

Chiropractic Fellowship of PA Summary of Legislation May 2017

Health Secretary Karen Murphy Leaves Wolf Administration for Private Sector

The Wolf administration announced May 23 that Pennsylvania's Secretary of Health, Dr. Karen Murphy, is leaving the administration for a position in the private sector. According to the governor's office, Sec. Murphy is expected to remain in her current role until late June or early July. Sec. Murphy has helmed the department through the first stages of implementing Pennsylvania's medical marijuana program and worked toward the goal of agency consolidation in the form of the Department of Health and Human Services that will also include the Department of Human Services, Department of Aging, and Department of Drug and Alcohol Programs. She also helped to implement several initiatives to combat the heroin and opioid epidemic, including the prescription drug monitoring program.

"Secretary Murphy is a leader in public health and health administration and has been a valuable member of my administration," Governor Wolf said. "We will miss Secretary Murphy, and we wish her well as she pursues new opportunities to improve public health."

Gov. Wolf to Name Insurance Commissioner Miller As Secretary Of Health And Human Services Should Consolidation Happens

Gov. Tom Wolf held a press conference May 23 where he stated his intention to nominate Pennsylvania **Insurance Commissioner Teresa Miller** to be the Secretary of the **proposed Department of Health and Human Services**. This proposed agency combines the Departments of Aging, Drug and Alcohol Programs, Health, and Human Services into one larger department. According to Gov. Wolf, Commissioner Miller has an extensive background in human services through her work in mental health parity law under the Obama administration and coordinating with the to-be-consolidated agencies on a number of state and federal policy initiatives.

"What we are trying to do here is make sure that our government, under her leadership, does a better job of dealing with all the public health issues that these agencies dealt with before," said Gov. Wolf. "We need this one big agency, consolidated agency, to work even better than we've worked before."

Gov. Wolf met with all agencies earlier this year to address how the departments could break down silos and work more effectively to produce results for residents of the commonwealth.

"I am excited to help ensure that this new agency delivers on the promise of more effective collaboration in service delivery, more effective programs, and more efficient operations," said Miller. "These goals are really how we deliver a government that works."

Miller plans on helping to create an agency that parallels the plans of Gov. Wolf by addressing the issues of seniors, the opioid crisis, and other human service needs of Pennsylvanians.

Although the four agencies are being integrated, Gov. Wolf does not see many job cuts and plans on finding roles for Department of Human Services Sec. Ted Dallas, acting Secretary of the Department of Drug and Alcohol Programs Jennifer Smith, and Department of Aging Sec. Teresa Osborne.

Gov. Wolf believes the bipartisan support of the bill and his continued effort to show lawmakers a government that works will allow this consolidation to happen.

"We certainly have broad buy-in to reinvented government," Gov. Wolf said Wednesday. "It is our job that we are doing this in a very responsible way."

Enabling legislation for the consolidation has been introduced by a bicameral group of lawmakers in both the House and the Senate, but no agreement on the consolidation making its way into the final budget has been reached.

Should the consolidation occur, the governor plans to nominate **Jessica Altman**, the Insurance Department's current chief of staff, to replace Miller.

State Board of Education Publishes Rules And Regulations Re: Non-immunized Children

The **State Board of Education** amended Chapter 11 (relating to student attendance) for clarity and for consistency with a final-form rulemaking of the Department of Health (Department) amending 28 Pa. Code Chapter 23, Subchapter C (relating to immunization), effective August 1, 2017. The amendments delete language that is

duplicative to requirements established by the Department in 28 Pa. Code § 23.84 (relating to exemption from immunization) and maintain the requirement for students to comply with the immunization regulations established by the Department to be admitted or permitted to attend school. Further, the amendments allow a student who is unable to provide documentation of full immunization to attend a public, private, nonpublic, special education or vocational school under certain circumstances when the Secretary of Health issues a temporary waiver of the immunization requirements. The reference to a temporary waiver is added for consistency with new provisions in 28 Pa. Code Chapter 23, Subchapter C that allow the Secretary of Health to issue a temporary waiver to immunization requirements in the event of a nationwide vaccine shortage or in the event of a disaster. Questions should be directed to Karen Molchanow, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787.

State Board of Chiropractic May 18 Meeting Highlights

The State Board of Chiropractic met on **May 18 in Harrisburg**. Here are the highlights.

- **Board Chair John McCarrin, DC, welcomed the members and guests.**
- **Lead Board Prosecutor Anita Shekletski** presented two VRP cases for Board consideration in Executive Session. The Board also held a hearing on a licensee case.
- **BPOA Commissioner Ian Harlow** shared the Department of State report. The renewal process, known as PALS remains on time and on budget, will be utilized in the next cycle. Harlow hoped that all remaining Board appointments will be filled and confirmed by the Senate by the end of June.
- **Board Counsel Kerry Maloney** discussed the status of cases before the Board. **Dr. Khoury** thanked him for his letter to the Physician General regarding opioids and the role of chiropractic in the post-surgical phase as a way of minimizing opioid use. Dr. Levine has indicated a willingness to speak to the Board on the issue.
- **Regulatory Counsel Tom Blackburn** was unable to report on the status of regulations before the Board, as he was at that moment in front of IRRC in support of the Board's Radiologic Procedures reg.
- Under **New Business, PCA ED Ed Neilsen** spoke on the issue of DCs being part of sports medical teams, particularly with regard to concussions. The Board will ask PIAA for its position on this, and perhaps invite them to a future meeting to discuss.
- No meetings have been scheduled by the Bureau on the issue of dry needling. Khoury noted that Missouri is currently considering the issue. Maloney suggested the remedy is a legislative one for chiropractic here.
- The board granted Board Administrator Liz Wecker the authority to approve PACE-approved courses without formal Board approval, after sending PACE the Board's approval criteria.

Next meeting is July 20. Future 2017 meeting dates: September 21, and November 9. 2018 meeting dates (subject to change): January 18, March 22, May 17, July 19, September 20, November 8

Legislative Activity

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

Scope of Practice/Licensure Bills

[HB 1043](#) RE: Pain Management Clinics (by Rep. Matt Baker, et al)

Amends the Health Care Facilities Act adding a chapter providing for registration of pain management clinics; providing for duties of the department; and imposing penalties. Each pain management clinic, with the exception of private physician offices, shall register and maintain a valid registration with the department. Among the requirements the bill outlines prescriber and recordkeeping rules for pain management clinics.

Reported as committed from House Appropriations Committee, read third time, and passed House, 5/8/2017 (191-0)

Received in the Senate and referred to Senate Health and Human Services Committee, 5/15/2017

Discussed during HOPE Caucus meeting 5/24/2017

[HB 1343](#) RE: Continuing Education Carryover (by Rep. Harry Readshaw, et al)

Amends the act entitled, "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," adding that in addition to disciplinary powers and duties, boards and commissions shall have the power to provide for the carryover of any continuing education credits in excess of the number required for biennial renewal. The carryover shall be valid for one biennial renewal term only.

Introduced and referred to House Professional Licensure Committee, 5/5/2017

[HB 1344](#) RE: Medical Physicists Law (by Rep. Harry Readshaw, et al)

Provides for rules regulating medical physicists; establishes the State Board of Medical Physicists within the Bureau of Professional and Occupational Affairs; and provides for funds, licensure, disciplinary action, remedies, penalties and preemption relative to medical physicists in the Commonwealth.

Introduced and referred to House Professional Licensure Committee, 5/5/2017

Budget-Related Bills

NONE

Child Abuse Reporting

NONE

Health Care Bills

NONE

Health Insurance Bills

[HB 125](#) RE: Health Care Practitioner Credentialing Act (by Rep. Matt Baker, et al)

Requires all health insurers licensed to do business in the Commonwealth to accept the Council for Affordable Quality Healthcare (CAQH) credentialing application when submitted by a health care practitioner for participation in the health insurer's provider panel, and provides for provisional credentialing and enrollee protections. Directs the Insurance Department to assess an administrative penalty on a health insurer for a failure to utilize CAQH or for intentionally and routinely failing to complete the credentialing process.

**Amended on House floor, read second time, and rereferred to House Appropriations Committee, 5/23/2017
Reported as committed from House Appropriations Committee, read third time, and passed House, 5/24/2017
(190-0)**

[HB 133](#) RE: [Proposed Health Insurance Package](#) (by Rep. Matt Baker, et al)

Amends Title 40 (Insurance) requiring the Insurance Commissioner to undertake review of state laws to determine how best to allow for residents of the commonwealth to purchase health insurance products sold in other states by insurance carriers not otherwise subject to Pennsylvania law. Provides for a subsequent report to the General Assembly.

Removed from the table, laid on the table, 5/10/2017

[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.

Introduced and referred to House Insurance Committee, 5/18/2017

Reported as committed from House Insurance Committee, read first time, and laid on the table, 5/22/2017

[SB 661](#) RE: [Pennsylvania Health Insurer External Review Process](#) (by Sen. Stewart Greenleaf, et al)

Amends Title 40 (Insurance), in regulation of insurers and related persons generally, adding a chapter establishing the processes for external review of health insurance policies.

Introduced and referred to Senate Banking and Insurance Committee, 5/2/2017

[SB 678](#) RE: Health Insurance Surprise Balance Bill Protection Act (by Sen. Judy Schwank, et al)

Adds a chapter providing for the protection of consumers of health care coverage against surprise balance bills for emergency services and certain covered health care services. The bill stipulates that at the time an in-network

facility schedules a health care service or seeks prior authorization from an insurer for the provision of a health care service to an insured that is expected to include the provision of a health care service by an out-of-network provider, but in any event not less than 10 business days prior to admission or date of service, the in-network facility shall provide the insured with an out-of-network service written disclosure, the contents of which are outlined. An out-of-network provider that renders a health care service covered by this act to an insured may not surprise 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. Nor may an out-of-network provider advance a surprise bill to collection. The bill also provides for arbitrated dispute resolution, communications to consumers, and enforcement.
Introduced and referred to Senate Banking and Insurance Committee, 5/5/2017

Medical Assistance/DHS

HB 1354 RE: [Establishing the Office of the Independent Medicaid Director](#) (by Rep. Seth Grove, et al)
Amends the Human Services Code, in public assistance, further providing for income for the community spouse, for medical assistance payments for institutional care, for medical assistance payments for home health care, for other medical assistance payments and for medical assistance benefit packages and coverage, copayments, premiums and rates; and providing for the Office of Independent Medicaid Director. The bill creates the Office of Independent Medicaid Director within the Department of Human Services with the director being nominated by the governor and approved by the Senate, tasked with approving or disapproving all Medicaid expenditures in the budget and developing performance measures for those expenditures.
Introduced and referred to House Health Committee, 5/9/2017

Partnerships/Liability

NONE

Sales Tax Expansion

NONE

WORKER'S COMP

NONE

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/>

MONDAY - 6/5/17

House Democratic Policy Committee

11:00 a.m., Room 418 Main Capitol

Public hearing on agency unification (DHS/DOH/DOA/DDAP)

2017 SENATE SESSION SCHEDULE

June 5, 6, 7, 12, 13, 14, 19, 20, 21, 22, 26, 27, 28, 29, 30

2017 HOUSE SESSION SCHEDULE

June 5, 6, 7, 8, 12, 13, 14, 19, 20, 21, 22, 26, 27, 28, 29, 30

Fall Legislative Schedule Will Be Announced in June

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
June 29, 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>