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ACEP Responds to Senate Bipartisan Price Transparency Workgroup Legislation

On Wednesday, ACEP submitted a detailed response to the Senate Bipartisan Price Transparency Workgroup regarding their draft legislation on how to address out-of-network billing issues. The workgroup, comprised of Senators Bill Cassidy, M.D. (R-LA), Claire McCaskill (D-MO), Charles Grassley (R-IA), Michael Bennet (D-CO), Todd Young (R-IN), and Tom Carper (D-DE), recently released a discussion draft of their legislation and requested feedback and input on how to best address this complex topic.

ACEP's response highlighted several key issues, including:

- How the unique nature of emergency care and how EMTALA and the Affordable Care Act discourage health plans from entering into fair and reasonable contracts for in-network services;
- The draft's proposed across-the-board federal ban on balance billing should be accompanied by a corresponding federally-defined minimum benefit standard (MBS);
- How the MBS is defined and how federal law would defer to states that have already established clear, specific, and transparent methodologies;
- Why the usual, customary, and reasonable (UCR) definition proposed in the draft could still be manipulated by insurers and suggestions on better methodologies; and,
- How additional provisions regarding post-stabilization care would conflict with both existing federal regulations and care delivery, among others.

ACEP's letter is part of an ongoing conversation with this bipartisan workgroup that began in March 2018. While the workgroup recently announced its intention to introduce the legislation by the end of October, ACEP reinforced the need to collect data and analyze the proposal before rushing to introduce a bill.

Read the full ACEP response letter [here](#).

Read the executive summary of the letter [here](#).

ACEP President Vidor Friedman, MD, FACEP, Meets with Members of Bipartisan Workgroup

On Thursday, as part of ACEP's continued work with the Senate Bipartisan Price Transparency Workgroup, ACEP President Vidor Friedman, MD, FACEP, met with Senators Bill Cassidy, MD (R-LA) and Todd Young (R-IN) to discuss the draft legislation and expand upon ACEP's perspective on this effort. In addition to these conversations, Dr. Friedman also met with the staff of the members of the bipartisan workgroup on Friday morning to offer feedback on the proposal and help refine the language of the draft.



ACEP President Vidor Friedman, MD, FACEP with Senator Bill Cassidy, MD (R-LA)

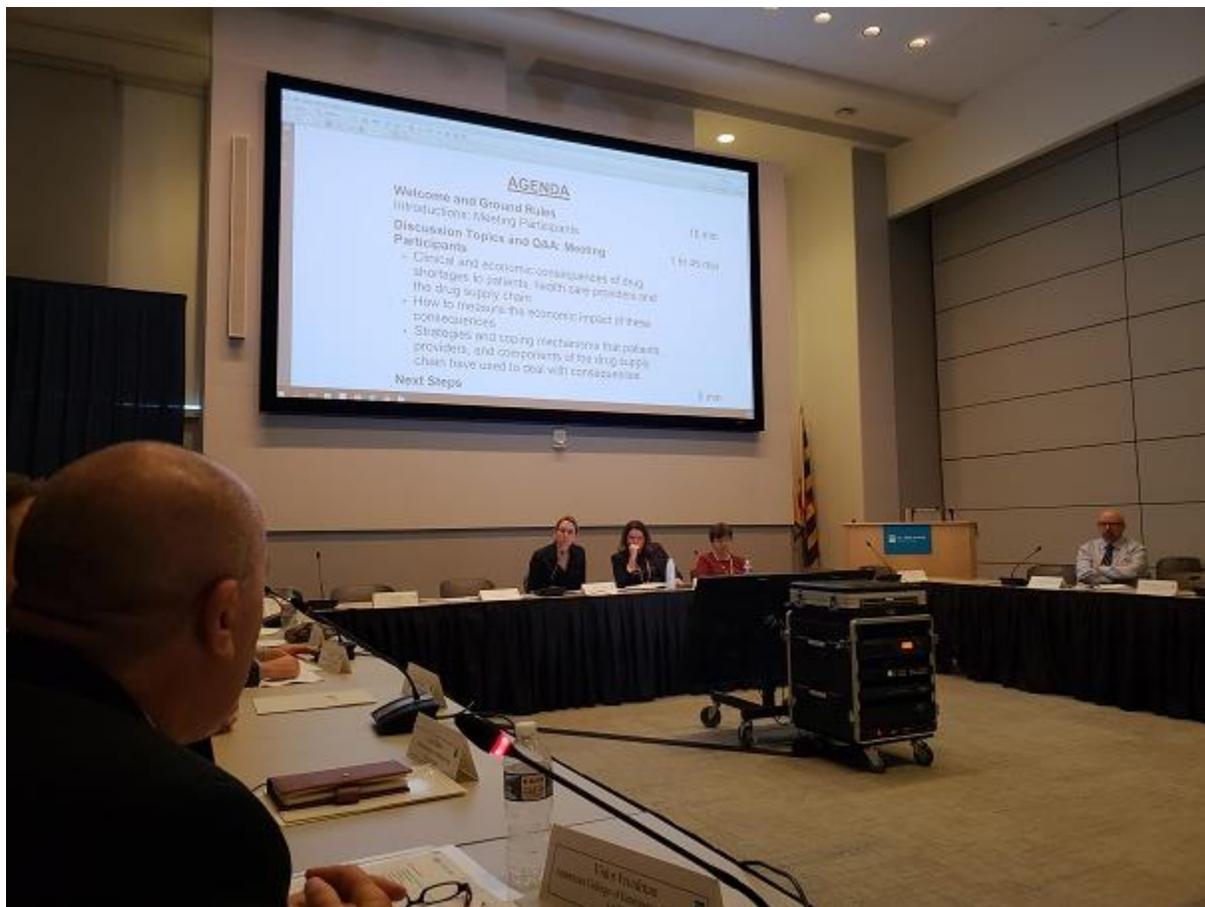


ACEP President Vidor Friedman, MD, FACEP with Senator Todd Young (R-IN)

ACEP Participates in FDA Drug Shortages Listening Session

On Friday, the Food and Drug Administration (FDA) held a listening session with members of the physician community, where ACEP was represented by Vidor Friedman, MD, FACEP. ACEP was one of 10 physician groups invited to participate in the listening session, held as part of the FDA's Drug Shortages Task Force efforts to identify the root causes of drug shortages and develop solutions to address this persistent problem. Dr. Friedman shared the perspective of emergency medicine, highlighting the common shortages experienced in the emergency department that affect the routine, everyday practice of emergency physicians, and how shortages ultimately affect patients.

This meeting, as well as ACEP's ongoing conversations with the FDA, also reinforces the effectiveness of advocacy by emergency physicians. During the 2018 Leadership and Advocacy Conference, emergency physicians urged legislators to ask the FDA to look into the root causes of drug shortages and deliver recommendations to Congress on how to fix these significant problems affecting patient care. Thanks to the efforts of EM advocates, these letters secured more than 100 bipartisan signatories in the House and more than 30 in the Senate. In response only a few short weeks later, FDA Commissioner Scott Gottlieb announced the creation of this FDA Drug Shortage Task Force, and the Commissioner himself has made this issue one of his top priorities. ACEP will continue to be active in this effort as the Task Force delves further into this critical issue.



ACEP President Vidor Friedman, MD, FACEP at FDA



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