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Surprise Billing Update: Nearly 900 Small and Independent Physician Practices Send Letter to Congress Urging Thoughtful Solution

On Thursday, nearly 900 smaller and independent practices across a wide range of medical specialties sent a letter to congressional leadership, urging them to ensure a thoughtful approach in the ongoing efforts to resolve surprise billing. This letter helps ensure that the vital perspective of smaller and independent physician groups is considered as Congress crafts surprise billing legislation.

With nearly 900 signatories, the letter is a remarkably strong showing that reinforces the important message that many smaller and independent practices across the country could be disproportionately affected by one-size-fits-all federal policies. The letter highlights the unique challenges faced by smaller and independent physician groups in attempts to negotiate contracts with insurers, as well as how other economic pressures such as continued consolidation in the health care marketplace affect these practices. It also notes that these practices are vital parts of their communities, providing not just care, but also jobs and economic stability.

As Congress continues to work on surprise billing legislation to potentially be included in a comprehensive year-end deal, this letter adds another critical voice in the discussion and ensures that more stakeholders are represented in this effort.

Senate HELP Committee Advances FDA Commissioner Nomination

This week, the Senate Health, Education, Labor, and Pensions (HELP) Committee approved the nomination of Stephen Hahn, MD, FASTRO, to serve as Commissioner of the Food and Drug Administration (FDA) by a vote of 18 to 5. Dr. Hahn currently serves as the Chief Medical Executive at the University of Texas MD Anderson Cancer Center in Houston.

During Dr. Hahn's nomination hearing on November 20, senators from both parties agreed that action needs to be taken to address the youth tobacco and vaping epidemic, including the need to ban flavored vaping products. Democratic members urged action to reduce nicotine levels in e-cigarettes and create youth tobacco cessation programs while Republicans primarily called for the FDA to enforce tamper-proof cartridges and ensure label transparency. Several other senators also identified drug shortages as a priority issue for the FDA. Dr. Hahn repeatedly pledged to use "science and data" to tackle a wide range of agency challenges, whether they involve e-cigarettes or the importation of less expensive drugs made overseas.

ACEP President Bill Jaquis, MD, FACEP, spoke with Dr. Hahn earlier in November and discussed ACEP's actions to identify the root causes of drug shortages and our desire to use all available legislative and regulatory means to address this vital issue. Dr. Hahn cited his own experience dealing with cancer drug shortages and committed to working with ACEP and other stakeholders to ameliorate these shortages. Following the call, ACEP endorsed Dr. Hahn's nomination, joining five previous FDA commissioners in supporting Dr. Hahn.

Senate Majority Leader Mitch McConnell (R-KY) has not yet provided a timeline of when Dr. Hahn's nomination will be considered by the full Senate, but it could be before the end of the year.

CDC Considers Revising the 2016 CDC Guideline for Prescribing Opioids for Chronic Pain
The Centers for Disease Control and Prevention (CDC) held a public meeting this week where the agency's Board of Scientific Counselors discussed the possibility of modifying and/or expanding the 2016 CDC Guideline for Prescribing Opioids for Chronic Pain. During the public meeting, there was a robust discussion of how the current guideline has been misinterpreted and why it should be revised to reflect current research and clinical evidence. **Further, the CDC is seriously considering including an additional set of guidelines related to prescribing opioids for acute pain**. The CDC plans to convene a workgroup next year to review and revise the current guideline for chronic pain and establish an additional guideline for acute pain. The workgroup will include members from the public—and the CDC noted during the meeting that it would be important for the workgroup to include a representative from the emergency medicine community. Once established, the workgroup would put out a draft set of revised guidelines in early 2021, followed by a public comment period. The goal is for the CDC to finalize the revised guidelines by the end of 2021.

Regs & Eggs: Regulatory Affairs Blog
ACEP has a blog focused on federal regulatory affairs, "Regs & Eggs." Every Thursday morning, while you're eating your breakfast, ACEP's Director of Regulatory Affairs, Jeffrey Davis, provides a weekly update on major federal regulations impacting emergency medicine.

The week before Thanksgiving there were rumblings in DC, and it wasn't just people's hungry stomachs. Right before the holiday, two members of the Physician-Focused Payment Model Technical Advisory Committee (PTAC)—a federal advisory committee that recommends Medicare alternative payment models (APMs) to the Department of Health and Human Services (HHS)—resigned.

Read the blog to find out more about the resignations and how this news may affect ACEP's APM, the Acute Unscheduled Care Model (AUCM).

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