surge events.

Regs & Eggs: NEW! Regulatory Affairs Blog

ACEP has a new blog focused on federal regulatory affairs, "Regs & Eggs," where ACEP's Director of Regulatory Affairs, Jeffrey Davis, will provide weekly updates on the major federal regulations impacting emergency medicine. Every Thursday morning, while you're eating your breakfast, we'll give you a heads up about new proposed or final regulations, demonstrations, grant opportunities, or other announcements from federal agencies, like CMS or the VA. As we fight against burdensome new requirements in Medicare and other federal programs, or express our support for policies that would truly benefit the practice of emergency medicine, we need to hear your voice and get your input. We hope you join for us some Regs & Eggs: www.acep.org/regsandeggs.

CMS Releases Request for Information on Reducing Administrative Burden

On Thursday, CMS issued a Request for Information (RFI) seeking stakeholder input on additional options (beyond the policies CMS has already adopted) to reduce administrative burdens on clinicians, providers, patients and families—focusing on patient-centered care, innovation, and outcomes.

CMS highlighted the following specific areas of interest:

- Prior authorization procedures;
- Reporting and documentation requirements;
- Coding and documentation requirements for Medicare or Medicaid payment;
- Policies and requirements for rural providers, clinicians, and beneficiaries;
- Policies and requirements for dual eligible beneficiaries;
- Beneficiary enrollment and eligibility determination; and
- Procedures for issuing regulations and policies.

ACEP will be developing a response to this RFI over the next several weeks.



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