



# THE AAEM | OCTOBER 2024 ACTION REPORT

CHAMPION OF THE EMERGENCY PHYSICIAN



The AAEM Action Report is a monthly newsletter designed to keep you informed on the critical developments affecting our mission. Your continued engagement remains crucial as we confront these challenges and work towards lasting solutions. We are deeply grateful for your unwavering support and dedication to our mission - thank you for standing with us. Additionally, we would like to extend our gratitude to our lobbying firm, I Street Advocates, for their tireless efforts in advancing our advocacy goals.

Together, we can shape the future of emergency medicine.

## INDEX:

- 2 [Congressional Activity](#)
- 4 [State Developments](#)
- 5 [Administrative Activity](#)
- 5 [Additional Updates](#)

## Congressional Activity

### ***AAEM October Due Process Meetings***

I Street continued Congressional outreach to build support for the Physician and Patient Safety Act [H.R. 8325/S. 4278](#). Since the last wrap up, I Street met with the following offices about cosponsorship: Alexandria Ocasio-Cortez (D-NY), Brian Fitzpatrick (R-PA), Senator Roger Wicker (R-MS), Senator Tim Kaine (D-VA), and Mike Simpson (R-ID).

In addition, AAEM President Elect Dr. Vicki Norton joined the following meetings set up by I Street: Senator Marco Rubio (R-FL), Jared Moskowitz (D-FL), Ronny Jackson (R-TX), Rick McCormick (R-GA) and Maxwell Frost (D-FL).

### ***Reintroduction of Due Process Bill in 119th Congress***

I Street met with our due process champions Senator Roger Marshall (R-KS) and Raul Ruiz (D-CA) to discuss the reintroduction strategy next Congress. Both champions were interested in an early reintroduction and agreed with our suggestion to obtain technical assistance from HHS.

I Street also met with the only co-chair of the Republican Doctors Caucus that is not retiring next Congress, Greg Murphy (R-NC) to thank him for his support of our Due Process bill, and to discuss the importance of the full caucus' support for the bill next Congress.

### ***Congressional Short-Term Spending Resolution***

On September 25th Congress approved a short-term spending deal that would fund the federal government until December 20th. The President signed the legislation into law on September 26th.

The [continuing resolution](#) funds the federal government by extending current spending levels until December 20, past the 2024 presidential election. The continuing resolution funds most programs at the fiscal year 2024 levels. After the election, Congress will need to reconcile the House and Senate spending bills for 2025 in the lame duck session or pass another short-term CR into 2025 which will also see a new presidential administration. The next package will presumably include unrelated must pass legislation.

### ***Democrats in the House and Senate reintroduce the Stop Wall Street Looting Act***

The bill, [led by Senator Elizabeth Warren \(D-MA\)](#) and Rep. Mark Pocan (D-WI) would apply to multiple sectors (including healthcare) and would:

- Make private equity firms liable for mismanagement: Firms, along with their general partners and insiders, will be responsible for the liabilities of the companies they manage. This includes debts, legal judgments, and pension obligations, aiming to better align the interests of private equity firms with those of the companies they control.
- Require private equity firms receiving federal dollars to disclose how public dollars are being spent, bringing much-needed transparency into private markets and the use of taxpayer dollars.
- Set new caps on dividend payments used by private equity executives and CEOs of acquired companies.

### ***House Oversight Chairman James Comer Accuses FTC Chairwoman Khan of Ethical Violations***

In a [letter](#) to Chairwoman Khan, Chairman Comer accuses the Chairwoman of politicizing the FTC, and engaging in partisan political activities with democratic members of congress including Congresswoman Alexandria Ocasio-Cortez (D-NY). The letter informs Khan of an ongoing investigation into her alleged partisan activities and states that “You have consistently demonstrated your disregard for ethical norms and willingness to serve as a political tool of the Biden-Harris Administration. As FTC Chair, you should be working to protect the American consumer instead of abusing taxpayer time and resources as an advocate for the Biden-Harris Administration and a campaign prop for Democratic congressional candidates.”

### ***Medicare Fee Update***

Congress must act by December 31, 2024, to avoid another round of Medicare reductions imposed by the current physician fee schedule. A bipartisan majority of the House of Representatives has signed onto a [letter](#) that urges House leadership to “expeditiously pass legislative fixes” that stop a 2.8% Medicare physician payment cut slated for January 1 and give physicians a payment update “that takes into account the cost of actually delivering care to patients.”

Reps. Mariannette Miller-Meeks, MD (R-Iowa), and Jimmy Panetta (D-Calif.), organized the letter addressed to House Speaker Mike Johnson (R-La.) and House Minority Leader Hakeem Jeffries (D-N.Y.). The AAEM joined their physician colleagues in urging members of Congress to sign onto the letter before it was sent to leadership.

The letter notes that the 2.8% reduction proposed in the 2025 Medicare Physician Fee Schedule (MPFS) marks the fifth consecutive year that the Centers for Medicare & Medicaid Services’ (CMS) fee schedule proposal lowered payments to physicians and other clinicians.

### ***No Surprises Act***

Before leaving town, the House of Representatives passed the fiscal year (FY) 2024 Continuing Resolution (CR) funding the government through December 20th. The CR extended the period of No Surprises Act funding for the Department of Health and Human Services, Department of Labor, and Treasury Department to implement the No Surprises Act through the end of FY 2025.

### ***Efforts To Codify CBO Health Panel***

House Budget Committee Republicans advanced a bill along party lines on September 25th that would codify the responsibilities of the Congressional Budget Office’s (CBO) Panel of Health Advisers, reduce the number of members on the panel, and give the House and Senate Budget Committee chairmen and ranking members the same authority as the CBO director to appoint the advisers. Democrats opposed the effort as an attempt to politicize the panel. The HEALTH Panel Act (H.R. 9686), introduced last week by Reps. Buddy Carter (R-GA) and Michael Burgess (R-TX), would formally establish the Panel of Health Advisers to provide technical expertise in health-related areas and enhance the CBO’s analyses, cost estimates and studies on health care issues and policies.

### ***Senate Finance Committee Discusses Abortion Bans***

On September 25th, the Senate Finance Committee convened a hearing entitled, “Chaos and Control: How Trump Criminalized Women’s Health Care”. The [hearing](#) heard from physicians, patients, and legal experts regarding the current state of abortion access. Democratic senators blamed former President Trump for the bans and focused on how physicians and women have been negatively impacted by abortion restrictions in many states. Republican members discussed the dangers of women taking abortion pills without physician supervision and emphasized the

political nature of the hearing.

### **HELP Committee Approves Criminal Contempt Resolution Against Steward Health Care**

On September 25th, the Senate HELP Committee, by unanimous consent, approved a criminal contempt resolution against Steward Health Care CEO Ralph de la Torre. The panel held the CEO in criminal contempt for failing to testify before a Senate panel. The Senate approved the measure by unanimous consent.

## **State Developments**

### **California**

Governor Newsom vetoed [CA AB 3129](#). This bill would have required the AG to approve all health facility acquisition transactions. At the last minute, hospitals were carved out, and AAEM changed its position on the bill.

In his [veto message](#), Newsom said that the Office of Health Care Affordability, established in 2022, would be a more appropriate entity for this authority. He would rather the powers granted from the bill be granted to OHCA and not the AG.

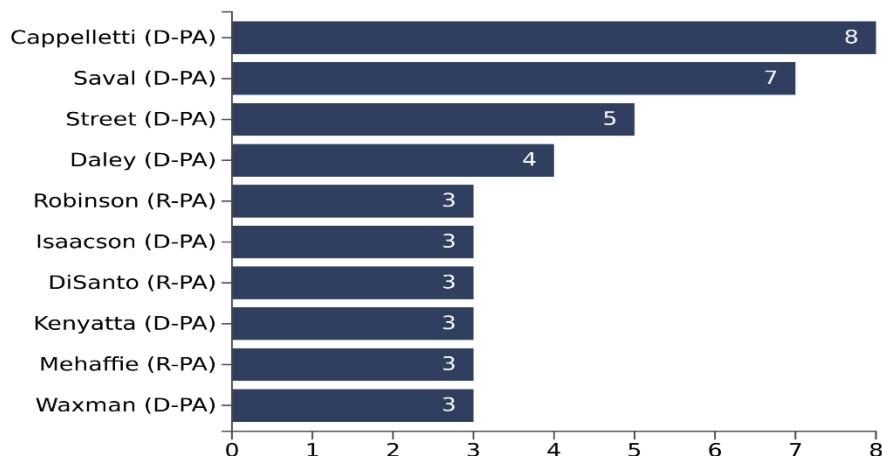
### **Pennsylvania**

On October 1st, [PA SB 25](#) was laid on the table (Pursuant to Senate Rule 9). Rule 9 says, "Any bill or resolution on the Calendar not finally acted upon within 10 legislative days shall be removed from the Calendar and laid on the table, unless the Senate shall otherwise direct." This means that, for the time being, the bill is not moving any further. To quote Senator Brooks' Chief of Staff, "I think the clock has run out on SB 25 for this session. Will advise if anything changes and will let the Senator know of your efforts."

Our efforts included a rather aggressive grassroots advocacy campaign, during which we sent three action alerts to members in PA. Each blast excluded members who took action in the previous email(s).

<b>Scheduled Send Time</b>	<b>Subject</b>	<b>Recipients</b>	<b>Number of Opens</b>	<b>Open Rate</b>	<b>Number of Clicks</b>	<b>Click Rate</b>
August 14 4:45 PM	ACTION ALERT! Stop Scope Creep in Rural PA	491	144	29.3%	38	8%
September 11 8:04 AM	{{recipient_first_name}}, help us stop scope creep in rural PA	410	116	28.3%	22	5%
September 18 4:20 PM	ICYMI, Take Action to Stop Scope Creep in Rural PA!	393	96	24.4%	8	2%

47 members took action throughout the campaign, sending 97 letters to their elected officials in Harrisburg. Senator Amanda Cappelletti (Montgomery and Delaware Counties) received the most letters (8).



## Administrative Activity

On Friday, October 11, the Centers for Medicare and Medicaid Services (CMS) finalized the Medicare Program: Appeal Rights for Certain Changes in Patient Status rule, which established court-ordered appeals processes for Medicare beneficiaries admitted as hospital inpatients but later reclassified as outpatients receiving observation services during their hospital stay. The final rule stayed largely as proposed but offered expanded timelines and additional beneficiary protections, which the observation stays coalition supports. AAEM is part of the coalition.

The coalition will continue to urge Congress to resolve this issue permanently by eliminating the three-day-stay requirement or recognizing observation days in the determination of skilled nursing facility (SNF) benefit eligibility. The coalition supports the bipartisan and bicameral Improving Access to Medicare Coverage Act (S. 4137/H.R. 5138). This bill would help Medicare beneficiaries who are hospitalized in observation by requiring that time spent in observation be counted towards meeting the three-day prior inpatient stay.

## Additional Updates

The Supreme Court on October 7th turned away a Biden administration appeal and let stand a lower court decision that Texas hospitals cannot be required to perform emergency abortions in violation of the state's ban on the procedure. The justices kept in place a lower court order that said hospitals cannot be required to provide pregnancy terminations that would violate Texas law. This decision added to legal questions about whether the Emergency Medical Treatment and Labor Act (EMTALA) can be used to assert for abortion access after Dobbs.

The Biden administration had asked the justices to throw out the lower court order, arguing that hospitals have to perform abortions in emergency situations under federal law. The administration pointed to the Supreme Court's action in a similar case from Idaho earlier this year in which the justices narrowly allowed emergency abortions to resume while a lawsuit continues.

*This newsletter content was provided by [I Street Advocates](#), the advocacy partner of the American Academy of Emergency Medicine (AAEM). I Street Advocates works closely with AAEM to advance policy solutions and legislative efforts that impact emergency medicine, ensuring that your voice is heard on the issues that matter most.*