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Your Advocacy on Surprise Billing is Critical as Year-End Approaches

Negotiations are continuing in Congress on legislation to end surprise billing. Because of the long-term, significant impact any surprise billing solution will have on access for patients and the broader health care system, we need to encourage Congress to keep working on finding the right solution. Several committees have yet to address this issue and none of the proposals have been considered by the full House or Senate.

Please [contact your legislators](#) to urge them to be thoughtful about passing the best solution rather than rushing something through in a year-end funding package. Our [Surprise Billing Advocacy Toolkit](#) has been updated with this new message and we urge you to take advantage of the many tools at your disposal to advocate to your lawmakers, the media and the public on this critical issue.

House Passes ACEP-supported Workplace Violence Legislation

On Thursday, the House of Representatives passed H.R. 1309, the Workplace Violence Prevention for Health Care and Social Service Workers Act of 2019, sponsored by Representative Joe Courtney (D-CT). The bill requires the Occupational Safety and Health Administration (OSHA) to issue standards to protect emergency physicians, nurses, health care workers, and social workers from violence in the workplace and implement prevention efforts.

The legislation compels OSHA to issue an interim final standard in one year and a final standard within 42 months requiring employers within the health care and social service sectors to develop and implement a workplace violence prevention plan. Employers would be required to identify risks, specify solutions, and require training, reporting, and incident investigations. It would also provide protections from retaliation for reporting violent incidents.

ACEP worked with Rep. Courtney to help ensure the important provisions of this legislation will be implemented appropriately, taking into consideration how EDs are staffed and clarifying language to ensure any new federal requirements do not create any unintentional burdens for entities that do not control the health care workplace. ACEP sent a [letter of support](#) for the legislation in March 2019.

During consideration of the bill on the House floor, ACEP sent an alert to congressional staff asking them to oppose an amendment that would have eliminated the requirement for OSHA to issue a standard within a specific timeframe, further delaying a process that has already suffered significant delays. Rep. Courtney noted [ACEP's advocacy and expertise on the issue](#) during debate on the floor. The amendment was defeated, and ultimately the legislation passed the House in a bipartisan 251-158 vote.

ACEP's efforts now shift to the Senate to continue our advocacy to secure enactment of this important legislation into law.

Senate Committee Approves FDA Nominee

On Wednesday, the Senate Health, Education, Labor, and Pensions (HELP) Committee held a hearing on the nomination of Stephen Hahn, MD, FASTRO, to serve as Commissioner of the Food and Drug Administration (FDA). Dr. Hahn currently serves as the Chief Medical Executive at the University of Texas MD Anderson Cancer Center in Houston.

Throughout the hearing, senators from both parties agreed that action needs to be taken to address the youth tobacco and vaping epidemic, including the need to ban flavored vaping products. Democratic members urged action to reduce nicotine levels in e-cigarettes and create youth tobacco cessation programs while Republicans primarily called for the FDA to enforce tamper-proof cartridges and ensure label transparency. Several other senators also identified drug shortages as a priority issue for the FDA. Dr. Hahn repeatedly pledged to use "science and data" to tackle a wide range of agency challenges, whether they involve e-cigarettes or the importation of less expensive drugs made overseas.

Last week, ACEP President Bill Jaquis, MD, FACEP, spoke to Dr. Hahn and discussed ACEP's actions to identify the root causes of drug shortages and our desire to use all available legislative and regulatory means to address this vital issue. Dr. Hahn cited his own experience dealing with cancer drug shortages and committed to working with ACEP and other stakeholders to ameliorate these shortages. Following the call, ACEP has endorsed Dr. Hahn's nomination and earlier this week, five previous FDA commissioners endorsed him for the job as well.

HELP Committee Chairman Lamar Alexander (R-TN) said the committee would vote on Dr. Hahn's nomination on Dec. 3, with a goal of getting him confirmed by the end of the year.

To view the hearing, click [here](#).

House Committee Advances Several Health Care Bills

On Tuesday and Wednesday, the House Energy and Commerce Committee approved two bills to improve maternal health care access and quality as well as legislation to reduce youth tobacco use and vaping. All three bills were approved by the Health Subcommittee last week. The "Maternal Health Quality Improvement Act" (H.R. 4995) would improve upon public health programs to address maternal health and the "Helping Medicaid Offer Maternity Services (MOMS) Act" (H.R. 4996) would create a new state plan option to extend continuous Medicaid or CHIP eligibility for one year postpartum. The "Reversing the Youth Tobacco Epidemic Act" (H.R. 2339) would increase the minimum age to purchase tobacco products to 21, prohibit characterizing flavors in all tobacco products, and direct the FDA to issue regulations to prohibit non-face-to-face sales of all tobacco products, including e-cigarettes.

The amended maternal health bills passed easily by voice vote. While the committee approved H.R. 2339, it was done by a vote of 28 to 24. Democratic members of the committee generally supported the measure while Republicans largely raised concerns that the tobacco bill is too far reaching and could have unintended consequences.

To view the mark-up, click [here](#).

Hungry for some Regs & Eggs?

ACEP publishes a weekly blog focused on federal regulatory affairs, "[Regs & Eggs](#)", that provides updates on the major federal regulations impacting emergency medicine. Every Thursday morning, while you're eating your breakfast, we 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.

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