ENA Members Advocate on Capitol Hill

Earlier this month, more than 160 ENA members from 43 states traveled to Washington, D.C. to take part in what has become a yearly ritual for many – ENA’s Day on the Hill. This annual event provides an opportunity for attendees to visit with their federal lawmakers and lend their voices to advocate for issues of importance to emergency nurses.

In the House of Representatives, members requested support for the Health Care Workplace Violence Prevention Act (H.R. 5223). H.R. 5223 would require covered health care employers (primarily hospitals and outpatient clinics) to implement workplace violence prevention plans to prevent or mitigate the epidemic levels of violence seen at hospitals and emergency departments across the country daily.

In both the House and Senate, support for the Good Samaritan Health Professionals Act (H.R. 1876/ S. 781) was also requested. This bill would provide basic liability protections for ordinary negligence so licensed health professionals, including emergency nurses, may volunteer their services during a federal disaster or public health emergency. Current law provides such protection only when the volunteer is affiliated with a nonprofit or governmental agency.

Building off the successes in 2017, which saw the Protecting Patient Access to Emergency Medications Act become law, attendees once again sought support for the MISSION ZERO Act (S. 1022) in the Senate. The House version of the bill had already been passed by that chamber in February. The bill would provide grant funding to allow military trauma teams to practice alongside their civilian counterparts in trauma centers across the country.

Also in the Senate, Day on the Hill advocates showed support for the Stop, Observe, Ask, and Respond (SOAR) to Health and Wellness Act (S. 256), which would establish a pilot program to train health care professionals, including emergency nurses, in identifying and providing assistance to victims of human trafficking. This was a topic that was a focus of 2017 ENA President Karen Wiley’s tenure. Like MISSION ZERO, the House version of the SOAR Act was approved in February.
Anthem ED Payment Policies Garner Lawsuit from Providers

In February, Anthem expanded a revision to its emergency department services payment policy, only reimbursing providers for visits that were, upon review, deemed by the company to be actual emergencies. For claims determined to not be emergencies, the company would now deny payment, often requiring patients to pay the full amount of emergency services they thought they needed.

The shift in policy has resulted in court challenges, with providers claiming it violates the terms of existing contracts governing reimbursement policy. In a lawsuit in Georgia, plaintiffs are arguing that Anthem is violating state requirements to cover emergency services, as well as material breach of contract since definitions of services were changed without consent of the parties. In other states, such as Missouri, stakeholders are working to pass legislation that will soften the impact on providers and patients, such as requiring that an emergency physician be involved in coverage determinations on ED claims.

Senate Leaders Request Update on Mental Health Parity

A bipartisan group of U.S. senators are urging the Trump administration to enforce federal mental health parity laws, including the parity provisions of the 21st Century Cures Act of 2016. The senators sent a letter to the Departments of Health and Human Services (HHS), Labor, and Treasury urging them to take action as required by this law. The letter was spearheaded by Senate Health, Education, Labor and Pensions (HELP) Committee Chairman Lamar Alexander (R-TN) and Ranking Member Patty Murray (D-WA). Senators Bill Cassidy, (R-LA), Chris Murphy (D-CT), Lisa Murkowski (R-AK), and Debbie Stabenow (D-MI), all members of the committee, also signed the letter.

"To enhance compliance, Cures required that HHS, Labor, and Treasury issue guidance by Dec. 13, 2017, to help employers and insurers implement parity, improve coordination between HHS, Labor, Treasury and the states, and provide recommendations to Congress to improve compliance," the senators wrote. "The guidance has not yet been issued. Cures also required that HHS, Labor and Treasury create and implement an action plan for enhanced enforcement by Dec. 13, 2017. The plan must identify specific strategic initiatives to facilitate collaboration between the various federal and state agencies charged with parity enforcement and provide recommendations for Congress regarding parity enforcement." That plan also has not been released. On April 23, the administration responded to HELP, providing a number of documents related to their request and assurance that a “more fulsome response” would be forthcoming.

President Trump Releases Drug Cost Reduction Proposal, Democrats Counter

On May 11, President Trump unveiled his administration’s plan to lower drug prices, increase competition and reduce the amount people pay out-of-pocket for medication. The American Patients First plan addresses high list prices, a lack of negotiating tools in government programs, rising out-of-pocket costs for consumers and foreign governments placing price controls on American pharmaceuticals. The plan aims to increase competition and improve negotiation, while encouraging lower list prices and reducing out-of-pocket costs. The administration believes most of the plan can be accomplished through administrative action.

Democrats belonging to the Affordable Prescription Drug Task Force unveiled their own plan, “A Better Deal” the day before the President's unveiling. The Democratic plan favors allowing Medicare to negotiate drug prices, which is not part of the President's plan. They also seek to require drug
companies to be transparent about production costs, eliminate patent abuse, allow the importation of prescriptions and improve trade agreements to make drugs more affordable.

**Federal Advocacy Update: ENA Priority Legislation**

Here you will find monthly updates on the status of bills that are of priority concern or focus for ENA. We will utilize this section to provide basic information such as new cosponsors that have signed on in the last month or updates on the status of the bill's movement through Congress.

When bills are first added, existing cosponsors will be listed. Following, you will see only new cosponsors listed monthly. You may review the legislation and a complete list of cosponsors by clicking the link provided.

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### Health Care Workplace Violence Prevention Act

**House (H.R. 5223)**

Sponsor: Rep. Ro Khanna [D-CA-17]

<table>
<thead>
<tr>
<th>Cosponsors</th>
<th>Party/State/Dist.</th>
<th>Date Added</th>
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<tbody>
<tr>
<td>Rep. Lipinski, Daniel</td>
<td>[D-IL-3]</td>
<td>5/10/2018</td>
</tr>
<tr>
<td>Rep. Rush, Bobby</td>
<td>[D-IL-1]</td>
<td>5/15/2018</td>
</tr>
</tbody>
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Status: Awaits action in House Education & Labor, Energy & Commerce, and Ways & Means Committees

Senate: Please note there is currently no Senate companion for H.R. 5223

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### MISSION ZERO Act

**House (H.R. 880)**

Sponsor: Rep. Michael Burgess [R-TX-26]

Status: This bill was passed in the House of Representatives on February 26, 2018 by voice vote

**Senate (S. 1022)**

**Action Alert**
Sponsor: Sen. Isakson, Johnny [R-GA]

No new cosponsors since March 22, 2018

Status: Awaits action in Senate HELP Committee

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**Stop, Observe, Ask, Respond (SOAR) to Health and Wellness Act**

*House (H.R. 767)*


Status: This bill was passed in the House of Representatives on February 26, 2018 by voice vote

*Senate (S. 256)*

**Action Alert**

Sponsor: Sen. Heitkamp, Heidi [D-ND]

<table>
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<tr>
<th>New Cosponsor</th>
<th>Party/State</th>
<th>Date Added</th>
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</thead>
<tbody>
<tr>
<td>Sen. Cortez Masto, Catherine</td>
<td>[D-NV]</td>
<td>5/10/2018</td>
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Status: This bill awaits action by the Senate HELP Committee

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**Air Ambulance Quality and Accountability Act**

*House (H.R. 3780)*

**Action Alert**


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<tr>
<th>New Cosponsors</th>
<th>Party/State/Dist.</th>
<th>Date Added</th>
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</table>

Status: This bill currently awaits action by the House Energy & Commerce and Ways & Means Committees
Please note there is currently no Senate companion for H.R. 3780

Good Samaritan Health Professionals Act

House (H.R. 1876)


New Cosponsors  |  Party/State/Dist.  |  Date Added
--- | --- | ---

Status: Passed by House Energy & Commerce Committee on February 14, 2018

Senate (S. 781)

Sponsor: Sen. Cassidy, Bill [R-LA]

New Cosponsors  |  Party/State  |  Date Added
--- | --- | ---
Sen. Moran, Jerry  |  [R-KS]  |  5/10/2018
Sen. Wicker, Roger  |  [R-MS]  |  5/10/2018

Status: This bill awaits action by the Senate HELP Committee