

Virginia Academy of Family Physicians Legislative Report 2018 State Legislative Conference

The 2018 Virginia General Assembly Session proved to be one of the most active in VAFP's history. Scope of Practice, Medicaid Expansion, Physician Reimbursement, Administrative Burdens, and Legislated Practice of Medicine proved to be the dominating topics this year. Despite major political challenges, we are pleased to report that VAFP enjoyed major legislative successes in 2018. The Legislative Committee continues to work tirelessly to advance the cause of Family Medicine in the General Assembly. Major initiatives this year included:

Nurse Practitioner Scope - Legislation to create a pathway to independent licensed nurse practitioners, House Bill 793, was signed into law by the governor and is now in the regulatory process. VAFP, in collaboration with the Medical Society of Virginia, the Virginia College of Emergency Physicians, and the Virginia Chapter – American College of Pediatrics, succeeded in substituting the introduced legislation (which would have allowed nurse practitioners to practice independently just 6 months after graduation from a Masters-level program) with legislation, patroned by physician-legislator T. Scott Garrett, M.D., which creates the most rigorous pathway to independent practice in the United States. VAFP is proud to say, patients are protected by the legislation which we worked to pass in the face of deeply concerning alternatives.

Emergency regulations implementing House Bill 793 must be in place by early 2019. Depending on the speed with which the Boards and the Governor act on those regulations, they could be in place sooner or much later. Regulatory deadlines are missed all the time. But it is reasonable to assume that there will be regulations in place by 2019, and that sometime in Q2 of 2019 we will see the first NP applicants for independent practice. We do not yet know how long it will take for the first approvals to go through. But by 2020, VAFP expects independent nurse practitioners to be practicing, and possibly as soon as mid-2019. In 2021, the Department of Health Professions must report back to the General Assembly on the impact of licensing independent nurse practitioners.

Doctors of Medical Science - Legislation, Senate Bill 505, to create a new licensed health profession, Doctors of Medical Science, was continued to 2019 in the face of strong VAFP opposition. This bill, supported primarily by Lincoln Memorial University which houses a Doctors of Medical Science program, would have licensed advanced-study physician assistants with a scope of practice tantamount to that of a primary care physician. While physician workforce shortages remain, VAFP continues to promote investment into existing physicians and into medical residency programs in order to meet the needs of Virginia's patients.

Medicaid Expansion - The Governor has signed Medicaid Expansion into law. It took a protracted Special Session in order to break budget impasse over Medicaid eligibility, but a deal between key legislators in the House and Senate emerged at the end of May. Effective January 1, 2019, Virginia's Medicaid eligibility limits will expand to 138% of the Federal Poverty Line. The Commonwealth's share will be paid for by a tax on for-profit hospitals, although those hospitals will be partially reimbursed by an increase in Medicaid inpatient reimbursement rates. The enacted Medicaid expansion authorization retains a work requirement provision and a cost-sharing obligation for Medicaid participants. Physicians will have a role in determining when a patient's medical condition exempts them from these requirements.

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VAFP significantly engaged in the Medicaid Expansion debate this year, championing the sustainment of key administrative reforms to the Medicaid program necessary for physician participation. VAFP has also advocated, and continues to actively press, for increases to both in-patient and outpatient physician reimbursement. Ultimately, increased physician participation will be necessary to meet the needs of an additional 400,000 newly insured Virginians.

Credentialing - Sponsored by Delegate Chris Head, VAFP successfully advocated for legislation, House Bill 139, ensuring physicians are retroactively reimbursed for services rendered while third-party payer credentialing applications are pending approval. The Governor signed House Bill 139 into law. The legislation, opposed vehemently by Virginia's Association of Health Plans, provides that commercial payers must reimburse physicians retroactive to the date of the credentialing application, if their application is approved, regardless of when the application is approved. This change, a major win for VAFP in the Commerce Committees, took effect July 1, 2018.

Maintenance of Certification - Legislation to prohibit the Board of Medicine, Hospitals, and Health Plans from requiring maintenance of Board certification as a condition of licensing, privileges, or credentialing failed despite strong VAFP support. The American Board of Medical Specialties retained a lobbying team to aggressively oppose House Bill 157. VAFP has met with the American Board of Medical Specialties to discuss Maintenance of Certification and will work again in 2019 to secure legislative relief from this administrative burden and high-stakes certification process.

Step Therapy - VAFP continues to support initiatives to remove administrative barriers to patients accessing the drug regimen prescribed by their physician. Legislation in the Senate advanced further than ever in 2018. VAFP will continue to advance step therapy and other prior authorization reforms in 2019.

CBD and THC-A Oil - The march toward legal medical marijuana in Virginia continued this year. Senate Bill 726, now signed into law, provides that practitioners may issue a written certification for the use of CBD oil or THC-A oil for the treatment of or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. This is an expansive change from current law limiting the treated disease state to intractable epilepsy. As the Board of Pharmacy issues applications for THC Oil Processors, physicians are carefully considering the balance between Virginia's prescribing laws and federal law.

Lyme Disease - Legislation to extend the sunset provisions on required Lyme Disease Disclosures did not advance in the General Assembly this year. Accordingly, effective July 1, 2018, physicians will no longer be required to provide handout information to patients regarding Lyme Disease testing.