



**ACEP 911 Network Weekly Update:
February 3, 2017**

Congress will be in session next week.

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Price Nomination as HHS Secretary Advances to Full Senate Consideration

Republicans on the Senate Finance Committee suspended quorum rules this week in order to advance the nomination of Rep. Tom Price (R-GA) for Secretary of HHS. Senate Democrats on the committee attempted to delay the vote by refusing to participate, invoking a rule requiring at least one member of the minority party to participate in a confirmation vote. By voting under suspension of the rules, Republicans unanimously approved Price's nomination without needing Democratic support. The nomination now heads to the Senate for a final vote floor vote. The vote has not been officially scheduled, but the earliest his nomination could come up is Wednesday of next week. If Dr. Price is confirmed, the Senate will move on to CMS nominee Seema Verma and potentially a new round of controversy.

Rep. Dent Briefs ACEP Federal Government Affairs Committee on Health care reform issues

Members of ACEP's Federal Government Affairs Committee were briefed by special guest Rep. Charlie Dent (R-PA) this week on their monthly conference call. Rep. Dent discussed the recent Republican retreat in Philadelphia where repeal and replacement of the ACA was at the top of the agenda. Major concerns voiced by legislators attending the retreat ranged from timing issues such as whether to repeal and replace the legislation simultaneously, how to pay for replacement legislation if ACA taxes and subsidies are repealed, and Medicaid expansion issues.

Overall, Rep. Dent emphasized that the Republican caucus is in agreement on not wanting to disrupt coverage, keeping children on their parents' plans up to age 26, and continuing coverage for pre-existing conditions. He also said that many Republicans would like to see the Administration present a plan for congress to review.

Last week, Congressman Dent along with six other original cosponsors, reintroduced ACEP-supported legislation, H.R.548, the “Health Care Safety Net Enhancement Act.” The bill extends Federal Tort Claims Act liability protections to on-call and emergency physicians. Essentially, the legislation would ensure that federally-mandated emergency medical services furnished by a hospital or physician would be covered in the same manner as Community Health Centers and health centers.

ACEP will be working closely with Rep. Dent and the bill’s other co-sponsors to promote its consideration by the full House of Representatives.

Surprise Billing Legislation Re-introduced in House and Senate

On Thursday, Rep. Lloyd Doggett (D-TX) introduced H.R. 817, legislation to address “surprise billing practices.” As of today, the text of the bill has not been released but we anticipate that it is identical or similar to legislation introduced in the last congress by Rep. Doggett. Similar legislation, S.284, was introduced by Sen. Sherrod Brown (D-OH) on Thursday in the Senate.

ACEP is obtaining the text of these bills and will be providing a more depth analysis in the next *Weekly Update*.

White House Clarifies Executive Order to Reduce Federal Regulations

The White House issued an [interim guidance](#) today to implement a Jan. 30 [executive order](#) requiring the elimination of two existing regulations for each new regulation that's proposed.

The guidance clarifies that the two-for-one rule applies only to "significant" regulations defined as any that that impose an annual economic cost of \$100 million or more. The guidance allows for a waiver from the executive order’s requirements for regulations that address health, safety or financial emergencies.

Several ACEP committees, with the direction of ACEP President Becky Parker, MD, FACEP and assistance of ACEP staff, will be closely examining this order in regard to existing regulations impacting the delivery of emergency care.

ACA Hearings

Republicans this week began efforts to repeal and replace the ACA with several key congressional committees holding hearings to examine the law and options to replace it, including changes to the Medicaid program. Some Republicans are changing their tone on Obamacare, saying they would like to "repair" the health care law rather than pursue a full repeal of the law.

The House Energy and Commerce Committee on Tuesday held the first of two subcommittee hearings of the week to discuss Medicaid. Tuesday’s [hearing](#) in the Oversight and Investigations Subcommittee focused on ways to strengthen Medicaid oversight and included witnesses from the Department of Health and Human Services’ Office of Inspector General, Government Accountability Office, The Manhattan Institute, The Foundation for

Government Accountability, and Georgetown University Law Center. Wednesday's [hearing](#) in the Health Subcommittee examined draft legislation that would require states to consider certain lump sum payments when determining modified adjusted gross income for Medicaid and Children's Health Insurance Program eligibility. These programs restrict states from using federal matching funds to provide Medicaid services to individuals before verifying their citizenship or legal immigration status; and count certain income from annuities when determining a spouse's Medicaid eligibility for long-term care.

Wednesday, the Senate Health, Education, Labor and Pensions Committee (HELP) held a [hearing](#) titled, "Obamacare Emergency: Stabilizing the Individual Health Insurance Market."

On Thursday, the House Energy and Commerce Health Subcommittee held a [hearing](#) entitled, "Patient Relief from Collapsing Health Market."

IPAB Repeal Bills Introduced

Sens. Ron Wyden (D-OR) and John Cornyn (R-TX) introduced separate resolutions and legislation this week which would prevent the Independent Payment Advisory Board (IPAB) process from moving forward.

Supreme Court Nomination

President Trump on Tuesday nominated Neil Gorsuch to the Supreme Court to fill the vacant seat of former Justice Antonin Scalia. Mr. Gorsuch, 49, currently serves on the 10th U.S. Circuit Court of Appeals in Denver, CO. He was nominated for his current position by former President George W. Bush and shortly after was approved by the Senate in a voice vote. Many observers say Gorsuch resembles former Justice Scalia, whose seat he would be replacing in both temperament and philosophy and is likely to join the courts more conservative. The White House aims to get Gorsuch confirmed in time to participate in the current term's cases. To hear oral arguments this term, Mr. Gorsuch would have to be confirmed by mid-April because the court's final scheduled argument session begins on April 17 and ends on April 26.

Register for the 2017 Leadership and Advocacy Conference March 12-15, 2017 in Washington, D.C.

With a new Administration, Congress, and legislative agenda, the need for emergency physicians' involvement in the legislative and political process is greater than ever before. Highlights include confirmed speaker ZDoggMD and invited speakers: House Democratic Whip Steny Hoyer (MD); nominee for HHS Secretary, Rep. Tom Price (R-GA); and nominee for CMS Administrator, Seema Verma. ACEP Board Member Dr. Mark Rosenberg will host a session on "Creating Solutions to the Opioid Epidemic" and Ed Gaines, Dr. Alison Haddock, and Dr. Nathan Schlicher will host a session on "Out-of-Network/Balance Billing – Where are We?"

On Tuesday, March 14, attendees will head to Capitol Hill for ACEP's Lobby Day. ACEP members' insight is critical this year as Congress works to shape the nation's delivery of health care. Ensure that emergency medicine is well-represented by [registering here now!](#)

Congressional Dine-Arounds & Socials during LAC

NEMPAC will again be hosting Congressional Dine-Arounds and Socials for key members of congress during the LAC. Consider joining ACEP leaders and influential lawmakers at one of these exclusive events. A minimum donation to the Member of Congress' campaign is suggested for participation, which will be combined with the support provided by NEMPAC.

Confirmed legislators include: Rep. Michael Burgess (R-TX), Sen. Chris Murphy (D-CT), Rep. Raul Ruiz (D-CA), Sen. Debbie Stabenow (D-MI), Rep. Pat Tiberi (R-OH), Rep. Mike Burgess (R-TX) and Rep. Greg Walden (R-OR).

For additional information, contact ACEP Political Affairs Director Jeanne Slade at jslade@acep.org.



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