



In this edition:

MS-ACEP Updates

ACEP 2021 Council Meeting

Welcome New MS-ACEP Members

News from ACEP:

ACEP President Dr. Gillian Schmitz Addresses the 2021 ACEP Council

EM Physician Workforce of the Future Updates

Regulatory News: Vaccine Mandates, 2022 Physician Fee Schedule, Surprise Billing

Member Benefits: Employment Contract & Other Career Resources

Upcoming Events and Deadlines

MS-ACEP Updates

Utsav Nandi, MD MSCI FACEP

President, Mississippi Chapter ACEP

Dear MS-ACEP,

Hope you are enjoying the cooler weather!

By now, most of you have probably received some form of communication from National regarding the No Surprises Act, the Interim Final Rule and some of ACEP's concerns. I wanted to address a few of the questions regarding this discussion and provide a brief summary of the history and advocacy in this newsletter.

The *No Surprises Act*, in its simplest form, is designed to protect patients from, well, "surprise" billing. This takes place if a patient receives emergency care in an out-of-network facility or, in the case of non-emergency care, in an in-network facility from an out-of-network provider. In such cases, the patient may receive a "surprise" bill and may be responsible for all costs beyond what is covered by his or her insurance provider. You can read more about this practice [here](#).

As you may have surmised, emergency care is a big part of this. This applies not only to our EDs, but to our prehospital colleagues as well, both air and ground ambulance services. To protect patients and families from this practice, Congress announced the No Surprises Act in December last year. You can read more about it [here](#) and [here](#).

Unfortunately, some of the interests that lobbied against this are names familiar to many of us. This has, as you may imagine, not cast EM in a good light to lawmakers or the public, who may not always appreciate the nuances of hospital employment, physician-owned groups, or staffing companies. You can read more about private equity-funded campaigns [here](#) and [here](#). And if you enjoy investigative journalism, you may want to read about the conflict between insurance companies and staffing companies [here](#). As one of the interviewees said in the article, “There is no blameless actor in this scenario, except maybe the patient”.

While ACEP fully supports the intent behind the No Surprises Act, the main concern has been related to the Independent Dispute Resolution (IDR) process. The current rule places a large emphasis on the Qualified Payment Amount (QPA) which is essentially the median in-network rate for the same service. You can read ACEP’s breakdown of the rule and concerns related to this potential benchmarking [here](#) and ACEP actions to push back [here](#) as well as ACEP’s official statement [here](#). You can view a timeline of all of ACEP’s Advocacy efforts related to this topic [here](#).

However, other policy experts believe that this may [decrease the risk for higher premiums](#) and [lead more providers to join insurance networks](#). In fact, many states already have similar laws in place and may provide a blueprint into how the No Surprises Act may play out. You can get an overview of New York’s (where arbitrators use a much higher rate of than the median in-network rate to decide on cases) and California’s experience (which uses a benchmark for out-of-network reimbursements) [here](#) to see why experts feel that using that median in-network rate may reduce the “inflationary effects seen in these states”. However, the concern is that the QPA may be used as the new benchmark during IDR, and this may eventually lead insurers to drop contracts. You can read about California’s experience with that [here](#).

Thankfully, Mississippi does have some [state-level protections](#) already in place. Under MS Code 83-9-5 (1)(i), balance billing is not allowed in Mississippi. It appears as though disputes between payers and providers within the state will continue to be settled by our existing processes. However, the No Surprises Act will affect the air ambulance industry here. How its effect plays out remains to be seen.

ACEP is continuing its advocacy efforts in this arena, and we will continue to update you as we learn more.

In other news, ACEP recently held the Scientific Assembly in Boston last month, and our Councillors were hard at work! Next in this newsletter, you will have an opportunity to hear from one of our Councillors, Dr. Shermer, about his experience at the Council meeting and get some updates from the recent ACEP elections.

Finally, I hope you get to spend some quality time with friends and family and stay safe and healthy.

Utsav

ACEP 2021 Council Meeting
Chet Shermer, MD, FACEP
MS-ACEP Councillor

As I flew into Boston to attend my first Council meeting since being selected by all of you who comprise MS-ACEP, I felt an excitement that I would finally be making a difference for my specialty on a national level. Over my 20-year career, I have worked hard locally and within my city to improve Emergency Medicine care. I also engaged our national leaders in Congress regarding legislation essential to emergency medicine specifically and medicine in general. Now, I would be meeting like-minded individuals who have one purpose – improving Emergency Medicine at the national level.

Drs. Fred Kency, Sherry Turner, and I sat side-by-side (well, socially distanced during this hybrid event) through hours of resolution presentations, spirited debate and listened to the candidates running for office within the College. The technology chosen for the event allowed in-person and distanced colleagues to participate meaningfully as we moved through each of the record number 82 resolutions. I was told that there are usually only about 50! We had two long days but managed to complete our business before everyone else arrived to enjoy and learn at ACEP21. Workforce, scope of practice for APPs, due-process, violence, and billing were among the biggest topics debated in break-out sessions and on the council floor.

Once officially updated, the individual resolutions and Council actions can be found at: <https://www.acep.org/what-we-believe/actions-on-council-resolutions/>.

Our Speaker Dr. Gary Katz and Vice Speaker Dr. Kelly Gray-Eurom did an impressive job keeping all of us moving forward, staying on the timeline, and adding levity to sometimes tense engagements! Dr. Gray-Eurom was elected Council Speaker for the next term, and Dr. Melissa Costello Hope was elected Council Vice Speaker before the session closed. Dr. Costello Hope has practiced many years in Mississippi and will represent us well. We also elected new members to the Board of Directors. Many of you have seen that we also elected Dr. Gillian Schmitz as President and Dr. Christopher Kang as President-Elect. Drs. L. Anthony Cirillo, John T. Finnell, Rami R. Khoury, and Heidi C. Knowles were elected to the Board of Directors after many months of debate and presentations to the chapters nationwide.

I look forward to attending ACEP22 in San Francisco and contributing to our specialty in tangible ways through the Council proceedings. It is truly an honor to represent all of you, our great emergency medicine physicians in the great State of Mississippi.

Welcome New MS-ACEP Members!

Lindsay Michelle Batista
Mark Allen Briscoe
Joshua Norman, MD
Chris Nutter
Thomas Andrew Shands, Jr
Tayler Marie Thibodeaux
Jasmine Ware

FROM NATIONAL ACEP



ADVANCING EMERGENCY CARE 

Featured News

"We cannot solve the challenges of our time unless we solve them together"

In her address to the ACEP Council on Oct. 24, 2021, ACEP President Dr. Gillian Schmitz outlined her vision and approach as the College's new leader. [Watch her speech.](#)

EM Physician Workforce of the Future:

- [Emergency Physicians Explore the Future of the Emergency Medicine Workforce](#) (ACEP Now, 10/25/21)
- [2021 Survey of the Emergency Medicine Job Market](#) (ACEP Now, 10/18/21)
- Get the latest workforce updates at www.acep.org/workforce.
- Visit [ACEP's Career Center](#)

Regulatory News:

- [Status Update: ACEP Actions to Push Back Against Flawed No Surprises Act Regulation](#) (11/18/21)
- [Breaking down the Biden Administration's new vaccine mandates: How do they impact you?](#) (11/11/21)
- [Emergency Physicians Call on Biden Administration to Amend Interim Final Rule on Surprise Billing](#) (11/9/21)
- [The 2022 Physician Fee Schedule Final Reg: Highlights and Perspective](#) (11/4/21)

EM Physicians Join Forces to Create Award-Winning COVID-19 Field Guide

In this [video](#), ACEP members tell the origin story of the award-winning [COVID-19 Field Guide](#), a valuable resource that has been utilized by emergency clinicians in more than 160 countries.

Rescue Team Doctor at the Surfside Condo Collapse Shares Experience

In this [ACEP Now article](#), Dr. Benjamin Abo gives a firsthand account of what it was like for the urban search and rescue teams that responded to the Surfside condo collapse. (Plus, get bonus content from Dr. Abo on this month's [ACEP Nowcast](#).)

ACEP Member Benefits

A Checklist to Help You Negotiate The Best Employment Contract

Employment contracts are complex and often difficult to navigate. [This checklist](#) is designed to help you consider all the right questions when reviewing any employment contract you receive.

Legal and Financial Support Services

For just \$15 per year, ACEP members can access Mines & Associates' [legal and financial support assistance](#). This service includes unlimited 30-minute in-person consultation for each individual legal matter, unlimited telephonic 30-minute consultation per financial matter, and 25% discount on select legal and financial services all with MINES network legal and financial professionals.

For more employment contract & job hunt resources, visit [ACEP's Career Center](#)

Upcoming ACEP Events and Deadlines

- Nov. 29-Dec. 4: [EM Basic Research Skills \(EMBRs\) Workshop](#)
- Dec. 4: Last day to submit your videos for the [TikDoc Challenge](#)
- Dec. 16: [Alleviating the Pain: Managing Sickle Cell Patients](#)
- Jan. 17-19: [Reimbursement & Coding Conference](#)
- Jan. 18: [Advanced EM Ultrasonography Exam Review Course](#)

Contact Us

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