

## **Chiropractic Fellowship of PA Summary of Legislation January 2018**

### **State Board of Chiropractic January 18 Meeting Highlights**

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

- **Board Chair Gerald Halloran, DC, welcomed the members and guests.**
- **The Board received its annual** budget presentation from BPOA Finance staff. They were advised that a pending fee increase regulation is still working its way through the process. It will not take effect before 2020.
- **The Board also received a presentation on Elder Financial Abuse Prevention** from **Denise Getgen of the PA Department of Aging**, and **Christina Kotsalos of the PA Department of Banking**. They noted that patients often tell their health care providers things that they may not tell family members, including with regard to being taken advantage of. Board members asked if this information can be placed on the Board's website, and/or in a newsletter. Staff will look into it.
- **Lead Board Prosecutor Andrea Costello** had one VRP case to present.
- **BPOA Commissioner Ian Harlow** had no report.
- **Board Counsel Kerry Maloney** noted the status of cases before the Board, to be deliberated in executive session. There were no hearings scheduled for this meeting.
- **Regulatory Counsel Tom Blackburn** was unable to attend to give a report on the status of regulations before the Board.

**Next meeting is March 22. Future 2018 meeting dates (subject to change): May 17, July 19, September 20, November 8**  
**2019 meeting dates were approved, but not yet announced.**

### **Telemedicine Bill Advances in Senate**

After many months of meetings and negotiations, the Senate Banking & Insurance Committee took the first step in what promises to continue to be a long journey, when it sent **Sen. Elder Vogel (R-Beaver)'s [SB 780](#)** to the floor for consideration, though not before some important amendments were added. POA has been involved in many discussions over language in the bill that would have declared that on-line refractions were not considered telemedicine. After strong push back from on-line vendors, POA agreed to modify the language in the bill that would still place some restrictions on the practice, and solidify the doctor-patient relationship.

Under the bill, telemedicine Practitioners must: establish a practitioner-patient relationship with the individual by:

- o Verifying the location and identity of the individual receiving care each time telemedicine is provided;
- o Disclosing the practitioner's identity, geographic location, and medical specialty or applicable credentials;
- o Obtaining informed consent regarding the use of telemedicine technologies from the individual or other person acting in a health care decision-making capacity for the individual;
- o Establishing a diagnosis and treatment plan;
- o Creating and maintaining an electronic medical record or updates an existing electronic medical record for the patient within 24 hours; and
- o Providing a visit summary to the individual.

Prior to treatment, provide an appropriate virtual examination initiated through a consultation using telemedicine technologies and any peripherals and diagnostics tests necessary; or establish a telemedicine practitioner-patient relationship that meets standards included in evidence-based telemedicine clinical practice guidelines. Out-of-state practitioners must comply with all applicable Federal and State laws and regulations that would apply if they were located in the Commonwealth.

This bill has a long way to go. The insurance industry, and some health care provider groups, still maintain some concerns. Sen. Vogel pledged to continue to work with these entities prior to a final vote in the Senate, and we anticipate further work being done should the bill reach the House. POA will remain at the table during these discussions ensure that the eye care health of PA's patients is not compromised.

## House Democrats Hold Hearing on Health Care Access

**State Rep. Pete Schweyer, D-Lehigh**, hosted a House Democratic Policy Committee hearing on January 10 to discuss health care access in Pennsylvania and House Democrats' Plan4PA. Schweyer was joined by House Democratic Policy Committee Chairman Mike Sturla, D-Lancaster, and legislators from across the state, to discuss House Democrats' Plan4PA and Putting People First, which includes access to affordable, quality health care for all Pennsylvanians.

"We need to improve health care access, especially for our most vulnerable citizens. I'm grateful to today's panelists for explaining their role in making that happen. Healthier Pennsylvanians mean more people who are able to work, provide for their families and keep our local economy strong," Schweyer said. Sturla added: "As we work on legislation that helps Pennsylvania move forward from the recession that began 10 years ago, it's important that we continue to work together on legislation that improves the lives of all Pennsylvanians. Improving health care access will have a positive ripple effect on the state and I thank Representative Schweyer for hosting today's hearing."

The committee heard testimony from: John Kristel, president and CEO, Good Shepherd Rehabilitation Network; Dr. David Burnmeister, chairman of Department of Emergency and Hospital Medicine, Lehigh Valley Health Network; Alan Jennings, executive director, Community Action Committee of the Lehigh Valley Inc.; Melissa Miranda, executive director, Neighborhood Health Centers of the Lehigh Valley; Deb Gilbert, director of the Parish Nursing/Community Outreach Department, Sacred Heart Healthcare System; Kelly Berk, network director of maternal child health initiatives for Nurse-Family Partnership, St. Luke's University Health Network; Maggie Murphy, director, NAMI Lehigh Valley; Dr. Michelle Wasno, dentist, Wasno Dental; and Dr. Mark Dalton, optometrist, Allentown Vision Care.

Hearing materials will be available at [www.pahouse.com/policy](http://www.pahouse.com/policy) committee.  
Visit [www.planforpa.pahouse.com](http://www.planforpa.pahouse.com) for additional information about the Plan4PA.

## Davis Wins Special Election

**Democrat Austin Davis** won a special election this month in the 35th House District. Davis succeeds former state **Rep. Marc Gergely, D-Allegheny**, who resigned in November after pleading guilty to two misdemeanor charges related to his role in an illegal gambling ring. Davis easily defeated Republican Fawn Walker-Montgomery, garnering 73 percent of the votes. Davis has served as vice chairman of the Allegheny County Democratic Committee and assistant to **County Executive Rich Fitzgerald**. Davis has said that jobs and infrastructure are his two top priorities in his new role as a state legislator. He will be sworn in in February.

## State Supreme Court Orders General Assembly Back to the Drawing Board for Congressional Districts

That's the order that the state Supreme Court gave to the General Assembly regarding Pennsylvania's congressional map. In a 4-3 decision, the court ruled the current map unconstitutional – adding a new level of upheaval to what already was promising to be an intense Congressional election year in the Keystone state. The court gave the House and Senate until February 9 to get a new map to Gov. Tom Wolf for his approval. The governor then has until February 15 to submit the final plan to the Supreme Court. According to [PoliticsPA](http://PoliticsPA.com), if these deadlines aren't met "the maps will be drawn by the court after hearing from all parties in the current case." The court also said that the Department of State may adjust the deadlines for petitions (currently scheduled to go from February 13 – March 6), in order to ensure the new maps are ready for the May Primary Election. Not surprisingly, legislative GOP leaders did not take kindly to the court's ruling. Yesterday, Senate President Pro Tempore Joe Scarnati, R-Jefferson, and Speaker of the House Mike Turzai, R-Allegheny, filed an emergency application with the U.S. Supreme Court hoping to block the state court's decision. With a number of open congressional seats in this year's election, this issue is sure to be the No. 1 topic of conversation among PA politicians...

## **Meehan, Brady Out**

**Not that Brady.** Congressman Bob Brady (1-D) announced January 31 that he would not seek re-election to a 12<sup>th</sup> term in the US House of Representatives. Brady, who had struggled with legal accusations over the past year, stated that he believed he could have won handily, based on polling, but it was time for someone else to take over.

In the suburbs, this past month's worth of negative press surrounding Cong. Pat Meehan, R-Delaware, was capped off with his announcement that he will not be running for re-election.

Pennsylvania will now have five open Congressional seats in the upcoming election – a fact that is not lost on both political parties who are looking for any opportunity to swing control of the U.S. House to their side.

## **Legislation Shrinking the Legislature Advances**

Earlier this week, bills to reduce the number of elected officials in both the House and Senate passed out of the House State Government Committee by votes of 14-10. The respective bills would reduce the House from its current size of 203 to 151 and the Senate from 50 to 38. Pennsylvania, notably, has the second-largest, full-time legislature in the country. While government reformers have championed these proposals as a way to cut costs, opponents worry that it would result in legislative districts that have too large of a geographical land mass to effectively represent on the state level. There are still major hurdles to climb before these proposals would become the law of the land. In order to change the state constitution, the same legislation must pass during two consecutive sessions before being presented to the voters as a ballot referendum.

## **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 1836](#) RE: Physical Therapy Licensure Compact Act (by Rep. Stephen Barrar, et al)  
Authorizes the Commonwealth of Pennsylvania to join the Physical Therapy Licensure Compact; and providing for the form of the compact. The bill is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services.

**Laid on the table, removed from the table, 1/23/2018**

[HB 1960](#) RE: State Agency Regulatory Compliance Officer Act (by Rep. Brian Ellise, et al)  
Requires each state agency to designate an employee as the agency's regulatory compliance officer. Provides for the powers and duties of the regulatory compliance officer. Requires each agency to submit an annual report to the General Assembly detailing the progress made by each agency and the regulatory compliance officer in the preceding calendar year towards compliance with this act.

**Introduced and referred to House State Government Committee, 1/5/2018**

[HB 2042](#) RE: [Protections for Professionals with Mental Health Disabilities](#) (by Rep. Curtis Thomas, 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," providing for protections for licensees with mental health history. The Bureau of Professional and Occupational Affairs and a licensing board or commission may not take action against a licensee under this act solely on the basis of present or past mental health history to refuse, revoke, suspend or investigate, nor may the board or commission require a licensee to undergo a mental health examination. The bill provides for burden of proof and restriction.

**Introduced and referred to House Professional Licensure Committee, 1/30/2018**

[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 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.

**Re-reported on concurrence as amended House Rules Committee, and House concurred in Senate amendments to House amendments, as further amended by the House, 1/23/2018**

**Received in Senate and rereferred Senate Rules and Executive Nominations Committee, 1/24/2018**

[SB 977](#) RE: Regulatory Review Process (by Sen. John Gordner, et al)  
Amends the Regulatory Review Act further providing for definitions, for proposed regulations and procedures for review, for final-form regulations and final-omitted regulations and procedures for review and for procedures for subsequent review of disapproved final-form or final-omitted regulations. The bill specifies that proposed regulations shall be submitted to committee chairpersons (instead of simply the committees) and requires the chairpersons to distribute the information regarding regulations to members within five business days of receipt. Further, a committee member making a comment, recommendation or objection to the proposed regulation shall also submit the comments to each committee chairperson. The majority committee chairperson may convene a committee meeting to adopt any comment, recommendation or objection to the proposed regulations or may conduct an informational hearing on the proposed regulations. The **majority committee chairperson shall conduct an informational hearing if petitioned to do so** by a majority of the committee members. At any time prior to 24 hours before the commission's meeting to consider a final regulation, a committee chairperson, as authorized by a majority of the committee's members, may provide notice that the committee disapproves or intends to further review the final-form regulation. If so notified, the commission may not approve or disapprove the regulation for 30 days or until the commission's next scheduled meeting, whichever is longer. If the commission approves a regulation and a committee has notified the commission and the agency that it has disapproved the regulation or that it intends to review the regulation, the agency may not promulgate the regulation for 14 days or six legislative days, whichever is longer.

**Reported as amended from Senate Rules and Executive Nominations Committee, and read first time, 1/22/2018**

**Read second time, 1/23/2018, 1/24/2018 (29-21)**

## **Budget-Related Bills**

NONE

## **Child Abuse Reporting**

NONE

## **Health Care Bills**

[HB 1884](#) RE: Patient Test Result Information Act (by Rep. Marguerite Quinn, et al)  
Provides for summaries or copies of patient test results to be sent directly to a patient or the patient's designee when there is a finding of a significant abnormality; and provides for duties of the Department of Health.

**Removed from the table, 1/22/2018**

**Read second time and Rereferred to House Appropriations Committee, 1/23/2018**

**Re-reported as committed from House Appropriations Committee, read third time, and passed House, 1/24/2018 (184-3)**

**Received in the Senate and referred to Senate Health and Human Services Committee, 1/26/2018**

## **Health Care Work Force Bills**

NONE

## Health Insurance Bills

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

Provides for telemedicine and for insurance coverage. The bill stipulates that the Commonwealth's health professional licensure boards shall maintain consistent licensure or certification and standards of care requirements between in-person and telemedicine-provided practices for health care practitioners. The bill outlines standards for evaluation and treatment through telemedicine and requires insurance coverage of such treatment. The Department of Human Services shall provide medical assistance coverage and reimbursement, including medical assistance fee-for-service and managed care programs, for health care services delivered through telemedicine.

**Reported as amended from Senate Banking and Insurance Committee, and read first time, 1/30/2018**

## Medical Assistance/DHS

NONE

## Opioid Reduction

[HB 1951](#) RE: Access to Dextromethorphan (by Rep. Tarah Toohil, et al)

Amends Title 18 (Crimes and Offenses), in minors, establishing the offense of access of minors to dextromethorphan (known as DM or DXM) and imposing a penalty. A person commits a summary offense if he knowingly sells or purchases with the intent to sell a finished drug product containing any quantity of dextromethorphan to a person who is less than 18 years of age. Similarly, a person commits a summary offense if he falsely represents himself to be 18 years of age or older to another for the purpose of procuring a finished drug product containing any quantity of dextromethorphan.

**Read third time and passed House, 1/23/2018 (184-0)**

**Received in the Senate and referred to Senate Judiciary Committee, 1/26/2018**

[SR 258](#) RE: Rescheduling of Marijuana (by Sen. Anthony Williams, et al)

A Resolution urging the Congress of the United States to amend the Controlled Substances Act to remove marijuana as a Schedule I controlled substance and to recognize the proven medical purposes of marijuana.

**Introduced and referred to Senate State Government Committee, 1/26/2018**

**Reported as committed from Senate State Government Committee, 1/29/2018**

## Partnerships/Liability

NONE

## Sales Tax Expansion

NONE

## WORKER'S COMP

[SB 936](#) RE: Workers' Comp (by Sen. Don White, et al)

Amends the Workers' Compensation Act, in liability and compensation, further providing for prescription drugs and the treatment of work-related injuries; and, in procedure, further providing for peer review. The bill requires the department to select a nationally recognized, evidence-based prescription drug formulary appropriate for resolving issues related to drugs prescribed for or related to the treatment of work-related injuries and establishes requirements related to the formulary for comment periods, selection factors, costs, annual review, online availability, savings calculations, and utilization review. The bill also places requirements on utilization review organizations and peer review organizations for certification.

**Reported as committed from House Labor and Industry Committee, read first time, and laid on the table, 1/23/2018**

**Removed from the table, 1/24/2018**

[SB 963](#) RE: Worker's Comp (by Sen. Kim Ward, et al)

Amends the Workers' Compensation Act allowing employers to request an **Impairment Rating Evaluation** after an employee has received total disability compensation for a period of 104 weeks. Requires the employee to submit to a medical evaluation which shall be requested by the insurer within 60 days upon the expiration of the 104 weeks to determine the degree of impairment due to compensable injury. Further provides for physical examination or expert interview.

**Reported as committed from Senate Labor and Industry Committee, and read first time, 1/23/2018**

### **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 - 2/26/18**

#### **House Professional Licensure Committee**

**1:00 p.m., Room G-50, Irvis Office Building**

Public hearing on: [HB 1344](#) (Readshaw) - Act regulating medical physicists; establishing the State Board of Medical Physicists; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

### **2018 SENATE SESSION SCHEDULE**

February 5, 6, 7

Break for Budget Hearings

March 19, 20, 21, 26, 27, 28

April 16, 17, 18, 23, 24, 25, 30

May 1, 2, 21, 22, 23

June 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 28, 29

### **2018 HOUSE SESSION SCHEDULE**

February 5, 6, 7

Break for Budget Hearings

March 12, 13, 14

April 9, 10, 11, 16, 17, 18, 30

May 1, 2, 22, 23

June 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30

### **State Board of Chiropractic Board Meeting Schedule**

2018 Meeting Dates (Subject to Change)

March 22, May 17, July 19, September 20, November 8

All Board meetings are held at Penn Center, 2601 N. 3<sup>rd</sup> 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

2018 Meeting Dates:

February 22, March 22, April 26, May 24, June 28, July 26, September 27, October 25, December 13

*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>