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House E&C Committee Advances Several ACEP-Supported Bills

On Wednesday, the House Energy and Commerce Committee considered and approved nearly 40 bills, including 26 bills specifically related to health care. Of interest were five "ACEP-endorsed" bills including:

H.R. 2281, the "Easy Medication Access and Treatment for Opioid Addiction Act," sponsored by Rep. Raul Ruiz, MD (D-CA), which would allow practitioners to dispense up to a three-day supply of narcotic drugs at one time to an individual for the purpose of maintenance or detoxification treatment. This would eliminate the requirement that patients suffering from acute withdrawal symptoms would need to return to the ED each day during the 72-hour window while they await arrangements for long-term narcotic treatment.

H.R. 2519, the "Improving Mental Health Access from the Emergency Department Act," sponsored by Rep. Raul Ruiz, MD (D-CA), which would establish grants to EDs to support follow-up services for individuals who present for care of acute mental health episodes. These grants would be used to create, support, or expand programs intended to expeditiously transition these individuals who are treated at the ED to an appropriate facility or setting for follow-on care.

H.R. 3797, the "Medical Marijuana Research Act," sponsored by Reps. Earl Blumenauer (D-OR), Dr. Andy Harris, MD (R-MD), Zoe Lofgren (D-CA), Morgan Griffith (R-VA), Rob Bishop (R-UT), and Debbie Dingell (D-MI). The bill directs the Secretary of HHS to ensure a supply of marijuana for research purposes through the National Institute on Drug Abuse (NIDA) Drug Supply Program; requires NIDA and HHS to act on research registration applications within 30 days; directs FDA to issue guidelines on the production of marijuana and to encourage authorized researchers and manufacturers to produce marijuana, in coordination with the law; gives researchers who are approved for Schedules II through V the authorization to conduct such research; and streamlines the protocol for researchers to receive an application from the Attorney General.

H.R. 4861, the "Effective Suicide Screening and Assessment in the Emergency Department Act," sponsored by Reps. Gus Bilirakis (R-FL) and Eliot Engel (D-NY). The bill would create voluntary grant programs to improve the identification, assessment, and treatment of patients in the ED who are at

risk for suicide by developing policies and procedures for identifying and assessing at-risk patients and enhancing the coordination of care for such individuals after discharge.

H.R. 5855, the "Bipartisan Solution to Cyclical Violence Act," sponsored by Reps. Dutch Ruppersberger (D-MD) and Adam Kinzinger (R-IL), which would create a grant program at HHS to support trauma centers with violence intervention and violence prevention programs. Program support would be provided to conduct research to reduce the incidence of re-injury and re-incarceration caused by intentional violent trauma.

At the conclusion of the mark-up, Chairman Pallone stated it was his hope that the legislation considered would be on the floor of the House in the coming weeks. To view the mark-up, [click here](#).

Senate Fails to Pass "Skinny" COVID-19 Package

On Thursday, the Senate voted on a limited COVID-19 relief bill offered by the Republican majority that would have provided about \$500 billion in targeted relief for the pandemic. The bill failed to clear a procedural hurdle (requiring a 60-vote threshold to pass) in a nearly partisan 52-47 vote, with Senator Rand Paul (R-KY) the only Republican voting in opposition.

With both the Senate Republican majority and the House Democratic majority still at an impasse over a bipartisan COVID-19 package, both chambers appear to be increasingly anxious over the continued stalemate and are concerned about providing vulnerable members with a deal they can bring back to their respective districts and states. The "skinny" legislation offered by Majority Leader Mitch McConnell was aimed at giving vulnerable Senators a product they could talk about back home, more than it represented a serious legislative effort.

Among the provisions of the bill were liability protections for health care providers, employers, schools, and other relevant entities; an additional \$300 per week in increased unemployment benefits through the end of the year; additional funding for the Paycheck Protection Program (PPP), among others.

With this failed vote and broader negotiations completely stalled, it appears unlikely that any additional COVID-19 relief legislation will be pass prior to the November election. Additionally, the outcome of the election may significantly shape the context for future negotiations, so much remains unclear for the time being.

Senate HELP Committee Holds Hearing on COVID-19 Vaccines

Also on Wednesday, the Senate Health, Education, Labor, and Pensions (HELP) Committee held a hearing entitled, "Vaccines: Saving Lives, Ensuring Confidence, and Protecting Public Health," to examine vaccines for COVID-19, public acceptance, and related vaccination activities. The hearing was dominated by bipartisan support for federal action to advance COVID-19 vaccine development and foster public confidence in the safety and efficacy of COVID-19 vaccines, once approved. Despite general agreement on these principles, senators were divided in their assessment of the Administration's handling of the COVID-19 crisis and the reasons for public distrust over a COVID-19 vaccine.

The two witnesses at the hearing – NIH Director Francis Collins, MD, PhD and U.S. Surgeon General VADM Jerome Adams, MD, MPH – provided an update on the Administration's activities to support COVID-19 vaccine development and foster public confidence. They each repeatedly stressed that the Administration is following the science and will only approve a vaccine if it is proven safe and effective.

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

House Veterans Affairs Committee Holds Hearing on Suicide Prevention Efforts

On Thursday, the House Committee on Veterans Affairs held a [legislative hearing](#) to discuss more than thirty bills targeted toward improving mental health access and suicide prevention efforts for veterans. Chairman Mark Takano (D-CA) held the hearing to build upon a framework developed by the Committee earlier this year to address the issue of veteran suicide, as well as to add to a similar effort put forth by the Senate Committee on Veterans Affairs.

The hearing included bills to improve access to suicide prevention coordinators, peer support specialists, telehealth services, counseling services. Of note for emergency medicine was H.R. 8107, the VA Emergency Department Safety Planning Act, offered by Representatives Andy Levin (D-MI) and Steve Stivers (R-OH). This bill requires the Secretary of Veterans Affairs (VA) to submit a report to Congress on VA efforts to implement safety planning in emergency departments, based upon a VA program focused on ED-based interventions for suicidal veterans. This program includes issuance of safety plans and post-discharge follow-up outreach for veterans to help facilitate their engagement in outpatient mental health care.

ACEP is in the process of reviewing these bills and will continue to monitor their progress through the Committee.

ACEP 2020 Voter Resource Center

ACEP created a special tool to help you engage in the 2020 elections and beyond, the [ACEP 2020 Voter Resource Center](#), a non-partisan platform where you can easily check if you are registered to vote, learn how to vote early or request an absentee ballot, and see who is running in your area. You can also share with colleagues, family and friends. ACEP members can also access the [NEMPAC website](#) for information on how ACEP's political action committee is working on your behalf in the 2020 congressional elections.

NEMPAC Charity Match

While [making your contribution to NEMPAC](#), you will have the opportunity to select one of three COVID-19 related charities that ACEP will match 10 cents on every dollar of your donation. It is our way of thanking you for your support and giving back during these unprecedented times. Join your fellow ACEP members to support meaningful political and charitable involvement.

After making your donation online, you will be asked to select one of these charities for the match. Eligible charities are:

- [GetUsPPE.org](#)
- [Emergency Medicine Foundation/COVID-19 EM Research](#)
- [American Foundation for Suicide Prevention](#)

[Click here](#) to make your donation and select a charity!

Regs & Eggs: CMS Establishes New Hospital Reimbursement Policies and Requirements

Recent Regs & Eggs posts have delved into CMS' proposed changes to Medicare physician payment policies for calendar year (CY) 2021 and their potential effect on emergency medicine reimbursement. However, CMS has also been busy proposing and finalizing policies that affect hospital payments for both outpatient and inpatient services provided to Medicare beneficiaries.

Read the [Regs & Eggs blog](#) to learn more about these new hospital policies and requirements and how they may affect you and your patients.

As a reminder, the [Regs & Eggs webpage](#) has been revamped. It now includes other important regulatory updates you should know about. You can also more easily find previous posts by searching by topic area.

HHS Releases the Rural Action Plan

Last week, the Department of Health and Human Services (HHS) released the [Rural Action Plan](#), which provides an assessment of rural healthcare efforts. The Plan follows President Trump's [executive order](#) on August 3, 2020, requesting that HHS produce a report on existing and upcoming efforts to improve rural healthcare.

As described by HHS, the Rural Action Plan identifies four points of strategy, including:

- Building a sustainable health and human services model for rural communities;
- Leveraging technology and innovation;
- Focusing on preventing disease and mortality; and
- Increasing rural access to care.

ACEP Responds to National Academies of Sciences, Engineering, and Medicine's Draft Framework for Equitable Allocation of COVID-19 Vaccine

Last week, Dr. Anthony Hsu, the Chair of ACEP's Public Health and Injury Prevention Committee, commented on the National Academies of Sciences, Engineering, and [Medicine's Draft Framework for Equitable Allocation of COVID-19 Vaccine](#) during a public hearing. [Watch here](#) (1:40:29 - 1:45:08).

ACEP agrees with the recommendation included in the draft framework that a COVID-19 vaccine should be prioritized for frontline health care workers who are risking their lives combatting the virus. These providers are at the highest risk of being exposed to the disease and are usually caring for patients before a COVID-19 diagnosis can be determined. We also strongly believe that there should be open and transparent distribution of the vaccine that appropriately accounts for the significant health related disparities within our communities.

Finally, we believe that emergency departments (ED) can play a unique role in both encouraging individuals to be vaccinated and providing the first dose of vaccine to patients. ED staff can provide information and answer questions about the vaccine, and the ED can be used as a site for administering the vaccine to both patients and those who accompany them.

Highlights of MedPAC Public Meeting

Last Thursday and Friday, the Medicare Payment Advisory Commission (MedPAC) met to discuss a range of topics. MedPAC is a federal advisory commission that provides analysis and recommendations (non-binding) both to Congress and to the Centers for Medicare & Medicaid Services (CMS) on Medicare policies. Key topics discussed at the public meeting included:

- The coronavirus pandemic and Medicare: MedPAC staff found that office visit volumes declined during the pandemic, along with physician revenue. Specifically, they estimate that revenue for physicians in March through May was \$45 to \$55 billion lower than it would have been without the pandemic. With respect to federal aid, MedPAC estimates \$5 billion went directly to providers through the Provider Relief Fund, and that federal subsidies have offset the worst financial impacts on providers.
- Congressional request on private equity and Medicare: Congress has requested that MedPAC examine the role that private equity (PE) plays in Medicare. MedPAC is not required to issue any recommendations on this issue. MedPAC staff believe that current Medicare data are inaccurate and insufficient to conduct a quantitative analysis of the effects of PE ownership on costs, beneficiaries, and providers. Therefore, they plan on interviewing representatives of PE firms to better understand the extent and nature of PE involvement in healthcare.
- Medicare telehealth expansions during the COVID-19 Public Health Emergency (PHE): MedPAC staff discussed whether to allow telehealth payment expansions only for clinicians and patients participating in alternative payment models; whether payment rates would remain elevated or return to pre-emergency rates; whether audio-only technology can continue to be considered for telehealth payment; and whether urban areas—as well as rural areas—will continue to be eligible for payment under the PHE exceptions. The commissioners strongly agreed on continuing incentives to expand telehealth, although with stringent safeguards against overutilization and fraud.

ACEP20 Unconventional Features 250+ Courses, Special Guest Dr. Anthony Fauci

The ACEP20 lineup is getting stronger every day! NAIAD Director Anthony Fauci, MD, will provide his unique perspective from the epicenter of the pandemic to kick off the ACEP20 opening session. Following Dr. Fauci's remarks, a panel of international emergency physicians will present "Lessons Learned: Global Response to COVID-19."

There has never been a better time for emergency medicine to come together than at ACEP20. Learn important clinical updates from your colleagues, including a track of 14 courses on Health Policy. Explore new tools and devices to help make your practice easier. And lift your heart as we collectively take the time to celebrate emergency medicine's achievements at this year's unconventional annual meeting, Oct. 26-29. ACEP20 will be so much more than a convention! [Learn more and register today!](#)

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