

# **Report to the ACEP Council**

## **The National Emergency Medicine Political Action Committee (NEMPAC)**

**and**

## **The ACEP 911 Legislative Grassroots Network**

**Washington, DC  
October 2017**





# **NEMPAC Contribution Guidelines/Strategic Plan and Budget for 2018 Cycle** (as approved by the NEMPAC Board of Trustees on September 7, 2017)

## **Background**

NEMPAC serves a vital role in advancing ACEP's legislative agenda and in broadening ACEP's visibility with Congress. As contributions to the PAC have increased, NEMPAC has become involved in more congressional races and expanded ACEP's influence. In the 2016 election cycle, NEMPAC contributed nearly \$1.8 million to candidates, party committees, leadership PACs, and in 5 independent expenditure campaigns. NEMPAC's fundraising success in this cycle of \$2,096,014 raised in hard and soft dollars allowed NEMPAC to be active in more races and to make larger contributions to individual candidates than in past cycles. NEMPAC's average contribution to a Senate candidate was \$8,524 and \$5,360 on average to a House candidate. We were also able to provide \$15,000 annually in support to four national party committees (NRCC, RRSC, DCCC, DSCC) including, for the first time, and additional \$15,000 in "building fund" contributions to the DCCC and NRCC in 2016 to gain access for ACEP leadership and staff to Republican and Democratic National Committee activities in 2016. We allocated \$195,000 for five independent expenditure campaigns which included a \$100,000 donation to the Silver State PAC, a SuperPAC that NEMPAC co-founded with AOA PAC to promote the election of Rep. Joe Heck, an ACEP member, to the U.S. Senate in Nevada.

As we anticipate the continued growth in NEMPAC fundraising, it is recommended that we adopt or continue the following strategy:

- Identify "Champions" of emergency medicine who would receive maximum funding for their re-election campaigns (\$10,000) and for the Leadership PACs (if applicable) of \$5000 per year, in addition to other benefits identified below.
- Continue to set aside a percentage of NEMPAC funds raised for independent expenditures
- Authorize a minimum contribution (\$1000) to Senators and Representatives from the states and districts of members of the ACEP Board of Directors and the NEMPAC Board of Trustees. This strategy is designed to enhance the contacts between these two Boards and their Congressional representatives by giving the Board members the opportunity to attend local events for their Members of Congress.
- Prioritize check deliveries and attendance at fundraisers by ACEP members. In the 2016 election cycle, NEMPAC sent or delivered 700+ checks. About 15-20% were delivered or associated with an ACEP member present.
- Concentrate remaining funds on candidates that meet some or all the criteria below.

This guidelines for the 2018 election cycle will expand and build upon past NEMPAC guidelines and reflect the projected level of funds available to NEMPAC. The NEMPAC budget will guide NEMPAC's contributions through the election cycle and it will be subject to modification as the election cycle progresses and races take shape.

## **Evaluation Categories**

2018 evaluation criteria follow past NEMPAC practice of focusing on a candidate's support of ACEP's key legislative and regulatory initiatives, co-sponsorship of ACEP legislation, committee assignment, leadership position, relationship to state chapter and/or local ACEP members, and difficulty of the re-election race as the basis for evaluating possible NEMPAC contributions. As we look at incumbents and new candidates for NEMPAC support, those that meet criteria in several categories would be eligible for

more support. In addition, an initial list of NEMPAC Champions will be identified by the NEMPAC Board and staff. The champions will receive maximum financial support and additional resources that NEMPAC can provide (see below).

Although a candidate may be budgeted a certain contribution amount, the candidate will not necessarily receive the full amount for which he or she is budgeted. A significant change in the legislative/political climate may dictate that we reach as many candidates as possible (rather than a targeted focus on candidates on a committee). Ongoing assessments will enable us to determine which overall approach is most compatible with ACEP's legislative and regulatory agenda.

### **Support of Legislative Priorities**

Each year, the ACEP Federal Government Affairs Committee develops and the Board of Directors considers a legislative and regulatory agenda to advance issues critical to ACEP members. Support of these priorities is a key factor in determining eligibility for a NEMPAC contribution. Key issues include:

- Co-sponsorship of ACEP's EMTALA liability reform;
- Co-sponsorship of other ACEP supported legislation such as the Mission Zero Act or repeal of the Independent Payment Advisory Board (IPAB);
- Funding through the appropriations process for EM research, Poison Control Centers, Trauma center and EMSC;
- Support of initiatives to combat opioid abuse;
- Mental health reform initiatives;
- Voting record on ACA repeal and replace legislation.

The relative weights placed on these issues will vary from year to year and will be determined by the NEMPAC Board of Trustees at the beginning of each election cycle. The Board will maintain flexibility throughout the cycle in assessing the importance of these issues and they will be considered important information when determining a candidate's level of support from NEMPAC.

### **"Friendly Incumbent" Guidelines**

NEMPAC will continue to follow "friendly incumbent" guidelines for contributions used in past election cycles. These guidelines recommend that NEMPAC should not contribute campaign funds to a candidate running against an incumbent determined to be friendly or supportive to ACEP. In situations where physicians, members of ACEP, or other candidates strongly supported by an ACEP state chapter run against a "friendly incumbent," the NEMPAC Board may vote to modify this guideline after careful consideration of factors such as electability, support of ACEP's legislative and regulatory agenda and relationship to ACEP members in the district or state.

In an "open seat" situation, where neither candidate is an incumbent, each candidate will be evaluated to determine if the candidates' positions on important healthcare issues are consistent with ACEP policy. Input from the state chapters, local ACEP leaders, and 911 Network members will also be considered. All open seat and challenger candidate contributions must be approved by the NEMPAC Board of Trustees or the NEMPAC Executive Committee if time is of the essence.

### **Candidate Questionnaire**

At the beginning of each election cycle, NEMPAC will develop a candidate survey that highlights ACEP core legislative and regulatory principles and requests information from the candidate about their background and campaign operation. Open seat and challenger candidates will be strongly urged to complete and return the survey for consideration of NEMPAC support. Exceptions may be permitted if time constraints are present if the NEMPAC Board of Trustees or Executive Committee are made aware of the circumstances, and they are documented, as to why the survey was not completed prior to making and/or approving a donation.

## **Contributing to Two Candidates Running for the Same Congressional or Senate Seat**

NEMPAC will maintain the practice of supporting only one candidate in a race. In instances where the candidate supported by NEMPAC loses a primary election, the NEMPAC Board may consider supporting another candidate in the general election since the original candidate supported would be out of the race. In rare circumstances and after careful consideration by the NEMPAC Board of Trustees, there may be flexibility in this practice so that an exception could be made for NEMPAC to donate to two different candidates running for the same office.

## **Contribution Strategy and Delivery Methods**

### **Direct Contributions to Re-Election Campaigns and Leadership PACs.**

As in previous election cycles, NEMPAC will direct its contributions to those candidates (primarily sitting Members of Congress) who serve on key committees and subcommittees, hold positions of leadership or who have supported ACEP's key legislative priorities through bill cosponsorship or votes in favor of ACEP-supported legislation. Candidates who have a history of working with ACEP staff and members and who have received contributions from NEMPAC in previous election cycles will also be considered for contributions.

When delivering contributions, we will give priority to participating in smaller healthcare-specific meetings and fundraisers. The smaller events allow the candidates to focus solely on healthcare issues and to hear ACEP's concerns and priorities in the current Congress.

Funds will also be set aside for "dine-around" events at future Leadership and Advocacy Conferences for targeted members.

NEMPAC will also target events and meetings back home in the state and district where ACEP members can deliver a NEMPAC check personally to their Member of Congress. NEMPAC will attempt to target contributions to Members of Congress who represent the states and congressional districts of ACEP Board of Directors members and members of the NEMPAC Board of Trustees. This strategy will enhance the contacts between these ACEP leaders and their federal legislators. The NEMPAC Board, ACEP Board and Council will be provided with regular updates of check deliveries and fundraisers attended by ACEP members.

## **Independent Expenditures**

Finally, as contributions to NEMPAC increase, NEMPAC should continue to have the option to make independent expenditures in support of candidates in key races. Independent expenditure can be made for communications expressly advocating the election or defeat of a candidate that are not made in cooperation or consultation with or at the request or suggestion of, a candidate's campaign or representatives. These expenditures allow NEMPAC to go beyond the limits of \$5,000 per primary and \$5,000 per general to individual candidates' campaigns and can provide significant and much appreciated campaign support to candidates while enhancing ACEP's and NEMPAC's political influence.

The NEMPAC Board will set aside an agreed upon amount of NEMPAC funds for independent expenditures in the 2018 election cycle

## **Committee Assignments**

NEMPAC contributions should be directed to those candidates who serve on committees with jurisdiction over healthcare issues. The committees can be designated as either a "key" committee (a committee with primary jurisdiction over healthcare issues), or a "secondary" committee (a committee with jurisdiction over some aspects of healthcare legislation). Contribution amounts are based on which committee a Member serves, his or her leadership position on the committee, and whether the Member also serves on the healthcare subcommittee of the committee.

Key committees in the House are:

- Ways and Means
- Energy and Commerce
- Appropriations

Secondary committees in the House are:

- Education and the Workforce
- Homeland Security
- Judiciary
- Rules

Key committees in the Senate are:

- Finance
- Health, Education, Labor and Pensions (HELP)
- Appropriations
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Secondary Senate committees are:

- Budget
- Judiciary
- Homeland Security

Members of Congress on a key committee are eligible to receive a minimum of \$2500 and/or \$5000 if on the health subcommittee without Board approval. Members on Secondary Committees may receive up to \$1,000 without Board approval. Additional funds to these members would require Board approval.

### **Relationship to ACEP**

The relationship a candidate (Member of Congress) has with ACEP leadership, 911 members, staff and other ACEP members is another factor to consider when evaluating contribution requests. If a candidate has a good relationship with someone associated with ACEP, he or she is more likely to take the time to listen to ACEP's position on an issue. Although NEMPAC will direct most contributions to candidates (Members) who have shown concrete support for ACEP's priorities, a special relationship with ACEP can be an important factor in considering a contribution request.

### **Co-Sponsorship of ACEP Legislation**

Members of Congress who do not serve on a key or secondary committee but who support ACEP's legislative agenda by co-sponsoring key legislation (EMTALA liability bill) would be eligible for \$2,500 - \$5,000 during the election cycle. Also, Members of Congress who participate in press conferences, co-sign letters of support for an ACEP legislative priority, or host meetings for ACEP members, etc., would be considered for a NEMPAC contribution on a case-by-case basis in the same contribution range.

### **Difficulty of Race**

As we move through the election cycle, the difficulty of a candidate's race or Members re-election campaign will become an important factor in determining if NEMPAC contributes to or increases the amount budgeted to a candidate. NEMPAC can have a greater impact by making contributions to candidates who face a difficult election.

### **National Party Committees**

Prior to 2015, the maximum allowable annual donation from a PAC to a party committee was \$15,000. NEMPAC consistently donated \$15,000 to the NRSC, NRCC, DSCC and DCCC over the years to main parity and bi-partisanship in our giving strategy.

In 2015, three new types of political funds for national party committees went into effect.

- A **party convention fund** for the Republican National Committee and Democratic National Committee that may accept up to \$45,000 per year from a multicandidate PAC.
- A **building fund** that may accept up to \$45,000 per year from a multicandidate PAC. The RNC, NRSC, NRCC, DNC, DSCC and DCCC are eligible to accept these funds.
- A **recount & legal proceedings fund** that may accept up to \$45,000 per year from a multicandidate PAC. The above committees are also eligible for these types of funds.

In the last election cycle, NEMPAC contributed \$45,000 each to the National Republican Congressional Committee (NRCC), the Democratic Congressional Campaign Committee (DCCC), and \$30,000 to the National Republican Senatorial Committee (NRSC), and the Democratic Senatorial Campaign Committee (DSCC). Our increased donation to the NRCC and DCCC was primarily to gain access to events, credentials and rooms for ACEP leadership and staff at the RNC and DNC Conventions.

Contributing to these Committees allows ACEP leadership (i.e., Board members, FGA Committee members, etc.) and staff to participate in special briefings, roundtables and out of town events throughout the year held specifically for donors to the campaign committees. These events allow for greater access to Congressional leaders and will help establish ACEP as an important player on the political scene, and the travel expenses for ACEP members and staff participating in these and other candidate-related activities can be reimbursed by NEMPAC's administrative fund or hard dollars if needed

Going forward in the 2018 cycle, it is recommended that NEMPAC continue to make a \$15,000 annual contribution to these four committees. Because the amount allowable from PACs to these committees has dramatically increased, the possibility of exceeding the status quo should be considered by the NEMPAC Board on a case-by-case basis.

### **Leadership PACs**

Leadership PACs are separate funds established by Members of Congress that have separate and distinct limits from their campaign committees. Leadership PACs can accept up to \$5,000 per year from other PACs. Members often use their membership PACs to support the campaigns of other federal candidates who may not have the ability to raise significant or adequate funds on their own. When considering a contribution to a Member's leadership PAC, NEMPAC will observe the same criteria as for contributions to that member's campaign committee.

NEMPAC will budget \$5,000 annually to the leadership PACs of NEMPAC "Champions" and consider other requests on an ad hoc basis.

### **Post Election/Debt Retirement**

Some Members of Congress request contributions following a general election to help retire debts from the previous campaign. Debt retirement can offer ACEP the opportunity to establish relationships with Members of Congress that NEMPAC did not contribute to in the general election, to forge relationships with newly elected Members of Congress, and to maintain strong relationships with Members of Congress who have generally been supportive of ACEP's legislative agenda.

NEMPAC will continue its policy of considering on a case-by-case basis, contributions to Members' debt retirement accounts. These contributions will be considered only to victorious candidates, will not count towards a Member's total NEMPAC eligibility for the upcoming election cycle, and will not exceed the contribution level the candidate was eligible for under NEMPAC criteria in the just completed election cycle.

## **NEMPAC “Champions”**

Beginning in the 2018 election cycle, it is suggested that NEMPAC develop a list of “NEMPAC Champions” not to exceed a total of 20 incumbent Senators or Representatives and candidates. These champions would be eligible to receive the following financial support and other benefits from NEMPAC as warranted:

- Maximum donation to primary and general election campaign (\$5K to each)
- Maximum donation to leadership PAC if applicable (\$5K)
- Campaign highlighted in NEMPAC newsletter during the cycle with link to campaign website
- Campaign highlighted on NEMPAC website
- NEMPAC would host or co-host a MADPAC event for the Member during the election cycle
- NEMPAC staff or ACEP member would attend one out of town event for the Member per cycle
- NEMPAC staff would serve on the Member’s fundraising steering committee
- NEMPAC would “tally” part of our party committee donation to that member.
- NEMPAC would conduct a dine-around event for the member during LAC.
- NEMPAC would fund or co-fund an independent expenditure for the member.

## **Ethical Issues**

The NEMPAC Board will consider contributions to Members of Congress under investigation for ethical violations in Congress and/or outside criminal or civil investigations on a case by case basis with no formal written policy.

## **NEMPAC Board and ACEP Board Involvement**

To show ACEP members the strength of support for NEMPAC and its activities by the leadership of ACEP, all members of both the ACEP Board of Directors and the NEMPAC Board of Directors should make significant contributions to NEMPAC each year.

Members of both Boards will be encouraged to “Give-a-Shift” (\$1,200) each year to NEMPAC and maintain this giving level throughout their tenures.

As previously, Members of both Boards will be encouraged to attend at least one fundraiser or other event for their Representative and Senators in the next two years to enhance contacts between these ACEP leaders and their Members of Congress. NEMPAC will contribute to the federal representatives of Board members to allow those Board members to attend the event. A minimum amount will be contributed to each Board member’s Representative and Senators, even if that Representative or Senator is not a strong supporter of ACEP’s legislative priorities. This minimum contribution is simply designed to foster improved contacts between Board members and their Members of Congress.

As previously, Members of both Boards will be encouraged to attend at least one fundraiser or other event for their Representative and Senators in the next two years to enhance contacts between these ACEP leaders and their Members of Congress. NEMPAC will contribute to the federal representatives of Board members to allow those Board members to attend the event.



# The 911 Grassroots Legislative Network

Along with NEMPAC, the 911 Legislative Network plays a significant role in promoting ACEP's legislative agenda to Congress. When ACEP recognized that it was competing for federal legislators' time and attention in an environment burgeoning with important legislative issues, ACEP's Federal Government Affairs Committee and the Board of Directors voted to create a technically sophisticated grassroots network. Launched in April 1998, the 911 Legislative Network encourages ACEP members to cultivate relationships with their federal legislators for long term, ongoing lobbying and educational efforts. The goal is to have emergency physicians across the country available as resources and healthcare issue experts for federal legislators. As "citizen lobbyists," 911 Network members carry ACEP's concerns directly to policy makers and staff to explain how legislation or regulation affects medical care provided in an emergency department. ACEP provides the tools and the training to help 911 Legislative Network members effectively communicate with their legislators.

Currently, there are 3,824 members in the Network. This is nearly double the number of participants in 2016. The growth is largely due to the inception of Phone2Action and increased participation by ACEP members in health care reform action alerts which led to their joining the Network.

There are only 21 uncovered districts (95% of the U.S. is currently covered) and two states (AR and WV) need State Leaders.

## Hosting an ED Visit for Your Legislator

An important component of the 911 Network is the ED visit program for legislators. Throughout the past six years, ACEP staff has worked with Soapbox Consulting to increase the number of targeted, coordinated ED visits hosted by ACEP members for members of Congress and their staff resulting in a 30% increase. Our goal is currently 50 visits per year and we are presently focusing on new members of congress and members on key health care committees.

The program is ongoing and we urge you to contact the ACEP Washington DC office if you would like to host a visit for your federal legislator or for more information, go to [www.acepadvocacy.org](http://www.acepadvocacy.org)

## *911 Network Member of the Year*

Each year, a "911 Network Member of the Year" is selected from among the most active advocates in the Network based on an accrued point system which includes attending events, hosting ED visits, responding to action alerts and recruiting new members to the Network. **The 2017 winner is Matthew J. Watson, MD, FACEP.**

**As leaders of ACEP, it is important that members of the Council participate in the 911 Legislative Network.** Councillors are well informed about the issues facing emergency medicine and ACEP's efforts to promote the specialty. This makes members of the Council the perfect spokes persons to carry ACEP's message to their legislators. **ACEP's goal is to achieve 100% Councillor participation in the ACEP 911 Network.**

**NEMPAC and the 911 Legislative Network help promote the specialty of emergency medicine. We thank the Councillors for their past support and encourage all members of the Council to contribute to NEMPAC and sign up for the 911 Legislative Network. Your participation will help ensure the future of our specialty and our patients. Please go to the [ACEP Advocacy](http://www.acepadvocacy.org) website to join.**

## ACEP's ASAE Award Winning 911 Legislative Grassroots Network

