

Chiropractic Fellowship of PA Summary of Legislation June 2017

Legislature Passes Spending Part of Budget, Pension Bill Passes; Leaders Meet to Discuss Funding Mechanisms

As the “mythical” June 30 budget deadline approached, things were beginning to heat up at the Capitol. You will recall that the House passed the “starter” budget, [HB 218](#), way back on April 6, just two months after the Governor made his budget presentation in February, which took a severe ax to the governor’s proposed budget, and it has sat in the Senate since. Since the House passage seemingly precious little has been done in an effort to meet the goal of passing a new spending plan prior to the close of the current fiscal year. There have been some hearings on certain components, particularly the Governor’s proposed consolidation of four health-related agencies, and two corrections related ones, and a slew of budget-related bills introduced, some even moving through the process. As those readers who subscribe to *Capitolwire* and other news websites are probably aware, the state’s Independent Fiscal Office Pennsylvania stands to finish the fiscal year nearly \$1.2 billion short of the revenues that the IFO had projected, and even more than the legislative budgeteers had counted on. The IFO’s revenue estimate for the coming 2017-18 fiscal year, currently is \$32.5 billion, or \$880 million (2.8 percent) more in General Fund revenue than the current year. The House Republican budget contained in HB 218 proposed to spend **\$31.52 billion** in FY2017-18, about \$800 million less than Gov. Wolf’s budget proposal. The Senate, working with a slightly different set of numbers than what was available when the House voted, nudged the spending package just shy of **\$32 Billion**.

The House of Representatives then concurred in the Senate amendments to the bill by a vote of 173-72. For a more complete view of the 2017-18 spending plan, click [here](#).

As noted above, HB 218 is just the spending plan for the FY 2017-18 budget. The revenue needed to make up for the more than \$1 billion deficit in the current budget year, and provide enough funding to balance the budget for 2017-18, from sources like expanded gaming and liquor sales proposals, which will provide additional money without raising the Personal Income or Sales taxes, for this coming year and subsequent budgets. These mechanisms won’t fill the holes completely, and so the caucus leaders, who have been huddling together for much of the past two weeks, and shuttling back and forth between meeting with each other, and the governor, and with their respective party caucuses in search of solutions, will be back at it over the 4th of July holiday, and then their agreements will be taken up by the General Assembly the following week. Indications are that the Governor will sign the bill only after the revenue generating measures and some other budget related legislation are passed. Should there be a glitch, and some of the pieces not fall into place within the 10 day window that ends July 10, then the Governor may have to use his blue pencil and reduce some funding lines. Here’s hoping that doesn’t happen.

As a separate but related note, it appears the proposed merger of the Departments of Human Services, Health, Drug and Alcohol Programs, and Aging will be moving forward but in a slower fashion than the Governor originally proposed. Word has it that it may happen gradually, with the first action being the merger of the Human Services and Health Departments, with further study of folding in Aging and DDAP coming over the next year.

The Senate did get one major tangential issue off the table this past month by passing SB 1 – which overhauls the state pension system. Although it does not affect this budget much in terms of savings, passage of the plan removed that sticky talking point from the conversation, and allowed the focus to be more directly on passage of the budget.

State Health Secretary Leaving Post to Join Geisinger

Pennsylvania Secretary of Health Karen Murphy is joining Geisinger Health System as its Executive Vice President, Chief Innovation Officer and founding director of the Steele Institute for Healthcare Innovation. She will begin her new duties in September. Gov. Tom Wolf announced last month Murphy was leaving state government to work in the private sector.

Prior to becoming Secretary of Health, Dr. Murphy served as Director of the State Innovation Models Initiative, a \$900 million Centers for Medicare and Medicaid Services investment designed to accelerate health care innovation across the United States. She previously served in various administrative roles including President and Chief Executive Officer of the Moses Taylor Health Care System in Scranton, as well as founder and Chief Executive Officer of Physicians Health Alliance, Inc., an integrated medical group practice within Moses Taylor.

State Board of Chiropractic Publishes Radiological Procedures Examination Reg

The State Board of Chiropractic has published a final regulation which: deletes the fee for the radiological procedures examination; deletes reference to the application forms; and requires auxiliary personnel to submit applications and pay the fee directly to the testing service rather than applying to the board. For more information, contact Elizabeth Wecker, Board Administrator, State Board of Chiropractic, PO Box 2649, Harrisburg, PA 17105-2649, RA-chiropractic@pa.gov. Reference No. 16A-4324 (radiological procedures examination) when requesting information. The regulation, published in the June 23, 2017 issue of the PA Bulletin, can be found here: <http://www.pabulletin.com/secure/data/vol47/47-25/1041.html>

Legislative Activity

The following bills of interest to CFoP were acted on by the General Assembly this past month.

Scope of Practice/Licensure Bills

SB 354 RE: [Strengthening Licensee Reporting Requirements and Suspensions](#) (by Sen. Tommy Tomlinson, et al) Amends "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for definitions; providing for reporting of sanctions and criminal proceedings and for temporary and automatic suspension; and further providing for civil penalties. The bill requires all persons licensed, certified, or registered with the Bureau of Professional and Occupational Affairs to report any disciplinary conduct in another jurisdiction by a licensing board or an arrest, indictment or conviction. The legislation would provide penalties for failure to report within 30 days. The legislation also provides for license suspension and hearing process and procedure.

Reported as amended from House Professional Licensure Committee, read first time, and laid on the table, 6/21/2017

Removed from the table, 6/26/2017

Read second time, and rereferred to House Appropriations Committee, 6/27/2017

Reported as committed from House Appropriations Committee, read third time, and passed House, 6/28/2017 (198-0)

Received as amended in Senate and rereferred Senate Rules and Executive Nominations Committee, 6/28/2017

Budget-Related Bills

HB 218 RE: General Appropriation Act of 2017 (by Rep. Stan Saylor, et al) Provides from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2017, to June 30, 2018.

Reported as committed from Senate Appropriations Committee, read first time, 6/26/2017

Read second time, and recommitted to Senate Appropriations Committee, 6/27/2017

Reported as amended from Senate Appropriations Committee, 6/29/2017

Read third time and passed Senate, amended, 6/30/2017 (43-7)

Received as amended in House and rereferred House Rules Committee, re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 6/30/2017 (173-27)

Signed in the House and in the Senate, 6/30/2017

In the hands of the Governor, 6/30/2017
Last day for Governor's action, 7/10/2017

Child Abuse Reporting

NONE

Health Care Bills

[HB 1613](#) RE: Health Care Cost Containment Act (by Rep. Bryan Cutler, et al)

Amends Title 35 (Health and Safety) adding the Health Care Cost Containment Act providing for the Health Care Cost Containment Council, for its powers and duties, for health care cost containment through the collection and dissemination of data, for public accountability of health care costs and for health care for the indigent and creating incentives for hospitals and managed care organizations to improve health care outcomes and to reduce unnecessary and inappropriate services in the Commonwealth's medical assistance program. The Health Care Cost Containment Council is established as an independent council. Effective immediately.

Introduced and referred to House Health Committee, 6/23/2017

[SB 783](#) RE: [Medical Reporting to PENNDOT](#) (by Sen. Kim Ward, et al)

Amends Title 75 (Vehicles), in licensing of drivers, further providing for reports on mental and physical disabilities or disorders and for determination of incompetency. Reports by health care personnel shall be made within ten days of making the diagnosis. Further, reports may be requested by the person about whom the report has been submitted. The department shall provide the report within 20 days of the request.

Introduced and referred to Senate Transportation Committee, 6/19/2017

Health Insurance Bills

[HB 1388](#) RE: CHIP Reauthorization (by Rep. Rich Irvin, et al)

Amends the Insurance Company Law, in comprehensive health care for uninsured children, further providing for expiration by adding if federal law authorizes funding for the program for a period that extends beyond December 31, 2019, this article shall expire 90 days beyond the federal termination date. Effective immediately.

Removed from the table, 6/5/2017

Read second time, and rereferred to House Appropriations Committee, 6/6/2017

Reported as committed from House Appropriations Committee, read third time, and passed House, 6/7/2017 (194-0)

Received in the Senate and referred to Senate Banking and Insurance Committee, 6/13/2017

[HB 1553](#) RE: Surprise Balance Bill Protection Act (by Rep. Matt Baker, et al)

Provides for the protection of consumers of health care coverage against surprise balance bills for emergency health care services or for other covered health care services when health care services are sought from in-network facilities. The bill states an out-of-network provider which renders a health care service to an insured may not surprise balance bill the insured for any amount in excess of the cost-sharing amounts that would have been imposed if the health care service had been rendered by an in-network provider. Upon request, the insurer shall furnish to the out-of-network provider a statement of the applicable in-network cost-sharing amounts owed by the insured to the provider. The insured shall be responsible for no more than the cost-sharing amounts that would have been due if the service had been rendered by an in-network provider. The bill also states the department, the Department of Health and the Department of State may promulgate regulations as may be necessary to implement and enforce this act.

Introduced and referred to House Health Committee, 6/16/2017

[HB 1638](#) RE: Keystone Care Plan (by Rep. Jason Ortity, et al)

Amends the Human Services Code providing for patient-centered health care reform; and establishing the Keystone Care Fund. The bill establishes the Keystone Care Plan with the stated purpose of improving health care outcomes for enrollees, providing greater accountability and flexibility for enrollees regarding medical decisions and providing incentives for enrollees to use preventive care services to improve health outcomes and curtail the use of more costly medical treatment and procedures that become necessary in the absence of preventive care services. It

also states as part of the enrollment in the plan, an enrollee shall establish an account, to be known as a personal responsibility and wellness account, into which money may be deposited for the enrollee's expenses under the plan.
Introduced and referred to House Health Committee, 6/29/2017

[SB 780](#) RE: Telemedicine/Telehealth (by Sen. Elder Vogel, et al)

An Act providing for telemedicine and for insurance coverage.

Introduced and referred to Senate Banking and Insurance Committee, 6/22/2017

Medical Assistance/DHS

[HB 1000](#) RE: [Agency Unification](#) (By Rep. Stephen Bloom, et al)

Amends The Administrative Code, establishing the Department of Health and Human Services; making related repeals; and making editorial changes. The bill provides the framework for consolidation of the Departments of Aging, Health, and Drug and Alcohol Programs with the current Department of Human Services.

Introduced and referred to House Appropriations Committee, 6/22/2017

[HB 1248](#) RE: [Prohibiting the Merger of Agencies Until Two Studies are Complete](#) (by Rep. Gene DiGirolamo, et al)

Act providing for study requirements prior to transferring a power, duty or function of a Commonwealth agency. The bill establishes there shall be no transfer of a power, duty or function of a Commonwealth agency until studies are completed on financial impact and policy and programmatic implications, within one year of the intended effective date of transfer. Effective immediately.

Removed from the table, laid on the table, 6/20/2017

[SB 746](#) RE: [Agency unification](#) (by Sen. Judy Schwank, et al)

Amends the Administrative Code establishing the Department of Health and Human Services; removing the departments of Human Services, Aging, Health, and Drug and Alcohol Programs; making related repeals; and making editorial changes. An article establishing the new department has the stated purpose to more effectively address the collaboration and service delivery of health and human services which are of vital importance to this Commonwealth by coordinating the services provided by the former Department of Aging, the former Department of Drug and Alcohol Programs, the former Department of Health and the former Department of Human Services and establishing one agency to administer the services. Portions are effective immediately and the remainder is effective upon publication of notice.

Introduced and referred to Senate Inter-Governmental Operations Committee, 6/13/2017

[SB 828](#) RE: Agency Consolidation (by Sen. Gene Yaw, et al)

Amends the Administrative Code consolidating the departments of Aging, Health, and Human Services into a new Department of Health and Human Services. Section 8(1), (2), (3), (4) and (5) of the act and Section 11 of the act are effective immediately; the remainder is effective upon publication of notice under section 11.

Introduced and referred to Senate Inter-Governmental Operations Committee, 6/29/2017

[SR 157](#) RE: Agency Consolidation (by Sen. Lisa Baker, et al)

A Concurrent Resolution establishing a process to determine whether consolidation of the Department of Aging, the Department of Drug and Alcohol Programs, the Department of Health and the Department of Human Services should occur, and directing the appointment of an Efficiencies Director to lead an examination of the options and develop an implementation plan should consolidation of any or all of the four State agencies be recommended.

Introduced and referred to Senate Health and Human Services Committee, 6/28/2017

Opioid Reduction

[SB 655](#) RE: [Opioid Prescribing Guidelines](#) (by Sen. Gene Yaw, et al)

Amends the Controlled Substance, Drug, Device and Cosmetic Act requiring the secretary to promulgate in accordance with the "Commonwealth Documents Law" regulations relating to the prescription of opioids, including: (1) Opioids for treatment of chronic non-cancer pain; (2) Emergency department pain treatment guidelines; (3)

Opioids in dental practice; (4) Opioid dispensing guidelines; (5) Obstetrics and gynecology pain treatment; (6) Geriatric pain - opioid use and safe prescribing; (7) Use of addiction treatment medications in the treatment of pregnant patients with opioid use disorders; (8) Safe prescribing of benzodiazepines for acute treatment of anxiety and insomnia; and (9) Safe prescribing of opioids in orthopedics and sports medicine.

Reported as amended from Senate Health and Human Services Committee, and read first time, 6/21/2017

Partnerships/Liability

NONE

Sales Tax Expansion

NONE

Worker's Comp

[HB 18](#) RE: Worker's Comp Utilization Review (by Rep. Ryan Mackenzie, et al)

Amends the Workers' Compensation Act, in liability and compensation, requiring the Department of Labor and Industry to select a prescription drug formulary for resolving issues related to drugs prescribed for or related to the treatment of work-related injuries, and establishes a process for the department to annually review updates issued by the formulary publisher to the selected formulary and enforce such a formulary. Further provides for utilization review.

Reported as amended from House Labor and Industry Committee, read first time, and rereferred to House Rules Committee, 6/14/2017

Reported as committed from House Rules Committee, and rereferred to House Human Services Committee, 6/20/2017

Re-reported from House Human Services Committee with request to re-refer to House Rules Committee, and Rereferred to House Rules Committee, 6/21/2017

Upcoming meetings of Interest

Some House Committee meetings and session can be viewed online at: <http://www.pahousegop.com/>

Senate Committee meetings and session can be streamed at: <http://www.pasenategop.com/>

2017 SENATE SESSION SCHEDULE

2017 HOUSE SESSION SCHEDULE

July 7

July dates will be added, but have not been announced.

Fall session days have not been announced.

State Board of Chiropractic Board Meeting Schedule

2017 Meeting Dates (Subject to Change)

July 20, September 21, November 9

All Board meetings are held at Penn Center, 2601 N. 3rd Street, Harrisburg, PA, at 9 AM

DHS Medical Assistance Advisory Committee (MAAC)

ALL MEETINGS ARE SCHEDULED FROM 10:00 A.M. TO 12 NOON

Lecture Hall 246/248

Temple University Harrisburg

234 Strawberry Square

Harrisburg, PA

Remaining 2017 Meeting Dates

July 27, September 28, October 26, December 14

Copies of bills described above can be obtained through the CFOP office, or on-line at:

<http://www.legis.state.pa.us/cfdocs/legis/home/session.cfm>