

The Three Minute Read™

Insights from the Healing American Healthcare Coalition™

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From the Editor: The topics in the article summaries in this issue include EMTALA, mRNA vaccines, long Covid, antibiotics, prior authorization, J&J and telehealth. Click on the headline to read the full article. If you enjoy this curated newsletter, please subscribe [here](#).



[Court Rules Texas Can Ban Emergency Abortions Despite Federal Guidance](#)

by Jesus Jiminez, New York Times, 1/2/24

TMR Topline – After SCOTUS overturned Roe v. Wade, HHS [issued guidance in July 2022](#) that instructed hospitals that federal law requires doctors to perform abortions, even in states where it is banned, if they believe it is “the stabilizing treatment necessary” to protect the health of the mother in an emergency medical situation. The guidance reinforced EMTALA, which requires emergency rooms to provide stabilizing care regardless of a patient’s ability to pay. Texas sued over the guidance and the US Court of Appeals for the Fifth Circuit affirmed a ruling that sided with the state on whether emergency rooms are required to perform emergency abortions stating: “EMTALA does not provide an unqualified right for the pregnant mother to abort her child especially when EMTALA imposes equal stabilization obligations. We therefore decline to expand the scope of EMTALA.”

TMR’s Take: Welcome to the Wild West, where women’s reproductive rights are aborted by misogynistic men overruling sound medical judgment. The Fifth Circuit Court’s ruling comes as no surprise to those who remember that the trigger for EMTALA enactment was [“wallet biopsies”](#) performed in Dallas-area for-profit hospital EDs before dumping uninsured patients on Parkland Medical Center.

To quote Lindsay Crouse as nurse Kaitlin Costello in 1982’s *“The Verdict,”* “Who are these men?”



[Florida's surgeon general calls for 'halt' in Covid mRNA vaccines, against federal guidance](#), by

Nancy Guan, Health News Florida, 1/4/24

TMR Topline – Against the recommendations of federal health agencies, Florida Surgeon General Dr. Joseph Ladapo has called for a “halt in the use of Covid-19 mRNA vaccines” based on his concerns about “nucleic acid contaminants” in the Pfizer and Moderna Covid-19 mRNA vaccines, and the “unique risks posed by DNA integration.” Peter Marks, director of the FDA’s Center for Biologics Evaluation and Research, said that it was implausible “that the minute amounts of small DNA fragments present could find their way into the nucleus of these cells.” According to [John Hopkins Bloomberg School of Public Health](#), decades of research preceded the Covid-19 pandemic and the vaccines “do not affect or interact with your DNA.”

TMR’s Take: Florida – where medical misinformation prevails. With Covid cases surging, older Americans may wish to reconsider it as their winter vacation destination.



[Long Covid Has Caused Thousands of US Deaths: New CDC Data](#), by Lisa Rapaport, Medscape, 1/3/24

TMR Topline – New estimates from the CDC show that more than 5,000 Americans have died from long Covid since the start of the pandemic. Last year the CDC estimated that about [7% of American adults](#) had experienced long Covid. Some previous [research](#) suggests that the risk for long Covid fatalities remains elevated for at least 6 months for people with milder acute infections and for at least 2 years in severe cases that require hospitalization. It’s difficult to distinguish between how many virus-related deaths occur from long Covid, not

acute infections. Long Covid is typically diagnosed when symptoms persist at least 3 months after an acute infection that wasn't present before the patient got sick.



[A potent antibiotic has emerged in the battle against deadly, drug-resistant superbugs](#), by Corrine Purtill, Los Angeles

Times, 1/3/24

TMR Topline – Carbapenem-resistant *Acinetobacter baumannii* (CRAB) is a nightmare for hospitals worldwide, killing roughly half of all patients who acquire it. Both the CDC and the WHO have identified it as a top-priority pathogen and the most common form of a group of bacteria that are resistant to nearly all available antibiotics. Currently in phase 1 clinical trials for humans, zosurabalpin attacks bacteria from a novel angle. Developed jointly by scientists at Roche and Harvard, it is the first major breakthrough in the battle against antibiotic resistant superbugs in more than 50 years.

TMR's Take: Infection prevention professionals welcome the news and hope for successful clinical trials.



[New CMS prior authorization rule takes effect](#), by Andrew Cass, Becker's

Hospital Review, 1/2/24

TMR Topline – A new CMS rule [aiming](#) to streamline Medicare Advantage and Part D prior authorizations (PAs) took effect 1/1/24. It requires that PAs only be used to confirm the presence of diagnoses or other medical criteria and/or ensure that an item or service is medically necessary.



[J&J to pay \\$700 mln to settle states' talc-marketing probe](#), Bloomberg News, 1/8/24

TMR Topline – J&J has reached a tentative agreement to pay about \$700 million for settling claims by over 40 US states that it wrongfully marketed its talc-based baby powder. The settlement would avert potential lawsuits alleging J&J hid any links between the talc in its powder and various cancers. Previously, courts had rejected two efforts by J&J to use the bankruptcy process to limit its

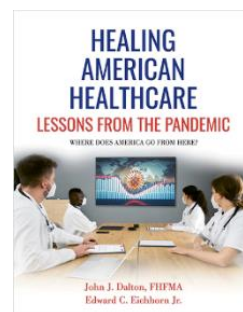
exposure to talc litigation. In a separate development, [Reuters](#) reported 12/29/23 that a federal judge allowed shareholders from 2/22/13 to 12/13/18 to pursue their securities fraud claims as a group. Shareholders said J&J's stock price fell six times in late 2017 and 2018 following events confirming how J&J and some executives hid the truth about asbestos in its talc products.



[Why 2024 is the 'Super Bowl' for telehealth legislation](#), by Brock E.E. Turner, Modern Healthcare, 1/3/24

TMR Topline – One silver lining in the pandemic was the accelerated adoption of telehealth aided by waivers that facilitated remote prescribing of controlled substances and reimbursement for telehealth visits that are due to expire by year-end. The most imminent policy change may involve remote prescribing of some controlled substances where the government is trying to balance access to care with its diversion efforts around controlled substances. Some pharmacists have been hesitant to fill prescriptions from out-of-state providers. Federal agencies can make those changes, but tele-health reimbursement requires an act of Congress. The affected provisions include not requiring providers be licensed in the same state as the patient receiving care, allowing more types of practitioners to provide telehealth services, and allowing audio-only telehealth services. In a [1/2/24 article](#), MH reported that companies in the direct-to-consumer telehealth market that offer prescription medications and other treatments to patients through subscriptions are bullish on 2024. Critics say these companies are only focused on specific conditions rather than a patient's overall wellness.

TMR's Take: In "*Lessons from the Pandemic.*" the co-authors opined "**Telehealth must be here to stay,**" noting that "*Deployed effectively, telehealth is a cost-effective way to deliver patient-centric care, particularly to frail elderly for whom travel is a challenge and those in rural areas.*"



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