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As of publication, Congress is rapidly approaching a midnight deadline without a deal in sight to prevent a government shutdown. On Thursday, the House of Representatives passed a 30-day Continuing Resolution (CR) to extend government funding at current levels, and also included a six-year re-authorization and funding for the Children's Health Insurance Program (CHIP) that expired on September 30, 2017. However, without a compromise on "Dreamers" (the Deferred Action for Childhood Arrivals; DACA) or increases in discretionary budget caps, the proposal faces an uphill battle in the Senate and seems unlikely to garner the necessary 60 votes for passage. On Friday afternoon, President Trump invited Senate Minority Leader Chuck Schumer (D-NY) to the White House to discuss a path forward on a funding deal, much to the chagrin of Republican legislators. However, reports after the meeting ended suggest that no deal has yet been reached and it remains unclear whether the government will shut down at midnight. **ACEP continues to monitor the negotiations and will provide updates accordingly should there be any significant new developments.**

**ACEP Exposing Anthem's Unlawful Emergency Care Policy with New Video**

ACEP [launched a video campaign](#) this week to push back on a dangerous policy by Anthem Blue Cross/Blue Shield (BCBS) to deny coverage for emergency patients. "Anthem's policy is also unlawful," said ACEP President Paul Kivela. "The 'prudent layperson standard' is federal law and requires health insurance companies to cover emergency visits based on the patient's symptoms, not the final diagnoses. No insurance policy is affordable if it abandons you in an emergency."

The company is using secret lists of pre-determined diagnoses — which Anthem BCBS considers to be "non-urgent" — that may not be covered if the patient goes to the emergency department.

As reported in a previous *Weekly Update*, Sen. Claire McCaskill, D-MO, representing a state where Anthem implemented this policy, sent [a letter](#) to Anthem's CEO requesting answers

and internal documents from the company.

Along with Missouri, Anthem BCBS has already implemented the policy in Georgia, Kentucky, Indiana, New Hampshire and Ohio. Unless stopped, this could go into effect in more states, with additional health insurance companies following with policies of their own.

Learn more and watch the video by visiting [www.faircoverage.org](http://www.faircoverage.org).

Please post it to Facebook pages, e-mail it to colleagues and Tweet about it using #FairCoverage and #StopAnthemBCBS.

**The more the video gets shared, the more likely we will go viral!**

### **HHS Issues New Conscience Protection Rule**

On Friday, the Department of Health and Human Services (HHS) issued a [new proposed rule](#) that would significantly expand “conscience” protections for health care providers who have moral or religious objections to providing certain medical services. The rule is accompanied by the creation of a new division within the HHS Office of Civil Rights that will be tasked with reviewing complaints of discrimination against such health care providers based upon their religious or moral grounds. The agency cites an uptick in reported claims of discrimination against health care workers as part of the reason for issuing the rule, and outlines procedures including abortion, sterilization, and assisted suicide as the kinds of procedures the agency will be targeting. However, there are concerns that the language in the rule is broad enough to apply to many other situations, including health care providers treating transgender individuals, administering certain vaccines, or conducting end-of-life counseling. **ACEP is in the process of reviewing the rule and determining how it might affect emergency physicians and our patients.**

### **Senate Holds Initial PAHPA Hearing**

On Wednesday, the Senate Committee on Health, Education, Labor, and Pensions (HELP) held the first of a number of expected hearings regarding the re-authorization of the Pandemic and All Hazards Preparedness Act (PAHPA), a law enacted in the aims of improving public health and medical preparedness and response capabilities for emergencies.

The re-authorization discussion is timely as health care providers battle the current flu epidemic and continue to address the lingering effects from Hurricanes Harvey, Irma, and Maria that devastated Texas and Puerto Rico in 2017. This initial hearing was informational in nature, focusing on previous experiences and responses to disasters, the range of threats the country is expected to face in the future, how the law can be improved how Congress can ensure adequate resources to improve disaster response. **As we have during previous re-authorizations, ACEP continues to work with legislators to improve PAHPA, whether by improving surge capacity or other proposals that ensure our nation is equipped to respond to any disaster.**

## **“Good Samaritan” Liability Bill Advances**

On Thursday, the House Energy & Commerce Subcommittee on Health marked up H.R. 1876, the “Good Samaritan Health Professionals Act of 2017.” **This ACEP-supported legislation protects health care professionals who volunteer in response to disasters by providing certain liability protections.** While current federal law, the Volunteer Protection Act (VPA), protects health care professionals who volunteer through a nonprofit or government entity, these liability protections do not extend to health care practitioners who volunteer on their own. In the markup, the bill was modified slightly. **As the bill moves forward through the legislative process, ACEP will continue working to ensure that the provisions of this bill appropriately protect emergency physicians who volunteer and provide care in response to federally-declared disasters.**

### **ACEP Comments on Medicare Advantage and Part D Rule**

On Tuesday, ACEP submitted [a response](#) to the HHS proposed rule for the 2019 Medicare Advantage and Part D programs. The letter offers broad support of the proposed pharmacy and prescriber “lock in” program for Medicare Part D beneficiaries who are identified as being at a high risk for opioid misuse or abuse, but seeks additional clarification on what impact, if any, this might have for such beneficiaries who receive prescriptions during emergency care. The letter also reiterated ACEP’s position on network adequacy in the Medicare Advantage program.

### **ACEP Political and Legislative Advocacy Survey**

Thank you to all who completed and returned the ACEP survey to help us assess how we can better communicate political and legislative activities to our members and the health care industry and federal policymakers.

The survey was sent to a random sampling of 10,000 ACEP members with the goal of a 5% return. Respondents were eligible for entrance into a drawing for a \$200 Amazon gift card.

AND THE GIFT CARD WINNER IS

**Dr. Christopher Edwards in Exton, PA**

Thank you again to all who participated!



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