



**September 14, 2018**

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**House, Senate Pass First FY2019 "Minibus" Funding Bill**

This week, Congress approved a \$147 billion "minibus" funding package in a bipartisan effort to carry out the annual appropriations process and prevent a government shutdown on October 1. The spending package is comprised of three fiscal year (FY) 2019 appropriations bills that fund the Department of Energy, military construction and Veterans Affairs, and legislative branch functions. The measure passed with overwhelming bipartisan support in both chambers, with a 92-5 vote in the Senate and a 377-20 vote in the House. The bill now awaits the President's signature. Legislators are expected to pass two more minibuses, which would complete a total of nine of the twelve annual appropriations bills and fund more than 90 percent of the federal government's activities. This leaves Congress with a relatively small continuing resolution (CR) needed to pass to temporarily fund the remaining agencies, including the Department of Homeland Security (where funding for the border wall would be assigned), until December 7, 2018. Though President Trump has floated the idea of a government shutdown, legislators on both sides are keen to avoid an unwanted shutdown prior to the November elections. Most legislators and observers expect the President to ultimately sign the funding bills when they reach his desk.

**Congress Reaches Deal on FY2019 Labor/HHS Funding Package**

On Thursday afternoon, House and Senate appropriators announced a bipartisan agreement on another minibus funding package that includes both the Department of Defense (DoD) appropriations and the Labor-HHS-Education appropriations bills. The package funds the Department of Health and Human Services at a total of \$90.5 billion, a \$2.3 billion increase over fiscal year (FY) 2018 levels. Among the health care provisions important to emergency medicine are \$3.8 billion in funding to help address the nation's opioid epidemic and a \$2 billion increase in funding for the National Institutes of Health (NIH). Appropriators declined to open up new battles over partisan policy riders. Per the text of the agreement, the bill retains the existing prohibition on using federal funds to advocate or promote gun control, which has been a contentious issue over the past year. The agreement also dropped a provision sought by Sen. Chuck Grassley (R-IA) that would have required drug companies to disclose drug prices in advertisements, although the White House has stated that it is seeking to do something on this issue administratively.

**Hurricane Florence Delays Senate Vote on Opioid Package**

Due to Hurricane Florence making landfall in the Carolinas this week, the Senate was forced to delay a vote on its comprehensive opioid legislation until next week. Senate Majority Leader Mitch McConnell

(R-KY) moved the vote to Monday evening, and with successful passage of the legislation, it will then move to a conference committee process to resolve differences between the Senate and House versions.

The Senate bill, the Opioid Crisis Response Act (S. 2680), contains a number of similar provisions to the legislation passed by the House earlier this year. **Notably, it includes provisions that would help expand the ACEP-promoted Alternatives to Opioids (ALTO) program into additional communities, as well as a provision to promote medication-assisted treatment (MAT) programs initiated in the emergency department.** Though Senate passage of the bill is expected on Monday, it remains unclear as to whether both chambers will be able to resolve the differences between their respective efforts prior to the November elections. ACEP will continue to advocate for the successful passage of these important emergency medicine priorities and will continue to monitor the progress of this important legislation as the conference committee process begins.

**House Energy & Commerce Committee Advances Several Drug Pricing Bills**

Following last week’s Health subcommittee activity, on Thursday, the full House Energy and Commerce Committee approved several bills designed to improve health care for patients. One of the bills, sponsored by Rep. Buddy Carter (R-GA), would prohibit contractual “gag-clauses” that prevent pharmacists from telling customers that they could save money on a prescription by paying out-of-pocket instead of using their insurance benefits. Last week, the Senate approved a similar bill (S. 2553) that applies to Medicare Advantage patients and Medicare Part D plans. Another Senate bill (S. 2554), which would apply the same rules to patients on ACA exchanges and in private health plans, is expected to be considered by the full Senate soon.

**ACEP Response to the Annual Medicare Physician Payment Proposed Rule**

On September 10, ACEP submitted a robust set of comments responding to the Calendar Year (CY) 2019 Medicare Part B physician fee schedule (PFS) and Quality Payment Program (QPP) proposed rule. This rule included numerous proposed policies that impact physician payments under Medicare, most notably a proposal that would streamline documentation requirements and create a blended payment rate for office/outpatient Evaluation and Management (E/M) level 2 through 5 visits (the proposal does NOT initially impact the emergency medicine E/M code set). The rule also proposes a set of policies related to the third year of the QPP-- the performance program established by the Medicare Access and CHIP Reauthorization Act (MACRA). Highlights of ACEP’s response to the rule can be found [here](#) and our full set of comments can be found [here](#).

**NEMPAC at ACEP18**  
**To celebrate 50 years of ACEP and advocacy on behalf of emergency medicine and patients, NEMPAC is hosting several events to thank and recognize ACEP members for their support.**

<b>NEMPAC</b>	<b>VIP</b>	<b>Donor</b>	<b>Reception</b>
<i>Donors contributing at the Platinum, 10-Year and 5-Year "Give-a-Shift" level are invited and may bring one guest.</i>			
Monday/5:00	–	6:30	pm
San Diego	Wine	and Culinary	Center

<b>NEMPAC</b>	<b>Donor</b>	<b>Celebration</b>
<i>Donors contributing \$500 or more (\$50 for Residents and Med Students, \$365 for Retired and Transitioning Members) are invited. Platinum and "Give-a-Shift" donors may bring one guest.</i>		
Monday/6:30	–	8:30 pm
USS		Midway

<b>NEMPAC</b>	<b>"Give-a-Shift"</b>	<b>Donor</b>	<b>Lounge</b>
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Open to Platinum and "Give-a-Shift" donors  
Monday – Wednesday/8:00 am – 4:00 pm  
San Diego Convention Center, Sails Pavilion  
Complimentary breakfast, lunch, & snacks provided along with professional shoulder/neck massage  
and complimentary use of computers, printers, and television.

**NEMPAC 2018 VIP Donor Perk – Tele-town hall with elections expert Nathan Gonzales**

*Donors contributing at the Platinum, Give-a-Shift and Sterling levels are eligible for this event.*  
Wednesday, October 10  
2:00 pm – 3:00 pm EST

To renew your NEMPAC contribution, please go to [www.acep.org/nempac](http://www.acep.org/nempac)  
If you have questions about NEMPAC or the events listed above, please contact [Jeanne Slade](mailto:Jeanne.Slade@acep.org)  
or [Caitlin Demchuk](mailto:Caitlin.Demchuk@acep.org) in the ACEP Washington DC office.

**Save the Date: 11/30 – 12/1 Specialty Physician and Dentist Candidate Workshop in Washington, DC**

Are you interested in running for office on the local, state or federal level? We are looking for two active ACEP Members and dedicated 911 Network participants to attend the Specialty Physician and Dentist Candidate Workshop. This exclusive two-day training takes place in Washington, DC and provides best practices and insider knowledge for how to get elected – from physicians who are already in office! The NEMPAC Board will select two ACEP members to attend this workshop. Travel expenses and registration will be covered by ACEP. Questions? Contact Jeanne Slade at [jslade@acep.org](mailto:jslade@acep.org) for more information.



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To ensure delivery to your inbox, add [ACEP@acep.org](mailto:ACEP@acep.org) & [JSlade@acep.org](mailto:JSlade@acep.org) to your address book.  
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