THE NEMPAC PULSE

FEBRUARY 2023 NEWSLETTER

Message From the Chair

View From the NEMPAC Board

Legislative Update

Upcoming Events

A Message From the Chair

Despite what was truly a challenging political and legislative environment, NEMPAC helped to get many of ACEP's priorities across the finish line in 2022 – Read more below about ACEP-supported bills that passed in the year-end omnibus package.

As we head into the 2024 Election Cycle and begin to work with the new 118th Congress, our NEMPAC Board of Trustees is reviewing NEMPAC's contribution guidelines, which are first and foremost based on bipartisanship, as well as what is best for emergency medicine and compatible with ACEP's mission as an organization. With many new members of Congress, changes in leadership, majority control in the House of Representatives shifting narrowly to Republicans and a one vote margin for Democrats in the Senate, NEMPAC will play a crucial role in educating legislators and identifying champions for emergency medicine and patients.

Our priority in 2023 is to help build a constructive discourse in the political and legislative environment while supporting policies and candidates who share these same ideals. Your continued support of NEMPAC will help to ensure the voice of emergency physicians is heard and we can keep focusing on putting patients first in everything we do. **Renew your annual donation.**

Thank you for continuing to advocate for our specialty and our patients. I am hopeful for what the future can bring as we begin to prepare for the 2024 electoral! Please feel free to reach out to me anytime at **nempacchair@acep.org**.

Peter Jacoby, MD, FACEP
Chair, NEMPAC Board of Trustees

Legislative Update

Accomplishments in the 117th Congress:

Enacting the Dr. Lorna Breen Health Care Provider Protection Act

ACEP worked closely with Congress to develop the Dr. Lorna Breen Health Care Provider Protection Act, legislation named in honor of the life and legacy of one of our own emergency physician colleagues. Thanks to your stories and personal advocacy, ACEP successfully secured enactment of this important legislation into law, providing critical resources to help address burnout and the mental health needs of emergency physicians and other health care providers – ensuring that those who do so much to care for the public do not have to suffer in silence.

ACEP also helped secure $140 million in funding for grants under this law, including:

- $80 million for mental and behavioral health training for health care professionals and other health care providers and first responders;
- $20 million for education and an awareness campaign to encourage healthy work conditions and use of mental health services by a health care professional; and
- $40 million for health care providers to promote mental and behavioral health.

Reducing Barriers to Opioid Use Disorder Treatment

For years, ACEP has advocated for the repeal of the federal "X-waiver" requirement, a significant and often duplicative barrier to the treatment of opioid use disorder (OUD) and a contributing factor to the continued stigma around the disease.

The fiscal year 2023 omnibus appropriations bill included the repeal of the X-waiver, meaning that this unnecessary and burdensome requirement is no longer required to treat patients with buprenorphine for OUD. Going forward, all prescriptions for buprenorphine will only require a standard DEA registration number, and there are no longer any limits or caps on the number of patients a prescriber may treat for OUD with buprenorphine (existing state laws or regulations still apply).

Making the Alternatives to Opioids (ALTO) in the ED Program Permanent

The ACEP developed and led Alternatives to Opioids (ALTO) in the Emergency Department Act was signed into law in 2018 as part of a broad legislative package aimed at combating the nation's opioid epidemic. The ALTO program is an evidence-based, multidisciplinary acute pain management program that helps treat painful conditions for patients in the emergency department without using opioids and helps other patients who may have an opioid use disorder (OUD). At the time, ALTO was established as a temporary demonstration program to support other EDs throughout the country in establishing their own ALTO programs.

Thanks to the proven success of this program, ACEP was able to lock in ALTO as a permanent program, authorizing it for an additional five years beginning in 2023. Additionally, ACEP was able to secure $8 million in federal funding – a $2 million increase from previous levels.

Extending Telehealth Flexibilities

The rapid uptake of telemedicine during the COVID-19 pandemic has shown that telehealth is here to stay, helping expand the reach of emergency medicine beyond the four walls of the ED.

ACEP helped secure several critical extensions of telehealth flexibilities that were previously contingent on the federal public health emergency (PHE) declaration, such as the removal of restrictions on geographic requirements and expanding originating sites. These telehealth flexibilities have now been extended into 2024 as ACEP continues working to ensure that telehealth is cemented as a permanent fixture of the health care system.

Preparing for Future Pandemics and Public Health Emergencies

Throughout the COVID-19 pandemic, ACEP worked with Congress to share the experiences of emergency physicians and lessons learned during our nation's response to the public health crisis.

As Congress has considered these issues and worked to better prepare the country for future outbreaks or other public health emergencies. ACEP was able to substantively inform this work and secure several important provisions into law, including:

- Improving medical countermeasure research coordination and warm base manufacturing capacity for medical countermeasures
- Improving the supply chain and overall resiliency of the Strategic National Stockpile
- Strengthening FDA enforcement authority against and increases penalties for selling counterfeit medical devices, including PPE, in the U.S.
- Provisions to help prevent medical device shortages

Medicare Physician Payment Reform

- Prevention of 4% PAYGO Cut for Medicare Payments in 2023
- 2-year relief from 4% PAYGO sequester that would have added an additional 4% cut to Medicare physician payments in 2023
- Educating Congress and urging support of long-term physician payment reform including the need for inflationary updates

Looking Ahead: Priorities for the 118th Congress

- **Addressing the ED Boarding Crisis:** Stabilizing the health care safety net by addressing factors that lead to boarding and crowding in emergency departments.
- **Improving Mental Health Access**: Increasing access to mental health resources for patients in need of psychiatric care and preventing boarding or holding patients in the emergency department until inpatient beds are available.
- **Protecting Emergency Physicians From Violence:** Improving safety measures to protect emergency physicians, nurses, and staff from violence in the emergency department, and establishing federal criminal penalties similar to those already in place for violence against airline/airport personnel and others.
- **Stabilizing the Medicare Payment System:** Ensuring fairness and stability in Medicare physician payments through necessary reforms, including eliminating the annual threat of significant cuts, implementing an inflationary update for physician payments, and providing emergency physicians with pathways into value-based payment systems.
- **Fighting Insurer Bad Practices:** Ensuring patients are protected from insurer practices that discourage safe and necessary use of the emergency department or delay necessary access to care. Continuing to urge fair and balanced implementation of the No Surprises Act, particularly in the IDR Process.
- **Reducing Barriers to OUD/SUD Treatment:** Expanding prevention and treatment options in the emergency department for patients with substance use disorders and reducing barriers to effective, evidence-based treatment and recovery options.
- **Learning From Experience on the Front Lines:** Promoting research in emergency medicine and fostering injury prevention activities, informed by lessons learned from the COVID-19 pandemic and other public health crises.

View From NEMPAC Board Member Gillian Schmitz, MD, FACEP

NEMPAC gave me a platform and opportunity to interview the top candidates for my Congressional district and meet with them at my home. It was a unique chance for me to get to know the candidates as individuals and determine how their vision aligned with NEMPAC and our mission. I have been able to invite Representatives from my state to my emergency department to see firsthand the impact of boarding and overcrowding. I was able to text my Congressman directly after the mass shooting in Uvalde to urge him to support legislation to reduce gun violence. I have been able to build relationships and trust with a number of elected officials and their staffers to make change. THAT is the ability that NEMPAC has — and that we have as emergency physicians — to make a difference.

I have seen the incredible impact NEMPAC has and the direct effect it has had on our patients. NEMPAC has provided access to key stakeholders and platforms to share our concerns and stories. Every story and every meeting is an opportunity to inform and empower our legislators to fight for emergency medicine and our patients. Thanks to NEMPAC donations and our incredible D.C. staff, I have had the incredible privilege of meeting with both Democrats and Republicans to discuss our key issues. From passage of the Dr. Lorna Breen Act to legislation addressing workplace violence, Medicare cuts, and opioid use disorder, you name it… NEMPAC has spotlighted important issues for our specialty and directly contributed to the passage of laws that improve emergency care.

Upcoming Events

Register now for ACEP's **Leadership and Advocacy Conference, April 30 – May 2, 2023** in Washington, D.C. to celebrate emergency medicine's accomplishments and advocate in person for your specialty and your patients. During the conference, you'll join with EM colleagues from across the country to tackle problems facing EM such as the current boarding crisis and develop tools to advocate and build relationships with policymakers at all levels. Seasoned participants will build upon their already-valuable connections, while first-timers to the conference will be trained on effective ways to educate your Members of Congress and staff.

NEMPAC donors at the Sterling level or above ($600 for attendings/$60 for residents/fellows/medical students annually) will be invited to the NEMPAC VIP Donor Reception during the Conference.

911 Network Advocacy Leaders Program

Join Now!

Your annual NEMPAC contribution is an important demonstration of your commitment to advocacy on behalf of emergency medicine and patients. If you would like to do more, consider joining ACEP's "911 Network Advocacy Leaders" program. **Complete this form** to receive information about taking your engagement and advocacy with federal legislators and staff to the next level, as well as gaining opportunities to engage on issues critical to EM.

Contributions or gifts to NEMPAC are voluntary and are not tax deductible for federal income tax purposes. The amount given or refused to donate will not benefit or disadvantage you. By law, we may only use your contribution to support federal candidates if your contribution is made using a personal credit card or personal check. We are required to provide your employer name, your occupation, and to obtain an affirmation that you are a U.S. citizen or permanent resident. Your contribution is voluntary and is not a prerequisite for membership. Contributions to NEMPAC will be used to defray costs of solicitation, administration, and operation of NEMPAC and other activities permissible under federal law. Contributions to NEMPAC will be used to defray costs of solicitation, administration, and operation of NEMPAC and other activities permissible under federal law.

[#UnsubscribeTextR]