WSMA Legislative Session Wrap-up Webinar
March 21, 2018

2018 Legislative Session context

- 2018 session:
  - Supplemental budget year
  - 60 days (2017 session: 193 days total)
  - McCleary and other budget pressures, revenue?
  - Revenue forecast
- New dynamic in the State Senate
  - Democrats take control 25-24 (first time in 5 years)
- State House of Representatives
  - Democrats control 50-48
- No room for controversy: 1 vote majority in each chamber

2018 Legislative Session - By the Numbers

- 60-day legislative session
- 2 of last 10 sessions ended on time
- 1,425 bills introduced
- 307 bills passed
- 400 bills and budget items tracked by WSMA
- $20M in Medicaid rate increases secured
- $0 in tax increases levied on physicians
- 11 (and counting) legislators not running for re-election
- 125+ legislative seats up for election in November
2018 Legislative Session preview

- What we cover today is NOT exclusive
- Almost 120 pages of legislative agenda on other issues/bills
- This is a high-level summary on issues we worked on

Supplemental budget summary

2018 Legislative proposals – ASKS

Supplemental Budget: Top budget items
- Medicaid reimbursement* ($25m state / federal matching funds)
- Assist with PMP/EMR use/integration
- No taxes on physicians, or cuts to priority programs
- Protect physician licensure fees/O2G
2018 Legislative proposals – Budget as passed

Supplemental Budget: Top budget items

- Medicaid reimbursement*
- 2. Assist with PMP/EMR use/integration
- 3. No taxes on physicians, or cuts to priority programs
- 4. Protect physician licensure fees/O2G

Medicaid Reimbursement (budget)

- Medicaid reimbursement
  - $13,844m Pediatric primary care rate bump
  - $5.285 GF-S monies
  - Increase pediatric primary care rates for the same set of evaluation and management and vaccine administration codes that were included in the temporary rate increase provided by the ACA
  - $6.156m MAT services increase
  - $1.214 GF-S monies
  - Increase for opioid use disorder from Medicaid to Medicare rates

Taxes (budget)

- Making the B&O tax more progressive (HB 2940)
  - Makes state’s business tax “more fair” for small businesses by reforming the B&O tax with a new “more equitable” tax
  - Applies a new B&O surcharge to businesses with a profit margin of more than $1M in the preceding year (specifically,课征 at 6% if the margin was more than $1M)
  - Creates a tax credit for new businesses
- Dead
Taxes (budget)

- Capital gains tax (HB 2967)
  - Ask state’s citizens to reduce state property tax and replace it with a cap. gains excise (7%) tax on certain capital gains
  - No direct nexus to physicians professional earnings
  - No WSMA position
- Dead

Priority policy issues

2018 Legislative Session

Top eight issues

- Opioids
- Balance billing
- Wrongful death
- Tobacco 21
- Drug pricing
- Whistleblower/Peer Review
- Market stabilization
- [checkbld]
Opioid Epidemic

- **Background:** HB 1427 from 2017 – rulemaking underway
- Drug take-back/safe-drug disposal (HB 1047) ✔ Passed
- Hard pill count limits (HB 2272 / SB 6050) – AG ✔ Dead
- PMP mandatory checks (HB 2325 / SB 6028) – AG ✔ Dead

Opioid Epidemic

- Governor request legislation (HB 2489 / SB 6150)
  ✔ Coverage for / increasing of MAT services
  ✔ At licensure:
    ✔ PMP mandated registration
    ✔ 1x, 1hr CME addressing prescribing
    ✔ PMP mandated EMR integration?
    ✔ Patient education at time of prescription
  ✔ Dead

Balance billing – HB 2114

- OIC again proposed prohibition
- How prevalent is problem? Appropriate scope of solution?
- Impact on incentives to contract
- Benchmark payment rate – NOT Medicare
- WSMA bill from 2017 session (HB 1870/SB 5654)
- OIC bill (HB 2114) – this was the vehicle
- Health carrier provider networks (SB 6470)
- **Dead** for the 2018 legislative session
Liability

- **Wrongful death (HB 2262 / SB 6015) - Dead**
  - Defend against increasing number of persons who can make claims, and more!
  - Amend to remove joint and several liability, other?
- **Volk v. DeMeerler (HB 1810/SB 5800) - Dead**
  - Fix for holding? Duty to warn... all who may be foreseeably harmed when patient makes threat
- **Advanced directives (HB 1640/SB 5478) - Dead**
  - Alignment of signature requirements for DPOA and Advanced Directives

Tobacco 21 – HB 1054 / SB 6048

- Raises the age of sale for tobacco and vapor products to 21
- This bill **DOES NOT** raise the legal smoking age, only the purchasing age
- **95 percent of tobacco users start before age 21**
- Five other states (HI, CA, NJ, ME, OR) have laws on tobacco 21
- **Strong vote out of House – 63/35!**
- **Dead**

Drug pricing – HB1541 / SBs 6147 & 5401

- **Drug price transparency (HB 1541 / SB 5401)**
  - Drug issuers and manufacturers to supply cost and utilization data
  - Data will be summarized and reported to the legislature
  - Legislature will make recommendations for improving transparency
  - **Dead**
- **Continuity of care (SB 6147)**
  - Ensure access to prescription drugs for a insurance plan’s entire benefit year
  - **Dead**
Practice of Medicine

- Maintenance of certification ≠ maintenance of licensure (HB 2257)
  - Confirm in law of the prohibition of use of MOC for licensure
  - Passed
- Limitations on health care provider services (SB 6247 / HB 2482)
  - Generally stipulates that if a health care provider is acting in good faith, a health care entity may not limit information provided to patients
  - Dead

Whistleblower/Peer Review (HB 2258 / SB 5998)

- HOD resolution
- Empowers physicians and fosters culture of patient safety
- Protections for employed and non-employed physician whistleblowers
- Protections from reprisal or retaliatory action for whistleblowing
- Protections extended to the peer review setting
- Dead

Health Care Reform/Market Stabilization

- Individual market backstop (HB 2408)
  - For 2019, opens up subsidized purchase in the state’s high-risk pool for persons in counties where no commercial insurance is available
  - For 2020 and beyond, requires that insurers offering coverage to state and school employees also offer coverage to the public in those same counties
  - Passed
- Other options?
  - Reinsurance/1332 waiver (HB 2355 / SB 6062)
  - Medicaid as a public insurance option (SB 594)
  - Individual mandate (SB 6084)
  - Dead
### HDHP/Administrative Simplification

- **Mergers and affiliations (HB 1811) - Dead**
  - Protect against practice burdens and burdensome reporting requirements
  - Intent is unclear – anti-competition suits?
  - Restrictions on types of care?
- **eRX – (HB 2689) - Dead**
  - Removes PQAC requirement to approve eRx systems (DOH)
  - Remove backlog for eRx systems

### HDHP/Administrative Simplification

- **Step therapy (6233)**
  - Mitigate against ‘fall first’ prescribing policies
  - Keep decision with the health care provider
  - Bill is dead, but a study on step therapy was included as a budget proviso
- **CON exemptions for ASCs (HB 2894 / SB 6520)**
  - Would allow DOH to grant exceptions from certificate of need for an ASC owned and operated by physicians or dentists
  - Has to have two or fewer operating rooms and no more than two surgical specialties
- **Dead**

### Practice of Medicine / Scope

- **Naturopath prescriptive authority (SB 5369) - Dead**
- **Eye care (HB 1473) - Dead**
- **Community health workers (HB 2436) - Dead**
- **Associate physicians?**
- **“Doctor of Medical Science”?**
- **Redefining dentistry?**
- **Pharmacists?**
- **WSMA is always on the lookout!**
Practice of Medicine / non-compete agreements

- Limiting noncompetition agreements (SB 6522)
- Concerning worker restrictions (HB 2903)
- Concerning noncompetition agreements (SB 6526)
  - All bills above restrict noncompetition agreements in similar ways
  - Bills impose restrictions with very slim exceptions (selling of a business, garden leave clause, etc.)
  - WSMA has NO policy on this issue
- All bills dead

Payment reform / coverage

- Telemedicine collaborative (SB 6163)
  - Extends the telemedicine collaborative to 2021
  - Passed
- Telemedicine payment parity (SB 6399)
  - Directs the Collaborative to review the concept of telemedicine payment parity and make recommendations to the legislature
  - Passed

Public Health

- Firearm safety – Assault weapons ban (HB 1134/SB 5050), CAP (HB 1122/SB 5463)
  - Passed
- Concerning bump-fire stocks (SB 5992)
  - Passed — NO WSMA POLICY
- Informed consent for patients who aren’t able (HB 2541)
  - Expands individuals (family & close friends) to inform consent
  - Dead
- Vaccines? Others coming back?
QUESTIONS?

More information?

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Thank you!

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