EM Action Fund Update
Peter E. Sokolove, MD
EMAF Overview

- Established 2011
- Coordinate federal regulatory, advocacy, and legal strategies across EM and industry
- Different than NEMPAC or ACEP – no political contributions or direct legislative work
- Pooled funding for large-scale impact
What EMAF Addresses

- Critical federal regulatory issues (esp. ACA)
- State level issues
- Litigation at federal level
- Expert policy analysis
- Public affairs/advocacy strategies
EMAF Board Members

- AACEM (Dr. Peter Sokolove)
- ACEP (Dr. Friedman – ACEP President)
- ACOEP (Dr. Robert Suter)
- Brault (Dr. Andrea Brault)
- EDPMA (Ms. Iva Clement)
- EMRA (Dr. Angela Cai)
- ENVISION (Dr. Rebecca Parker)
- Federal Government Affairs Committee (Dr. Heine – Chair)
- TeamHealth (Mr. Aron Goldfeld – EMAF Chair)
- USACS (Dr. Orlee Panitch)
- Vituity (Dr. Thomas Sugarman)
Staff and Contractors

- Lupe Gonzalez (Director of DC operations)
- Laura Wooster (PR and policy analysis)
- Jeff David (Director of Regulatory Affairs)
- Hired Contractors:
  - Holland and Knight – regulatory work
  - America Action Forum – developed EM billing primer, PLP standard for PR efforts
  - Avalere – data analysis for balance billing laws
Protecting the Prudent Layperson Standard

- Legal analysis of potential litigation options at federal and state level on Anthem issue
- Sharing data on Anthem denials that supported advocacy and PR efforts (including that which led to NY Times running a story on it)
- Funded public affairs campaign and economics research of the industry currently underway
Emergency Medicine Reimbursement

• Funded member surveys to support RUC review of EM codes
  – Will also help EM response to the Medicare Proposed Rule for the 2020 Physician Fee Schedule

• Funded “Greatest of Three” litigation of CCIIO
  – Court noted CMS had “all but ignored” concerns raised by stakeholders

• Funded consultant to support APM Task Force
  – Developed first EM-specific APM, the “Acute Unscheduled Care Model”
  – Used Medicare claims data to test the model
  – PTAC recommended to HHS Secretary to implement as an Advanced APM

• Funded analysis of out-of-network claims data from three states to support balance billing advocacy efforts at the state level
EMAF 2017-18 Support Highlights

Regulatory Reinforcement
• Hart Health (and now Holland & Knight) monitors federal regulations
• Meet monthly with high-level CMS officials on EM-specific issues
• Can identify and address concerns more rapidly
• Monitoring of evolving Medicaid waiver landscape

Research
• Funded study of Maryland’s Global Budget Revenue payment reform model impact on ED admissions
• Supporting research to determine impact of state balance billing bans
2018-19 EMAF Supported Activities

- Avalere study on impact of balance billing bans across states (in progress)
- Support litigation against Anthem in Georgia with Medical Association of Georgia on Prudent Layperson-violating policy Anthem instituted in six states (in progress)
- Elevating the profile and demonstrating the value of emergency care
- Acute care value and quality development
- Fair coverage/payment/Out-of-Network emergency care
- Policy-related consulting services
Questions?