



ACEP 911 Network Weekly Update June 30, 2017

Both chambers began their July 4th recess today and are out of session. When lawmakers return the week of July 10, Congress will have a work period of only three weeks before the month-long August recess begins with much to accomplish.

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Senate Health Care Bill Falters

Despite the intention by Senate Republicans to vote on their version of ACA “repeal and replace” this week, consensus could not be reached among enough members before they left town for the July 4th recess, thereby delaying any potential action until at least the week of July 10 (at best).

After releasing the draft bill, the “Better Care Reconciliation Act” (BCRA), last Thursday, Senate Majority Leader Mitch McConnell (R-KY) immediately received pushback from some of his Republican colleagues that the bill was both not conservative enough AND not moderate enough. The Republican leadership staff worked through the weekend trying to finalize additional changes, including one that would require a six-month delay in coverage for individuals whose insurance lapses for more than 63 consecutive days. Then on Monday, the Congressional Budget Office (CBO) released its estimate that the BCRA would lead to 22 million more uninsured Americans in 10 years and not immediately help reduce premiums, which led to even more concern and uncertainty for Republican members.

By mid-week, nine Republicans had announced their public opposition to the bill – Sens. Dean Heller (NV), Susan Collins (ME), Ted Cruz (TX), Mike Lee (UT), Rand Paul (KY), Ron Johnson (WI), Rob Portman (OH), Shelley Moore Capito (WV) and Jerry Moran (KS). With a razor-thin margin in the Senate, McConnell can only afford to lose two votes and still succeed with Vice President Mike Pence casting the tie-breaking vote.

With only two votes to spare, McConnell has been working with individual hold-outs trying to secure their support. Some of the modifications under consideration include adding \$45

billion to help combat opioid misuse; allowing HSAs to pay for premiums; keeping the investment tax in place and using those savings to make federal health care subsidies more generous; and enabling health insurers to sell plans that do not comply with ACA insurance regulations; among other things.

ACEP ACTION ALERT – VOTE “NO” on the BCRA

ACEP launched its Action Alert in opposition to the BCRA proposal on Monday. Nearly 1000 ACEP members have already taken action to urge their U.S. Senators to oppose the bill in its current draft. **The BCRA would make sweeping changes to the health care system that directly contradict ACEP’s health care reform principles and would lead to a significant reduction in health care coverage for Americans, erode patient protections, such as coverage for emergency services, as well as endanger patient safety and public health. Please keep the pressure on while Senators are back home during the 4th of July recess.**

[Click here to contact your U.S. Senators today and urge them vote no on BCRA.](#)

ACEP Shares Regulatory Reform Initiatives with HHS Secretary

On Wednesday, ACEP member Arjun Venkatesh, MD, MBA, attended a meeting with HHS Secretary Tom Price to discuss initiatives the agency could take on its own to reduce the regulatory burden on physicians and other health care providers. Dr. Venkatesh relayed to Sec. Price how burdensome the reporting requirements have become without adding value to patient care and how it is reducing physicians’ time spent directly with patients. As he put it to Sec. Price, it has become “death by a thousand clicks.”

Dr. Venkatesh described the current challenges and limitations of current Electronic Health Records (EHRs) and how especially important timely access to that health information is when treating a person in the emergency department. He also urged CMS to fully exempt emergency physicians from complying with the advanced imaging Appropriate Use Criteria while providing a medical screening exam, not just for those patients who have been diagnosed with an emergency medical condition.



HHS Secretary Dr. Tom Price (left) with Dr. Arjun Venkatesh (right)

House Approves Medical Liability Reform Bill

On Wednesday, the House narrowly approved the **ACEP-supported** “Protecting Access to Care Act of 2017” (H.R. 1215) by a vote of 218 to 210 (along party lines with 19 Republicans voting no). The Republican opposition was based mainly on their belief that this type of medical liability bill is within the jurisdiction of the states. The Republicans who voted against the bill include: Martha McSally (AZ), Bill Posey (FL), Dan Webster (FL), Carlos Curbelo (FL), Ileana Ros-Lehtinen (FL), Tom Massey (KY), Justin Amash (MI), David Kustoff (TN), Louie Gohmert (TX), Ted Poe (TX), Tom Garrett (VA), Morgan Griffith (VA), Tom Emmer (MN), Walter Jones (NC), Steve Russell (OK), Ryan Costello (PA), Patrick Meehan (PA), Tom Marino (PA) and Jimmy Duncan (TN).

H.R. 1215 would apply to health care lawsuits where coverage was provided or subsidized by the federal government, including through a subsidy or tax benefit, and would not preempt certain state laws or federal vaccine injury laws. It would also limit non-economic damages to \$250,000, restrict attorney contingency fees, establishes a three-year statute of limitations after the injury (or one year after the claimant discovers the injury), repeal collateral source rules, allow periodic payments of future damage awards, and prevent health care providers who prescribe or dispense an FDA-approved product from being party to a product liability or class-action lawsuit, among other things.

Unfortunately, an amendment to the bill that would provide specific protections for EMTALA-related services, which ACEP has been advocating for through Rep. Charlie Dent’s (R-PA) standalone bill, the “Health Care Safety Net Enhancement Act” (H.R. 548), was ruled non-germane by the House parliamentarian and therefore couldn’t be offered on the floor. Rep. Dent expressed his frustrations about the ruling and stated he would continue to promote H.R. 548 through the regular legislative process, as well as look for other possible opportunities to amend legislation.

House Committee Advances Trauma Bill

On Thursday, the House Energy and Commerce Health Subcommittee approved by voice vote the **ACEP-supported** “Military Injury Surgical Systems Integrated Operationally Nationwide to Achieve ZERO Preventable Deaths (MISSION ZERO) Act” (H.R. 880). The bill would create grants to facilitate the delivery of care by military trauma teams at civilian trauma centers.

House Committee Reviews Synthetic Drug Bill

On Tuesday, the House Judiciary Crime, Terrorism, Homeland Security and Investigations Subcommittee held a hearing on the “Stop the Importation and Trafficking of Synthetic Analogues (SITSA) Act of 2017” (H.R. 2851), sponsored by Rep. John Katko (R-NY). The legislation would create a new Schedule A to the Controlled Substances Act where analogues could be temporarily scheduled, add 13 synthetic fentanyl to Schedule A, expressly omits simple possession of a synthetic drug from federal enforcement, provides guidance for sentencing federal synthetic drug trafficking crimes, makes false labeling of controlled substance analogues a federal offense, and makes it easier for approved parties to conduct research on these substances.

To view the hearing, [click here](#).

Surgeon General Nominee

Earlier today, President Trump nominated Indiana State Health Commissioner Dr. Jerome Adams (anesthesiologist) to serve as the next surgeon general. Dr. Adams was appointed to his current position two-and-a-half years ago by Vice President Mike Pence while he was still Governor of Indiana.



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