

## 2018 SEF Legislative Review WVAFP

**The WVAFP entered the 2018 legislative session with the following thoughts:**

Jim Justice, the newly elected governor, a coal mine owner, had just changed his party affiliation from Democrat to Republican. However, he remained committed to maintaining the Medicaid expansion. He faced a budget deficit that had required departmental cutbacks, including DHHR cutbacks for the previous three years. There was a sense that this year may be the last of budget cutbacks.

**Still, our chapter agenda then was focused on modest gains:**

1. Join other provider groups and support **Prior Authorization Reform** legislation and work to strengthen its language.
2. Support **telemedicine parity** efforts and attempt to include additional family medicine / primary care language if possible.
3. Monitor Medicaid and PEIA legislation relating to **pharmacy benefits**, prescribing, etc. (deficits causing new measures-ie 90-day Rx's for some medications. etc.)
4. Monitor Health Care Authority and Certificate of Need legislation and **protect the private provider Certificate of Need exemption.**
5. Review legislation if/when introduced regarding **Medication Assisted Treatment (MAT)**
6. Monitor and **oppose any further increased scope for APRNs.**

**By the end of the legislative session the following topics garnered much of our attention:**

A statewide walk-out by teachers and school service personnel at the Capitol.

Their efforts slowed the entire legislative process and their goal was met. They obtained a 5% across board raise: teachers, school service personnel, state police, public employees. The impact on budget directly led to interim studies on PEIA funding models.

Prior Authorization- SB 442 PASSED but VETOED by the governor.

A top agenda and supported by several provider groups. The introduced legislation mandated acceptance of electronic PA requests. Required PA forms be easily identifiable and accessible on plan websites by October 1, 2018. It expedited deadlines for PA response times, 48 hours for "urgent care services" and 7 days "not for an urgent care service." Providers would have 72 hours to provide additional info if PA is incomplete or PA is denied, and new PA must be submitted. Governor Justice's veto message specifically addresses a single line of the bill which has to do with previous contracts. It is widely felt the governor vetoed this bill after the session on behalf the insurance lobby to which he has strong financial ties. Even with strong legislative support and health care coalition support a special session to address the Governor's concerns has not happened.

Opioid Reduction Act- SB 273 PASSED, The Governor 's signature health care bill.

Goal of reducing opioid prescribing in WV. Patients pre-January 1, 2018 grandfathered. It limits initial acute pain prescriptions to limit of # days in ED and 7-days by an out-patient provider. Alternative therapy referrals (PT, chiro, OT) mandated, at least 20 visits of coverage mandated by

all insurers. Significant documentation and follow-up obligations for providers prescribing opioids. Expands use of Controlled Substances Monitoring Program and allows the Pharmacy Board to define “abnormal prescribing.” Additionally, requires the Pharmacy Board to send notification of abnormal prescribers to license boards. Also, mandatory referrals to alternatives therapies included, as well as expanded insurance coverage and “direct access” AKA “self-referral” for these therapies.

Co-pays, deductibles, co-insurance for these therapies must mirror those applied to primary care visits. WV Medicaid and BMS never generated fiscal notes - odd

DHHR Reorganization - HB 4014 DIED in Senate after passing House

This was a 430-page bill to restructure current DHHR into four separate entities.

No Constitutional Right to Abortion Amendment - SJR 12 PASSED

Places on the November General Election ballot: “No Constitutional right to abortion Amendment” with purpose: to amend WV Constitution to clarify that nothing in Constitution of WV secures or protects a right to abortion or requires the funding of abortion. This resolution resulted in hours of debate in both Chambers. Passed to drive voter turnout in November.

APRN Insurance Coverage - HB 4175 PASSED

Prohibits insurance companies or MCOs from requiring APRNs to participate in collaborative agreements with physicians to obtain payment for services. Passed overwhelmingly.

Substance Use Disorder Insurance Coverage - SB 401 PASSED

Requires specified coverage in health benefit plans for outpatient and inpatient treatment for substance use disorders. Excludes Medicaid MCOs.

Prenatal Substance Abuse - HB 4623 DIED IN SENATE HEALTH COMMITTEE

Processes for pregnant/postpartum women to receive substance abuse treatment, imposed reporting requirements, penalties, and other sanctions for refusal to participate in treatment. Passed full House by 85-14-1 vote, bill was unanimously voted down in Senate Health Committee. Many providers statewide expressing opposition to this bill

Eligibility and Fraud Related to Public Assistance - HB 4001 PASSED

Sets eligibility and fraud requirements for public assistance and requires DHHR to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP) and sets out exceptions to work requirements and suspension of benefits for noncompliance. Provides for an asset test for SNAP benefits and requires establishment of a computerized income, asset, and identity verification system for Temporary Assistance for Needy Families (TANF). It requires reports to Governor and Legislature and tracks out-of-state spending of SNAP and TANF benefits. Passed just before midnight last day.

Firearms and Employer Parking Lots - HB 4187 PASSED

Allows lawful owners to transport or store firearms in locked, privately-owned motor vehicles without fear of civil liability, criminal liability, or employer retribution. Does not include company-owned vehicles, so employers may still prohibit weapons in vehicles they own. Weapons must be stored out of sight

Medical Cannabis Update- HB 4345 DIED just before midnight on last day.

2017's medical cannabis legislation takes effect in 2019. Increased caps on permits for growers (10 to 50), processors (10 to 50), and dispensaries (35 to 165) of medical cannabis. Treasurer's Office released statement, that financial institution vendors would not participate in depositing fees, taxes, revenues, etc. related to medical cannabis, puts future of medical cannabis program in doubt.

**Physician Assistant Independent Practice - HB 4413 DIED**

Would have allowed physician assistants to practice independent of a collaborating physician if certain conditions met (3 years practice under CA, application to board, etc) Bill was stopped in committee. However, issue threatened to resurface in rumored combination of MD/DO/APRN/PA licensure board bill.

**Other Chapter Legislative Actions:**

The WVAFP organized two "shout-out" events with the AAFP. The first was mid-legislative session on the Prior Authorization bill. This was well received by members and by legislators. After the session a second collaboration was attempted to promote a petition to the Governor to bring back the Prior Authorization bill in a special session.

Finally, after discussions at last year's SERF, the WVAFP has started a PAC. Our goal is \$15,000 and we are on track for \$5,000 prior to the 2019 legislative session. Most donations are from the WVAFP board members and from responses to a direct mailer to one board members practice region. This mailer was a trial and yielded some success. Currently, we are treading the waters of supporting candidates that are friendly to the WVAFP position.

**The WVAFP is anticipating legislative issues in 2019:**

A major topic will be PEIA funding and benefits. We also anticipate continued efforts at including primary provider in telemedicine payments. We expect continued attempts at paraprofessional scope advancements. There will be legislation introduced to combine multiple health care boards into a single entity.

Respectively Submitted on this 29<sup>th</sup> day of July, 2018.

**Tracy Hendershot, MD**

Legislative Co-Chair and Past President, WVAFP.

**Gerry Stover,**

Chapter Executive