

MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY  
HOUSE OF DELEGATES

CL Report 1-14

INTRODUCED BY: Council on Legislation

SUBJECT: Review of 2014 Legislative Agenda

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Every year the Legislative Council reviews the prior year's legislative agenda and decides which issues remain a priority 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. The new federal health reform law will place unprecedented demands on the health care system as thousands of newly insured individuals seek physicians. It is important that these new patients find physicians and that non-physicians do not use this as an opportunity to increase their scope of practice without adequate education and training.

Legislative Council recommendation: **CONTINUE**

**2. PROTECT MEDICAID AND THE UNINSURED:** MedChi will work with the Medicaid program to incentivize physician participation and to protect the integrity of the Medicaid program with respect to eligibility, benefits and physician payment, including the protection of enhanced E&M reimbursement for all physicians who serve the Medicaid population. MedChi will also work to ensure that the Medicaid program can accommodate the influx of new patients who enrolled through the ACA implementation and that an adequate safety net remains for those individuals who remain uninsured.

Legislative Council recommendation: **CONTINUE**

**3. REFORM UNFAIR INSURANCE PRACTICES:** MedChi will work to reform unfair insurance practices by supporting initiatives which:

- Prohibit carriers from terminating a physician contract because a patient seeks the care of an out-of-network physician.

**ACCOMPLISHED** Letter of clarification requested from the Maryland Insurance Administration. MIA response indicated current law would enable protection but would be require a review based on the facts of the case.

- Require health insurers to honor a physician directed therapy or medicine regardless of the insurer’s normal “step therapy.”

**ACCOMPLISHED.** Legislation that was the result of a Maryland Health Care Commission workgroup was enacted. Addressed grandfathering enrollees and “off-label” use requirements.

- Prevent Workers’ Compensation insurers from limiting a physician’s right to dispense medications to an injured worker.

Legislative Council recommendation: **CONTINUE 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 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.

Legislative Council Recommendation: **CONTINUE**

- 5. ENHANCE PHYSICIAN PAYMENT AND INSURANCE REFORM:** MedChi will continue its efforts to improve Maryland’s payment climate with these initiatives:
  - Broaden Maryland’s Electronic Health Records (EHR) law to require that monetary incentives apply to all physicians, not just primary care physicians, extend the law until at least 2017, and work to increase connectivity to CRISP.
  - Educate Legislature on the need to remove sunset from the Assignment of Benefits law. **ACCOMPLISHED**
  - Work to assure that gain-sharing mechanisms, and other payment mechanisms for incentivizing broad system reform, are developed through a stakeholder process that includes broad physician participation and have a positive impact on physicians.

Legislative Council Recommendation: **CONTINUE, Assignment of Benefit agenda item should be amended to indicate introduction of legislation to remove the sunset.**

6. **STRENGTHEN CRIMINAL LAW:** Support increased criminal penalties for an individual who assaults a physician, nurse, health care worker, or emergency medical services provider in the course of delivering emergency medical services.

Legislative Council Recommendation: **CONTINUE**

6. **MAKING MARYLAND A TOBACCO FREE STATE:** MedChi will advocate for continued increases in the Tobacco Tax in order to discourage smoking and to help fund the expansion of Medicaid and increased physician reimbursement. MedChi will also support legislation prohibiting the sale of tobacco products by businesses which provide health care or dispense medications.

Legislative Council Recommendation: **CONTINUE**

7. **PROTECTING MARYLAND'S CHILDREN:** MedChi will support initiatives to protect children including:
- The support of initiatives including legislation to address childhood obesity with an emphasis on proactive programs in Maryland schools.
  - The support of efforts of the Maryland Department of Health and Mental Hygiene to decrease minors' use of commercial tanning beds.

**ACCOMPLISHED**, regulations that strengthened consent form were finalized. MedChi continues to support efforts to ban tanning bed use by minors.

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

9. **ENDING HEALTH DISPARITIES:** Continued support of legislative and regulatory initiatives to reduce health disparities such as Health Enterprise Zones.

Legislative Council recommendation: **CONTINUE**

10. **TOXIC CHEMICAL EXPOSURE:** MedChi will support the adoption of policies and regulations that provide a physician who is treating a person suspected of exposure to toxic chemicals, access to information regarding the chemicals and will oppose efforts to restrict a physician's ability to appropriately use the information to protect the public health and prevent further exposure.

Legislative Council recommendation: **CONTINUE**

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As adopted by the House of Delegates at its meeting on September 27, 2014.