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### **August Recess Advocacy on Surprise Billing**

Although Congress is in recess, both chambers are expected to continue working on solutions to surprise billing over the month of August and the issue will be a high priority when Congress returns in September. The August District Work Period is an opportunity for ACEP members to continue our strong advocacy to promote a balanced solution that takes patients out of the middle and ensures a fair process.

To learn more about how you can advocate at home on the surprise billing issue during the Congressional recess in August, please [click here to register](#) for our upcoming "ACEP Townhall: Advocating on Surprise Billing in the August Recess" on Monday, Aug 5, 2019 at 1:00 PM Eastern Time.

After the Townhall on Monday, we will be sending a detailed action alert that includes an August Recess Toolkit to assist your advocacy efforts. Some 911 Network members will also be receiving a call from Soapbox Communications who is assisting ACEP in setting up district meetings during the recess with legislators who serve on key committees that will be taking up surprise billing legislation in the fall. We need everyone to step up now to advocate for the specialty and patients!

### **Congress Approves Budget Deal**

On Thursday, the Senate approved (67-28) a \$2.7 trillion budget agreement (H.R. 3877) that will prevent the nation from defaulting on its debt for the next two years by suspending the U.S. borrowing limit as well as avert billions of dollars in scheduled sequestration cuts to federal defense and non-defense programs. Under the agreement, for fiscal year 2020 defense spending will increase by \$22 billion over current levels for and non-defense spending will increase by \$27 billion. Those budget limits will increase by another \$2.5 billion in FY 2021. The House passed the measure last week by a vote of 284 to 149. President Trump has signed the bill on Friday.

### **EMSC Extension Sent to President**

On Wednesday, the Senate approved the ACEP-supported "Emergency Medical Services for Children (EMSC) Program Reauthorization Act of 2019" (H.R. 776) by voice vote. This program administered by HHS' Health Resources and Services Administration (HRSA) helps ensure emergency departments and ambulances have the equipment, supplies, and medications necessary to treat children and helps develop pediatric treatment protocols. The funding that EMSC provides each state goes toward strengthening hospital and pre-hospital services, training first responders, and improving systems to provide more efficient and effective pediatric emergency medical care. The House approved the measure last week so it will now be presented to the president for his signature into law.

### **Community Behavioral Health Centers Extended**

On Tuesday, the House passed a bill, H.R. 3253, to temporarily extend the Medicaid pilot program that provides mental health and addiction services through September 13. This marks the third short-

term funding extension Congress has approved in the past four months. The ACEP-supported program that was established in 2017 provides enhanced Medicaid funding to nearly 80 community behavioral health centers across eight states. If funding were to expire, the centers would stay open but lose their enhanced funding and cause potential layoffs and reduced services. The Senate already approved the bill and it has been sent to the president.

### **EMTALA Liability Bill Reintroduced**

Rep. Bill Flores (R-TX) reintroduced ACEP's "Health Care Safety Net Enhancement Act" (H.R. 3984) last week. This legislation would provide temporary liability protections for physicians while they are providing EMTALA-related services. In addition to the House bill, ACEP will be working to introduce a companion bill in the Senate in the fall.

### **CMS Releases Major Medicare Payment Rules**

On Monday, CMS released major proposed regulations affecting Medicare payments in calendar year (CY) 2020: the Medicare Physician Fee Schedule (PFS) and Quality Payment Program (QPP) Proposed Rule and the Outpatient Prospective Payment System (OPPS) Proposed Rule.

#### *Medicare PFS and QPP Proposed Rule*

This 1700-page regulation includes numerous proposals that impact emergency medicine. Of note, CMS is proposing to accept the ACEP-endorsed recommendation to more appropriately value emergency physician service codes. ACEP surveyed its members and worked through the American Medical Association's RVS Update Committee (RUC) to revalue some of the most common emergency medical service.

CMS is also proposing to adopt the AMA RUC-recommended values for the office/outpatient evaluation and management (E/M) visit codes for CY 2021 and the new add-on CPT code for prolonged service time, thereby increasing payment for office/outpatient E/M visits. Further, CMS includes new proposals related to the treatment of opioid-use disorder, including seeking comment on Medication-assisted treatment (MAT) in the ED—a priority for ACEP.

The rule also includes updates to the Merit-based Incentive Payment System (MIPS), the main quality reporting program for physicians in Medicare. CMS is proposing a new MIPS Value Pathways (MVPs), which will encourage transition to Advanced Alternative Payment Models (APMs) and promote value by focusing on quality, interoperability, and cost.

The proposed regulation is available [here](#).

The CMS fact sheet is available [here](#).

The MIPS/QPP factsheet is available [here](#).

#### *Medicare OPPS Proposed Rule*

The major proposal in this rule relates to the Trump Administration's priority to increase price transparency. In line with a recent [Executive Order](#), CMS is proposing to require hospitals to disclose insurer-specific negotiated charges for about 300 services consumers are likely to shop for before obtaining care, such as X-rays, outpatient visits, lab tests or childbirth. ACEP is still assessing the impact that this proposal would have on emergency medicine if finalized.

The proposed regulation is available [here](#).

The fact sheet is available [here](#).

ACEP will be reviewing these rules in further detail, providing additional analysis, and drafting responses in the next several weeks. Stay tuned for updates by visiting ACEP's weekly regulatory blog at <https://www.acep.org/regsandeggs>.



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