

MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY
HOUSE OF DELEGATES

CL Report 1-18

INTRODUCED BY: Council on Legislation

SUBJECT: Review of 2018 Legislative Agenda

Every year the Legislative Council reviews the prior year's legislative agenda and decides which issues remain priority issues for the following year.

RECOMMENDATIONS:

1. DEFEND THE SCOPE OF MEDICAL PRACTICE SO PATIENTS ARE SEEN BY A PHYSICIAN: MedChi will fight to ensure that all patients have access to physicians and that physician extenders have appropriate training and physician oversight. It is critical that patients have access to physicians and that non-physicians do not use increased demand for services to inappropriately increase their scope of practice.

- During the session MedChi defeated multiple bills that would have altered the scope of medical practice. MedChi **ACCOMPLISHED** the following:
 - Defeated House Bill 1296: Health Occupations – Practice of Optometry – Therapeutically Certified Optometrists, which if passed would have expanded the scope of Optometrists.
 - Prevented the change in the scope of practice for Nurse Anesthetists in House Bill 863: State Board of Nursing – Advanced Practice Registered Nurses – Certification and Practice, by codifying the scope as it currently exists in regulation.
 - Prohibited the attempt by podiatrists to use the term “physician”.

Legislative Council Recommendation: **CONTINUE**

2. PROTECT MEDICAID AND THE UNINSURED: MedChi will continue its efforts to incentivize physician participation and to protect the integrity of the Medicaid program, while at the same time continuing advocacy efforts to fully restore E&M payment for all physicians that serve Medicare enrollees.

- During the Session MedChi **ACCOMPLISHED** the following:
 - Passing of House Bill 1682/Senate Bill 835: Maryland Medical Assistance Program – Collaborative Care Pilot Program, which developed three Collaborative Model Care Sites, which serve Medicaid enrollees; **ACCOMPLISHED**
 - MedChi successfully maintained the additional \$17.6 million provided in the Governor’s Fiscal Year 2019 budget to Medicaid physician rate; **ACCOMPLISHED**

Legislative Council Recommendation: **CONTINUE**

3. DEFEND PHYSICIAN RIGHTS: Med Chi will continue to protect Maryland’s physicians by:

- Monitoring the regulatory and disciplinary actions of the Board of Physicians; **CONTINUE**
- Protecting and enhancing the integrity of the Prescription Drug Monitoring Program (PDMP) and its use by physicians; **CONTINUE**. During the Session, MedChi defeated multiple bills that would have expanded access to the PDMP while at the same time successfully advocating for bills to appropriately address the opioid crisis. MedChi **ACCOMPLISHED** the following:
 - Defeated House Bill 88/Senate Bill 1083: Public Health – Prescription Drug Monitoring Program – Revisions, which would have allowed direct referral of a provider to both law enforcement and the licensing boards.
 - Defeated House Bill 1716: Prescription Drug Monitoring Program – Prescription Monitoring Data – Insurance Carriers, which would have required the PDMP to disclose prescription drug monitoring data to insurance carriers
 - Passed House Bill 922: Maryland Department of Health – “Pill Mill” Tip Line and Overdose Report, which establishes a hotline allowing citizens to report suspected over-prescribing by licensed health professionals, and those reports are forwarded to the professional licensing board with jurisdiction.
 - Passed House Bill 517: Prescription Drug Monitoring Program – Data Request Exemption – Surgical Procedures, which strengthens and clarifies the current exemption for surgical procedures from the requirement to query the PDMP.
- Preventing workers compensation insurers from limiting a physician’s right to dispense medications to an injured worker; **CONTINUE**

- Supporting continued efforts to address network adequacy and formulary practices; **CONTINUE**; and
- Passing of House Bill 596/Senate Bill 234: Interstate Medical Licensure Compact, which simplifies the licensing process for physicians in other compact states. **ACCOMPLISHED**

Legislative Council Recommendation: **CONTINUE** advocacy on what has not been accomplished.

4. STRENGTHEN MEDICAL LIABILITY REFORM: MedChi will continue to strongly oppose trial lawyer attempts to increase the “cap” on damages in medical malpractice cases and to abolish the defense of contributory negligence; support efforts to extend the “cap” on damages to physician assistants; establish a pilot project for specialized health courts and to limit repeated continuances in medical malpractice cases; and otherwise work to protect and strengthen the legal liability environment for physicians in Maryland.

- This year MedChi had great success stopping the trial lawyers and bills that would have weakened medical liability reform. MedChi **ACCOMPLISHED** the following:
 - The defeat of Senate Bill 30/House Bill 1581: Health Care Malpractice Qualified Expert – Limitation on Testimony in Personal Injury Claims. The bill would have repealed the “20% Rule”, which limited standard of care experts from using more than 20% of their time testifying as expert witnesses.
 - Killed House Bill 289/Senate Bill 36: Civil Actions – Noneconomic Damages, which would have tripled the current noneconomic damage limit.
 - Killed House Bill 909/Senate Bill 862: Maryland No-Fault Birth Injury Fund, which would have created a birth injury fund in Maryland.

Legislative Council Recommendation: With this success of this session, we will **CONTINUE** to push for stronger Medical Liability Reform and will oppose efforts to weaken existing medical malpractice laws.

5. ENHANCE PHYSICIAN PAYMENT AND INSURANCE REFORM: MedChi will continue its efforts to improve Maryland’s payment climate by working to ensure that gain-sharing and other payment mechanisms for system reform are developed through a stakeholder process that includes broad physician participation and that will have a positive impact on physicians.

Legislative Council Recommendation: **CONTINUE**

6. PROTECTING MARYLAND'S CHILDREN: MedChi will continue to support initiatives to protect children including initiatives to:

- Address the issue of childhood obesity, while promoting healthy dietary measures ; **CONTINUE**
- Increase rates of HPV immunization for children at the CDC recommended ages; **CONTINUE**
- Push for more stringent child safety seat and young driver laws; **CONTINUE**
- Address the issues of homelessness, affordable housing and its impact on public health; During the Session MedChi successfully advocated for the establishment of a grant program for preventing and ending youth homelessness (Senate Bill 1218). **CONTINUE** advocating for what has not been accomplished;
- Require schools to provide parents with information about the risks of skin cancer and strategies and behaviors to reduce the risk. During Session MedChi successfully advocated for passage of House Bill 427/Senate Bill 217: Public Schools – Student Sunscreen Use – Policy, which requires local school boards to adopt a written policy authorizing a student to possess and use sunscreen on school property or at a school-sponsored activity without written permission from a health care provider and to educate parents on the policy and the use of sunscreen. **CONTINUE** advocating for what has not been accomplished.

Legislative Council Recommendation: **CONTINUE**

7. ENDING HEALTH DISPARITIES: MedChi will continue to support legislative and regulatory initiatives to reduce health disparities.

Legislative Council Recommendation: **CONTINUE**

8. MAKING MARYLAND A TOBACCO FREE STATE: MedChi will continue to advocate for increases in the Tobacco Tax in order to discourage smoking, help fund Medicaid, maintain and restore enhanced E&M payment for all physicians serving Medicaid enrollees. MedChi will also support legislation prohibiting the sale of tobacco-related products by businesses, which provide health care or dispense medications.

Legislative Council Recommendation: **CONTINUE**

9. DRUG TRANSPARENCY: MedChi continues support initiatives that address drug price transparency for name brand and generic pharmaceutical manufacturers, pharmacy benefit managers and insurers. During the Session MedChi **ACCOMPLISHED** passage of House Bill 736/Senate Bill 576 to prohibit the use of “gag clauses” in pharmacy benefit contracts to allow pharmacists to discuss less expensive options with patients.

Legislative Council Recommendation: **CONTINUE** advocacy on what has not been accomplished

10. HIV PREVENTION: MedChi will support policies and initiatives that encourage needle exchange sites throughout Maryland and provide education and referrals for HIV PrEP.

Legislative Council Recommendation: **CONTINUE**

11. OPIOID CRISIS: MedChi will promote education for physicians, residents, and medical students regarding the opioid crisis in Maryland and the services available for patients through the HOPE Act and other legislative initiatives. During the Session MedChi **ACCOMPLISHED** passage of House Bill 1092/Senate Bill 703: Behavioral Health Crisis Response Grant Program which provides statutorily mandated funds to local jurisdictions to fight the opioid crisis through the establishment and expansion of community behavioral health crisis response systems as anticipated by passage of the HOPE Act in 2017.

Legislative Council Recommendation: **CONTINUE** advocacy on what has not been accomplished.

As adopted by the House of Delegates at its meeting on September 22, 2018.