

**Chiropractic Fellowship of PA
Summary of Legislation
December 2018**

House and Senate Leaders Announce Committee Chairs for 2019-20 Session

On **January 2, 2019**, Speaker of the House Mike Turzai (R-Allegheny County) announced the appointments of majority committee chairmen for the 2019-20 Legislative Session. House committees study each bill and determine which proposals will go to the full House. They conduct public hearings on key issues, allowing citizens and interested groups to have a say in the legislative process, and they serve as a resource for members and others. Committees are outlined in the House Rules that are enacted for each session. On January 7, House Democrat Leader Frank Dermody (D-Allegheny) released the list of Minority Chairs for his caucus. Here are the appointments to Chairs of Committees of interest to CFoP:

Children and Youth:

Rep. Karen Boback, 117th Legislative District, Lackawanna, Luzerne and Wyoming counties.
Rep. Joseph Petrarca, 55th Legislative District, Westmoreland, Armstrong and Indiana counties.

Health:

Rep. Kathy Rapp, 65th Legislative District, Forest and Warren counties.
Rep. Dan Frankel, 23rd Legislative District, Allegheny County

Human Services:

Rep. Gene DiGirolamo, 18th Legislative District, Bucks County.
Rep. Angel Cruz, 180th Legislative District, Philadelphia County

Insurance:

Rep. Tina Pickett, 110th Legislative District, Bradford, Sullivan and Susquehanna counties.
Rep. Tony DeLuca, 32nd Legislative District, Allegheny County

Professional Licensure:

Rep. Dave Hickernell, 98th Legislative District, Lancaster and Dauphin counties.
Rep. Harry Readshaw, 36th Legislative District, Allegheny County

The Senate Republican and Democrat leaders released their respective 2019-20 Committee chairs on January 7. Those committee chairs of interest are listed below. Full committee rosters will be available after the committees organize the week of January 15.

Senate Standing Committee Chair Assignments:

Aging & Youth – Senator John DiSanto (R-15); Maria Collett (D-12)

Banking & Insurance – Senator Don White (R-41); Sharif Street (D-3)

Consumer Protection & Professional Licensure – Senator Robert Tomlinson (R-6); Lisa Boscola (D-18)

Education – Senator Ryan Aument (R-36); Andrew Dinniman (D-19)

Health & Human Services – Senator Michele Brooks (R-50); Art Haywood (D-4)

Labor & Industry – Senator Camera Bartolotta (R-46); Christine Tartaglione (D-2)

Rules & Executive Nominations – Senator Jake Corman (R-34); Jay Costa (D-43)

Wolf Announces Amendment to Proclamation of Disaster Emergency

Governor Tom Wolf renewed the Proclamation of Disaster Emergency of January 10, 2018 for an additional 90 days because of the ongoing opioid crisis in the commonwealth.

<https://www.pabulletin.com/secure/data/vol49/49-1/1.html>

Medical Assistance Advisory Committee December 13 meeting notes

The Medical Assistance Advisory Committee (MAAC) held its regular monthly meeting December 13. **Chairman Russ McDaid, Pennsylvania Health Care Association**, presided. Reports of interest follow.

OFFICE OF MEDICAL ASSISTANCE PROGRAMS (OMAP) UPDATE

Sally Kozak, deputy secretary, Office of Medical Assistance Programs provided a number of updates. First, she highlighted an RFI (request for information) released last Thursday to gather information on a comprehensive tool to allow individuals to obtain information on resources that will help them to overcome barriers and achieve healthier outcomes. She explained this is part of the effort to address social determinants of health and to have a uniform tool to assess individuals, ensure they get the right resources, and track that they accessed their resources. She also noted this will include resources, methods to get to resources, and models for whole person care. Kozak asked for input on this process, noting the deadline for submitting a response is January 18. She noted public stakeholder meetings will be held as well, to be announced. She stated the goal is to uniformly assess and identify needs and barriers.

Vicki Hoak, Pennsylvania Homecare Association asked about current needs assessment of older Pennsylvanians. Kozak confirmed that is also part of the process to gather feedback.

Laval Miller-Wilson, Pennsylvania Health Law Project asked for more information on the RFI. Kozak reiterated the RFI will be used to inform the department as decisions are made moving forward. She said it is an information-gathering stage at this point. Miller-Wilson commented that should this get to the point of a request for proposal (RFP), one could see the state encouraging the managed care organizations (MCOs) to select an agency to do follow-up work. He commented the MCOs do collect the data and suggested this could lead to the state requiring them to select a vendor. Kozak reiterated this is merely an information gathering phase. She noted she met with **Tower Health** about two weeks ago and learned about their efforts and acknowledged other health systems “doing bits and pieces of this work,” and stated the goal is to get a comprehensive collection of what is going on currently. She confirmed the MCOs are major partners in the program, but there are other partners involved as well.

Kathy Cubit, Center for Advocacy for the Rights and Interests of the Elderly, asked if this will be a supplemental tool to existing tools or replace more comprehensive assessment tools. Kozak replied, “Those are all things that we hope to talk about as we get the information,” but she noted the desire is not to “totally overturn” what is in place. Cubit concluded it could potentially be a supplemental tool. Kozak replied, “It could potentially be a lot of things, but yes it could potentially be that.”

Joseph Glinka, Gateway Health interjected that the department has had robust discussions along the lines of **social determinants of health**, and he explained Gateway has communicated that whatever direction the department goes in, it will be important to have standardization so that information can be shared among plans. Chairman McDaid encouraged feedback on the question of whether this should dovetail or replace. Continuing her update, Kozak discussed an RFA (request for application) going through the final review process and said it is on track for a December 27 release.

She also noted staffing changes as De Lellis will become the new chief of staff and said the new liaison for MAAC will be Jamie Buchenauer.

Regarding the **service location bulletin**, Kozak stated it is in the final stages and will be released very soon. She confirmed that means every provider will have to enroll every service location and the target implementation date is July. Lastly, she noted ambulance fee increases going into effect. Addressing the managed care final rule, De Lellis reported that Centers for Medicare and Medicaid Services (CMS) released a proposed rulemaking last month to amend certain portions of the rule and it is posted to solicit feedback. He said the department is “in the weeds” on the review and comment collection, but said it will not be to the same extent as the original rule. He noted changes in operational areas, such as specificity as to what needs to be provided, coordination of benefit adjustments, changes to the complaint and grievance process, details regarding the quality rating system and standards, and changes on the fiscal side to allow the use of rate ranges. He commented most of the changes were in response to feedback from state Medicaid agencies, the National Association of Medicaid Directors, and other affected parties. He said the comment period ends January 14.

Chairman McDaid commented, "This may be of more interest to people than you think it is," calling it a "parting gift from the Obama administration." He encouraged stakeholders to look at it and provide feedback to both CMS and the department.

Miller-Wilson asked if the department or the state commented on the public charge. De Lellis indicated the executive office did, but he could not recall the particulars. Miller-Wilson also asked about protocol when the department submits comments and whether they are public. De Lellis replied CMS may make them public, but noted the federal government does not respond to comments in the same manner as the state, but instead tends to aggregate comments. He said the submission of the comments to CMS does establish them as a public record, but was unsure where those could be accessed. He could not recall any federal submissions by the department posted to the website but indicated they could be provided if requested by MAAC. De Lellis also provided an overview of the proposed rulemaking process. Chairman McDaid acknowledged De Lellis's work for MAAC.

SUBCOMMITTEE REPORTS

Consumer Subcommittee: Miller-Wilson indicated yesterday's subcommittee meeting was discussed previously today. The last meeting included a presentation by the Office of Managed Care Operations, Miller-Wilson stated. The presentation gave an update on the challenges managed care operators face regarding staffing of home-based nursing and home health-based services, he said. According to Miller-Wilson, the number of kids needing both types of services has increased during the past decade. The subcommittee focused on finding home-based nursing and staff after the managed care agencies approved hours, he said. The workforce shortage regarding those services impacts the commonwealth and the country, Miller-Wilson indicated.

It was helpful to hear the reasoning behind missed shifts and the subcommittee was impressed with the department's commitment to oversight for 2019, he said. Different reports describing MCOs, homecare agencies, the issue of missed shifts and the minutes from the meeting would include those conversations, he added.

Denial notices continue to be a high priority for consumers, especially on how individuals can challenge denials for medically-necessary services with the department, Miller-Wilson said. MCOs changed how consumers would be informed of denials to streamline the process, he stated. According to Miller-Wilson, DHS would work on developing suggestions on the format of those denials. The subcommittee received a detailed update on CHC home modification plans which are approved, denied or pending, he indicated. Miller-Wilson extended the subcommittee's appreciation for De Lellis. **The next meeting is January 23, 2019, at the Health and Welfare Building, Harrisburg.**

Fee-For-Service Delivery System Subcommittee: Jamie Buchenauer, Director Bureau of Fee-for-Service Programs stated the subcommittee talked via conference call on November 7 regarding two topics: an update on the community provider directory and implementing electronic communication with providers. She indicated the community provider directory is expected to be available by April 2019. The subcommittee requested feedback from providers on how to transition to electronic communication, she said. According to Buchenauer, providers would be committed to do so. The new **Medicaid Management Information System** would primarily handle communication with providers electronically, she added. **The next meeting is February 13, 2019, at the Commonwealth Tower, Harrisburg.**

Long-Term Services and Supports Subcommittee: Cubit reported the subcommittee met on December 11, 2018. She announced the **retirement of DHS staff member Virginia Brown** is scheduled for the end of the month. According to Cubit, most of the information regarding CHC was discussed at the last subcommittee meeting and shared by Hancock earlier today. The program activity report and enrollment updates should be posted online soon, said Cubit. She indicated anyone looking to obtain the information could also contact her.

The aging waiver enrollments continued to grow, despite CHC growth in the southwest, Cubit said. Data was provided about the aging and disability resource center in terms of counselor support in the enrollment process, she indicated. The decline of referrals was attributed to the independent enrollment broker providing better training for call center staff, Cubit said.

Data was discussed regarding how long enrollment took for both individuals above and below 60 years of age, Cubit indicated. The under 60 population was showing low compliance rates and the subcommittee was unsure why, she said, adding it would be investigated if the trend continues. The independent enrollment procurement was cancelled, Cubit claimed. OLTL reconsidered their approach to the enrollment process and they plan to request stakeholder

input to develop a formal request for proposal by February, she said. There was a delay in the release of the beneficiary support system for Medicaid managed care because of higher department priorities, Cubit indicated. She said the beneficiary support system could be released by the end of March, although there is no certainty. The subcommittee discussed the **functional eligibility determination (FED) tool** that would be implemented statewide on April 1, 2019, Cubit stated. OLTL would review about 110 comparisons between the FED tool and **current level-of care determination practices**, but they do not have analysis or data regarding that, she said. If problems are identified, the department would not change the tool, rather they would change the weighting on how the FED tool translates information, Cubit claimed. **The next meeting is February 12, 2019, at the Rachel Carson State Office Building, Harrisburg.**

Managed Care Delivery System Subcommittee: Glinka indicated the subcommittee last met on December 6, 2018. The latest Medicaid expansion number was 691,315 residents, Glinka said, stating a decrease of two percent since July. Overall health choices declined by 1.6 percent and the subcommittee is unsure why, he stated. The proposal request regarding the CHC update was coming, but DHS was unsure when, Glinka said. Regarding pediatric CHIP care, a report regarding missed shifts was being reviewed and the standardized form was tested by agencies, Glinka stated. The standardized form would then be tested by MCOs themselves and the department received comments using a Microsoft Excel tool, he said. The subcommittee discussed the development of desk references as a guide to complete the form as well, Glinka said. Every plan has contract monitors to ensure compliance, Glinka indicated. Moving forward, the department was concerned about the accuracy of data and contextual information contract monitors would provide, he said. Glinka stated the delivery of behavioral health services in nursing facilities continues to be a problem. According to Glinka, the subcommittee discussed efforts to improve the understanding of services so benefits could be fully implemented. Demonstrating Medicare data and behavioral health services prior to CHC continued to be a challenge, he added. The subcommittee received an update on the integrated care plan summit which discussed the communication between physical health and behavioral health to ensure whole-person care, Glinka stated. The department maintained a gap in information sharing and continued to improve communication, he continued. Standardized individual care plans were discussed and a template was scheduled to be drafted by the end of January 2019, he indicated. DHS would seek volunteers to serve on a workgroup regarding individual care plans and the formula for plans would be reviewed as well, Glinka said. Although CHIP was transitioned into the DHS for 2019, Glinka indicated most MCOs already have a CHIP plan in place. Connell O'Brien retired from RCPA and was replaced by Sarah Eyster, Glinka stated. Lastly, Glinka said the subcommittee would use a new tool to request data from DHS to better access information. **The next meeting is January 10, 2019, at the Commonwealth Tower, Harrisburg.**

Click to view [additional materials](#) from the meeting.

Next MAAC meeting is January 24 at Temple Harrisburg.

Legislative Activity

No bills of interest to CFoP were acted on by the General Assembly this past month. The 2017-18 legislative session ended officially on November 30. The following co-sponsorship memos for bills to be introduced next session have been circulated thus far.

Scope of Practice/Licensure Bills

[HCO 162](#) (Readshaw) - Allows those under the Bureau of Professional and Occupations Affairs Act to accrue continuing education credits in credit carryover.

Filed, 12/7/2018

[HCO 267](#) (Kauffman) - Creates the Professional Licensees Illegal Employment Act.

Filed, 12/18/2018

[SCO 260](#) (Boscola) - Provides military spouses greater ease in obtaining the transfer of their professional license.

Filed, 12/13/2018

Budget-Related Bills

[HCO 113](#) (Grove) - Changes Pennsylvania's budget process to a zero-based and performance-based model.
Filed, 12/5/2018

[SCO 144](#) (Phillips-Hill) - Establishes a zero-based budgeting (ZBB), which would require every state agency to justify each dollar of spending through intensive and recurring budget reviews.
Filed, 12/5/2018

Child Abuse Reporting

NONE

Health Care Bills

[HCO 44](#) (Metcalf) - Supports parents in obtaining fair and equal access to medical treatment for their children regardless of the child's vaccination status.
Filed, 12/3/2018

Health Care Work Force Bills

[HCO 80](#) (Cox) - Reforms occupational license requirements to reduce barriers of reentry for former criminal offenders into a profession or trade.
Filed, 12/3/2018

Health Insurance Bills

[HCO 108](#) (Pickett) - Protects consumers from surprise balance bills from medical providers.
Filed, 12/4/2018

[HCO 144](#) (Day) - Addresses the definitions, guidelines, and requirements for telemedicine services, evaluation, and treatment.
Filed, 12/6/2018

[HCO 186](#) (Rothman) - Requires health care providers to publish the cost of health care procedures.
Filed, 12/11/2018

[HCO 266](#) (Kauffman) - Makes it unlawful to retain a check received for payment of health care services.
Filed, 12/18/2018

[HCO 286](#) (Owlett) - Improves the credentialing process in Pennsylvania for health care practitioners and address unwarranted delays by health insurers in credentialing applicants for inclusion in their networks.
Filed, 12/19/2018

[SCO 273](#) (Hughes) - Prohibits health insurance companies from using an individual's preexisting medical conditions to deny or exclude coverage under a health insurance policy.
Filed, 12/17/2018

Medical Assistance/DHS

NONE

Opioid Reduction

[SCO 26](#) (Yaw) - Limits the prescription for a controlled substance containing an opioid to seven-days unless there is a medical emergency that puts the patients' health or safety at risk.
Filed, 12/3/2018

[SCO 172](#) (Yaw) - Requires implementation of opioid prescribing guidelines developed by the Safe and Effective Prescribing Practices Task Force.
Filed, 12/7/2018

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/>

WEDNESDAY - 2/27/19

Senate Appropriations Committee

10:00 a.m., Hearing Room 1, North Office Building
Budget Hearing - Dept. of Health

Senate Appropriations Committee

1:00 p.m., Hearing Room 1, North Office Building
Budget Hearing - Dept. of Human Services
3:00 p.m., Hearing Room 1, North Office Building
Budget Hearing - Dept. of Human Services continued

THURSDAY - 2/28/19

House Appropriations Committee

10:00 a.m., Room 140, Main Capitol
Budget Hearing - Department of Human Services

2019 SENATE SESSION SCHEDULE

January	1, 28, 29, 30
February	4, 5, 6
March	18, 19, 20, 25, 26, 27
April	8, 9, 10, 29, 30
May	1, 6, 7, 8
June	3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, 27, 28

2019 HOUSE SESSION SCHEDULE

January	1, 15, 16, 28, 29, 30
February	4, 5, 6, 19, 20, 21
March	11, 12, 13, 18, 19, 20, 25, 26, 27
April	8, 9, 10, 15, 16, 17, 29, 30
May	1, 6, 7, 8, 13, 14, 15, 22
June	3, 4, 5, 10, 11, 12, 17, 18, 19, 20, 24, 25, 26, 27, 28

State Board of Chiropractic Board Meeting Schedule

2019 dates: January 17, March 21, May 16, July 18, September 19, November 21

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

2019 meeting dates: January 24, February 21, March 28, April 25, May 23, June 27, July 25, No August meeting, September 26, October 24, No November meeting, December 12

For more information check the DHS MAAC website:

<http://www.dhs.pa.gov/communitypartners/informationforadvocatesandstakeholders/medicalassistanceadvisorycommitteemaac/>

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>