

**Chiropractic Fellowship of PA
Summary of Legislation
March 2019**

Governor's Office Publishes Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication semi-annually an agenda of regulations under development or consideration. The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments. This Agenda represents the Administration's present intentions regarding future regulations. The information provided is current as of February 22, 2019. The following regulation announcements of interest to CFoP were published in the Saturday, March 23, 2019 issue of the PA Bulletin.

<i>State Board of Chiropractic</i>			
Chiropractic Specialties 49 Pa. Code Chapter 5 (# 16A-4312)	Summer 2019, as Final	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The final-form rulemaking prohibits a chiropractor from advertising that the chiropractor holds certification or otherwise is a specialist in a chiropractic specialty unless the chiropractor holds certification or diplomate status from a specialty board recognized by the American Board of Chiropractic Specialties, and other organizations approved by the Board. This proposal protects consumers of chiropractic services who can be misled by advertising of "certifications" that do not truly reflect advanced knowledge, training or skill.	Elizabeth Wecker (717) 783-7155
Government Employee Liability Coverage 49 Pa. Code §§ 5.17(f) and 5.41 (# 16A-4325)	Summer 2019, as Proposed	The Chiropractic Practice Act requires chiropractors to maintain professional liability insurance, including self-insurance. This regulation would permit a licensee who practices exclusively on behalf of the government to meet this requirement by reliance upon the coverage provided under the Federal Tort Claims Act or the Sovereign Immunity Act as administered by the Commonwealth's Employee Liability Self-insurance Program.	Elizabeth Wecker (717) 783-7155
<i>Commissioner of Professional and Occupational Affairs</i>			
Expungement; Fees 49 Pa. Code Chapter 43b, §§ 43b.101—43b.103 and 43b.201 (# 16A-060)	Spring 2019, as Final	The proposed rulemaking would implement the expungement provisions in the act of February 15, 2018 (P.L. 14, No. 6), which authorizes the Commissioner of Professional and Occupational Affairs to expunge certain disciplinary actions upon application, and to require the applicant to pay a fee to cover all costs associated with the expungement as established by the Commissioner by regulation.	Cynthia Montgomery (717) 783-7200

Democrats win Special Elections to Succeed Kavulich and Brown

The parade of special elections to be held this spring commenced on March 12, with two House races to fill seats where incumbents were reelected in November, but were unable to serve this session, for two very different reasons.

In the 114th House District, Democratic candidate **Bridget Malloy Kosierowski** defeated Republican Frank Scavo for the 114th House District in Lackawanna County. She won by nearly 25 points, according to unofficial results. The district had been represented by the **late state Rep. Sid Michaels Kavulich (D-Lackawanna)**, who died in October at the age of 62 from complications of open heart surgery. Kavulich remained on the ballot and won re-election after his passing. Kosierowski, a registered nurse, made fighting for health care a central theme to her

campaign. This was Scavo's third attempt at running for elected office, but indicated during his concession speech he would be running for the Senate in 2020.

The other special election was also held March 12, to fill the open state House seat in West Philadelphia's 190's district. To no one's surprise, **Democrat Movita Johnson-Harrell** won the race for the. Johnson-Harrell captured 66 percent of the votes in a field of four candidates. Johnson-Harrell becomes the first muslim woman elected to the Pennsylvania state House. This seat was held by state **Rep. Vanessa Lowery-Brown (D-Philadelphia)** since 2009 until she resigned in December after she was sentenced on a bribery conviction. Johnson-Harrell, who most recently served as the supervisor of Victim/Witness Services and Restorative Justice at the Philadelphia District Attorney's Office, tried to unseat Brown in a six candidate field in the 2016 Democratic primary, but was unsuccessful.

More specials in the Senate will follow in the coming months. In the 37th Senatorial District, to be held **April 2, 2019**, Democrat **Pam Iovino** faces Republican **D. Raja**. The two seek to succeed Republican Sen. **Guy Reschenthaler**, who won a seat in Congress in 2018, midway through his state Senate term. This race is seen as being very close, with Democrats hoping to continue cutting into the Republican majority, after winning 5 open seats last fall. Then, on May 21, special elections will be held to fill the unexpired terms of Republican **Sens. Rich Alloway (R-Franklin) and Don White (R- Indiana)**, who resigned on February 28. These seats are both seen as likely to stay Republican. White's long-time Chief of State, **Joe Pittman**, is considered the odds-on favorite to replace his former boss.

Also on May 21, voters in the **12th Congressional District** will choose a successor for Cong. Tom Marino, who retired recently citing health reasons. Fourteen Republican candidates were nominated, with state **Rep. Fred Keller (R-Snyder)** being awarded the GOP nomination for the May 21 election against **Democrat Marc Friedenber**. And finally, former **House Commerce Committee Chairman Brian Ellis (R-Butler)** resigned this past month, and a special election to replace him will also be called on primary day.

March 28 DHS MAAC Meeting Notes

The Medical Assistance Advisory Committee (MAAC) held its regular monthly meeting on March 28.

Update From Secretary of the Department Of Human Services

Secretary of the Department of Human Services (DHS) Teresa Miller discussed the development of Pennsylvania's resource and referral tool, which looks to address **social determinants of health** among the Medical Assistance (MA) population. She stated she would be touring the commonwealth and discussing the tool for the next year. Sec. Miller claimed that social determinants of health affect outcomes and health care spending more than direct physician care, and that the department has worked with all stakeholders to address social determinants of health. She indicated that North Carolina was creating an online tool to connect individuals to resources which provide services regarding social determinants of health needs, such as food security. She stated that although managed care organizations (MCOs) have online resources similar to North Carolina, the resources are isolated and not connected across the commonwealth. Sec. Miller stated North Carolina was putting together a statewide online resource and referral tool that any entity involved in services regarding social determinants of health could access. She indicated that sharing information about residents' social determinants of health was needed because many individuals do not know how to reach the services they need.

Sec. Miller further stated that Pennsylvania has resources to address social determinants of health needs, but no way to communicate if residents are utilizing resources and referrals. She added that MCOs invested funding into developing online databases for resources and referrals, but that the database is not connected across Pennsylvania.

Sec. Miller said Lancaster County has developed a similar resource and referral tool which is accessible throughout the county. The secretary explained the tool makes electronic referrals to assist residents' social determinants of health needs. She indicated the department conducted a request for information (RFI) last year to understand if residents needed this, and the department conducted vendor demonstrations regarding the tool. Sec. Miller said information regarding services across the commonwealth would populate the database to help assist individuals' social determinants of health needs. She added that the department is working to standardize the assessment of social determinants of health needs for enhancing the referral process.

Sec. Miller indicated the online tool provides a mechanism for stakeholders to understand if referrals are fulfilled, how long the referral took, and if residents obtained resources needed to track what happens to families in real time. She added the tool also provides the commonwealth with the ability to understand where gaps in services are. The

secretary claimed residents and social workers described this database as a “game changer” because it provides updated information on where individuals could obtain services.

The secretary indicated that no tool to share information currently existed, and this database would share residents’ information with their consent. She added that individuals expect this tool to exist already. Sec. Miller indicated confidential information, such as health records, could be abstained from sharing, and that dual entries would not occur based on the technology.

Sec. Miller said she was excited for this tool to be developed and fully implemented. She added the department is looking to establish an advisory committee with stakeholders regarding this tool. The secretary said the department is looking to capture information in the advisory committee prior to the request for proposal (RFP) process. Sec. Miller stated this tool would be successful if all stakeholders in the commonwealth utilize the database. She said this would not be available immediately and would be established in phases. Sec. Miller stated she expects some form of database should be available next year, and the database will grow overtime.

Joseph Glinka, Gateway Health, said he was excited for this tool be implemented and asked if public comments could be provided. Sec. Miller said a **30-day public comment period** would be provided after the RFP is finished.

Deb Shoemaker, Pennsylvania Psychiatric Society said this tool sounded similar to a network of care portal, but was concerned that the database may not work because not all counties were involved. Shoemaker asked if the tool would have referral sources for consumers. Sec. Miller indicated the tool would focus on providing resources to residents addressing social determinants of health and would be an enhanced **211 database** for Pennsylvania residents. Shoemaker asked if the tool would have outpatient capabilities. Sec. Miller stated this tool would be used for finding services for social determinants of health with real time information.

Laval Miller-Wilson, Pennsylvania Health Law Project, commended the department for developing this tool because of the information it provides for residents.

Minta Livengood, Indiana County Welfare Rights said 211 services often do not provide reliable information services for social determinants of health and that establishing this tool would enhance assisting residents.

When asked if the agencies would be responsible for the outcomes and not just the information, Sec. Miller indicated agencies would be tracked based on the data they provide to examine the progress of residents regarding social determinants of health.

Office of Medical Assistance Programs (OMAP) Budget Presentation

Sally Kozak, deputy secretary for the Office of Medical Assistance Programs, provided a summary of the governor’s proposed budget for fiscal year 2019-20. She indicated the following appropriations out of the \$18.2 billion in total funds for Medical Assistance:

- \$14.4 billion for capitation,
- \$2.3 billion for Fee-for-Service programs,
- \$800,000,000 for Medicare Part D,
- \$200,000,000 for Medical Assistance Transportation Program (MATP),
- \$500,000,000 for other expenses.

Kozak indicated the state appropriation for capitation was \$2.7 billion for fiscal year 2019-20, which was an overall state fund decrease of 16 percent. She indicated the funds support the HealthChoices Physical Health program, including the estimated enrollment of 2.2 million recipients, actuarially sound rates, **Opioid Use Disorders Centers for Excellence, pay for performance incentives, integrated care initiatives, and community-based care management.**

Kozak stated the Medicaid expansion helped reduce the uninsured rate in Pennsylvania to 5.5 percent, which is the lowest in the commonwealth’s history. She said an increase of state funds would be used to support **rate increases for physical health and behavioral health MCOs**, but the decrease in funds was due to enrollment changes. She indicated decreases in the governor’s proposal related to declines of **Temporary Assistance for Needy Families (TANF)** and newly-eligible Medicaid populations, transfers of state funds to Community HealthChoices (CHC) for recipients moving from HealthChoices to CHC, and **declines in enrollment due to a higher minimum wage.**

Kozak added that the proposed budget aligns both HealthChoices physical health and behavioral health program payment schedules. Kozak stated the moratorium on the Health Insurer Provider Fee for the 2019 fee year will result in a reduction in state funds. She added a decrease in state funds also related to assessment revenue changes, which includes a transfer of the statewide hospital assessment revenue from the Fee-for-Service appropriation. She added

that the decrease in state funds affected the Managed Care Organization Assessment and the Ambulatory Surgical Center Assessment.

Kozak provided information regarding the Fee-for-Service appropriation. She indicated the state appropriation was \$427 million, which is an overall state fund increase of 61.5 percent. She indicated the appropriation maintains current benefits and fees. Kozak stated significant changes in the appropriation included:

- Transfer of a portion of the Statewide Hospital Assessment revenue to the Capitation Appropriation,
- Increase in Philadelphia Hospital Assessment,
- **Transfer of state funds to CHC for recipients moving from Fee-for-Service to CHC,**
- And an increase in costs and clients eligible for Medicare Part A and B premiums.

Kozak said the **MA Transportation Program appropriation** included a state fund appropriation of \$69.95 million. She indicated the appropriation maintains the same county-based program for fiscal year 2019-20. She added the department will implement a **regional broker model** to administer the MA transportation program in fiscal year 2020-21. She added the other appropriations for fiscal year 2019-20 maintains funding for the following hospital payments at the current fiscal year amounts:

- Obstetrical and neonatal services,
- hospital-based burn centers,
- critical access hospitals and,
- trauma centers.

Kozak provided the eHealth transitions under the Office of Medical Assistance Programs (OMAP). According to Kozak, more than 40 home health agencies and home care providers connected to four certified Health Information Organizations (HIOs) in Pennsylvania along with 134 hospitals, more than 600 physician practices, 131 nursing homes and 11 ambulatory surgical facilities. She added the providers are interconnected through the **Pennsylvania eHealth Patient and Provider Network (P3N)**, which maintains a master patient index representing more than 13 million patients. She added that nearly 18 percent of patients in Pennsylvania have records in more than one HIO. Kozak indicated the priorities for MA programs for fiscal year 2019-20 would focus around providing **integrated whole person centered care**, implementing value-based purchasing, providing pharmacy oversight of pharmacy benefit managers (PBMs) and the uniform preferred drug list, conducting Medicaid management information system procurement, and continued implementation of the MA transportation program.

Edley said **Sen. Kristen Phillips-Hill (R-York) and Rep. Seth Grove (R-York)** were creating legislation for cost savings for MA programs and asked if Kozak or the department has reviewed their proposal. Kozak stated barriers regarding integration of care existed, but that the secretary is willing to examine all proposals.

When asked if MATP mileage reimbursement rates would be increased for individuals providing transportation, Kozak indicated no change in the rate is included in the budget. When asked if the changes to the preferred drug list (PDL) affect CHC, Kozak stated the changes would affect Physical HealthChoices, Fee-for-Service and CHC. McDaid indicated the change impacts a majority of Medicaid programs. Shoemaker asked if the office could explain the changes more at a later date, which Kozak said was possible. The committee indicated a meeting of the **Pharmacy and Therapeutics (P&T) Committee** would be held on May 15 from 10 a.m. to 4 p.m. at 403 East Winding Hill Road, Mechanicsburg, PA 17055.

Subcommittee Reports

Consumer Subcommittee: Miller explained that the subcommittee met the day before and talked about the budget and had great conversations on the initiatives. He said that they also received an update from Deputy Secretary Kevin Hancock on the Community HealthChoices (CHC). He added that the subcommittee asked for extensive data on personal assistance services and home modifications, which they will go through in the next couple of meetings. Miller stated that another area of conversation the subcommittee has almost annually is on the Office of Medical Assistance Programs (OMAP) regarding quality and pay-for-performance reports. He noted that the subcommittee looks at the state trends and looks at how the department is doing the monitoring, looking at the plans, incentivizing payments to plans that are hitting their measures, and penalizing plans that do not meet their measures. Miller noted that the **subcommittee meets every Wednesday before MAAC.**

Fee-For-Service Delivery System Subcommittee: The next meeting will be held on May 8, 2019.

Managed Care Delivery System Subcommittee: Glinka explained that the subcommittee met on March 14 and discussed the Statewide Resource and Referral Tool. He said the group talked about what role it would play

regarding that tool, but for now the subcommittee has no role. He noted that the subcommittee had questions regarding representation on the advisory committee and he is glad that has been cleared during the presentation. Glinka continued that the subcommittee made recommendations last year to the dental stakeholder workgroup regarding the updates to the dental community on application statuses. He said they will do an assessment to identify what lessons were learned as the protocols were put in place. Glinka noted that the subcommittee also discussed the behavioral health carve-out and they will be continuing to discuss the matter, but from a standpoint of making sure that everything is being done to get to the total health of an individual and quality of life.

The next meeting will be April 11, 2019.

MAAC will next meet on Thursday, April 25, 2019.

Legislative Activity

The following bills and co-sponsorship memos for bills to be introduced of interest to CFoP were acted on by the General Assembly this past month.

Scope of Practice/Licensure Bills

[HB 64](#) RE: Continuing Education Credit Carryover (by Rep. Harry Readshaw, et al)

Amends an act empowering the General Counsel to issue subpoenas for certain licensing board activities, permitting individuals under the purview of the Bureau of Professional and Occupations Affairs Act to accrue continuing education credits in credit carryover.

Reported as committed from House Professional Licensure Committee, read first time, and laid on the table, 3/13/2019

Removed from the table, 3/18/2019

Read Second time, and rereferred to House Appropriations Committee, 3/19/2019

Reported as committed from House Appropriations Committee, read third time, and passed House, 3/20/2019 (193-0)

[HB 138](#) RE: [Physical Therapy Examination](#) (by Rep. Chris Quinn, et al)

Amends the Physical Therapy Practice Act further providing for qualifications for license and examinations for physical therapists and physical therapist assistants. The bill establishes that an applicant who is 90 days from completing the professional study of physical therapy may sit for the examination if the applicant verifies with the board that the applicant is 90 days from graduating from an accredited program as determined by the board.

Reported as committed from House Professional Licensure Committee, read first time, and laid on the table, 3/13/2019

Removed from the table, 3/18/2019

Read second time, and rereferred to House Appropriations Committee, 3/19/2019

Reported as committed from House Appropriations Committee, read third time, and passed House, 3/20/2019 (193-0)

Received in the Senate and referred to Senate Consumer Protection & Prof. Licensure Committee, 3/28/2019

Budget-Related Bills

[HB 140](#) RE: 2019-20 Budget Bill (by Rep. Matt Bradford, et al)

An Act appropriating from the General Fund for the expenses of the executive, legislative and judicial departments of the commonwealth, the public debt, and the public schools for the fiscal year July 1, 2019 to June 30, 2020.

Introduced and referred to House Appropriations Committee, 3/11/2019

[HB 790](#) RE: General Appropriation Act of 2019 (By Rep. Stan Saylor, et al)

Provides appropriations from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2019, to June 30, 2020, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2019; providing appropriations from special funds and accounts to the Executive and Judicial Departments for the fiscal year July 1, 2019, to June 30, 2020, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2019; and providing for the appropriation of Federal funds to the Executive and Judicial

Departments for the fiscal year July 1, 2019, to June 30, 2020, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2019. Effective July 1, 2019, or immediately, whichever is later.

Introduced and referred to House Appropriations Committee, 3/12/2019

[SB 234](#) RE: General Appropriation Act of 2019 (by Sen. Pat Browne, et al)

Provides appropriations 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, 2019, to June 30, 2020, for certain institutions and organizations and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2019; to provide appropriations from special funds and accounts to the executive and judicial departments for the fiscal year July 1, 2019, to June 30, 2020, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2018; to provide for the appropriation of federal funds to the executive and judicial departments for the fiscal year July 1, 2019, to June 30, 2020, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2019; and to provide for the additional appropriation of federal and state funds to the executive and judicial departments for the fiscal year July 1, 2018, to June 30, 2019, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2018. Effective July 1, 2019, or immediately, whichever is later.

Reported as committed from Senate Appropriations Committee, and read first time, 3/18/2019

Read second time, 3/19/2019

Recommitted to Senate Appropriations Committee, 3/20/2019

Child Abuse Reporting

NONE

Health Care Bills

NONE

Health Care Work Force Bills

[HB 601](#) RE: Restrictive Covenants (by Rep. Anthony DeLuca, et al)

Act limiting restrictive covenants in health care practitioner employment agreements.

Introduced and referred to House Health Committee, 3/1/2019

Health Insurance Bills

[HB 15](#) RE: Telemedicine (by Rep. Harry Readshaw, et al)

Act relating to telemedicine; authorizing the regulation of telemedicine by professional licensing boards; & providing for insurance coverage of telemedicine.

Introduced and referred to House Insurance Committee, 3/5/2019

[HB 571](#) RE: Office of Consumer Advocate for Health Insurance (by Rep. Anthony DeLuca, et al)

Amends the Administrative Code, establishing the Office of Consumer Advocate for Health Insurance as an office within the Office of Attorney General and prescribing its powers and duties; and making editorial changes.

Introduced and referred to House Insurance Committee, 3/7/2019

[HB 600](#) RE: Health Care Provider Self-Referral (by Rep. Anthony DeLuca, et al)

Act providing for prohibition on health care provider self-referral.

Introduced and referred to House Health Committee, 3/1/2019

[HB 602](#) RE: Nondiscrimination by Payers (by Rep. Anthony DeLuca, et al)

Amends Title 40 (Insurance), in special provisions relating to particular classes of insurers, providing for nondiscrimination by payers in health care benefit plans.

Introduced and referred to House Insurance Committee, 3/1/2019

[HB 872](#) RE: Telemedicine (by Rep. Gary Day, et al)

Act relating to telemedicine; authorizing the regulation of telemedicine by professional licensing boards; and providing for insurance coverage of telemedicine.

Introduced and referred to House Insurance Committee, 4/5/2019

Medical Assistance/DHS

[HB 55](#) RE: Department of Health and Human Services (by Rep. Paul Schemel, et al)

Amends Title 71 (State Government), in boards and offices, providing for the Department of Health and Human Services and transferring specific powers and duties from the Department of Health and the Department of Human Services to the Department of Health and Human Services. The legislation's general provisions, along with establishing a secretary and a strategic plan, shall be effective immediately.

Introduced and referred to House State Government Committee, 3/14/2019

Opioid Reduction

NONE

Sales Tax Expansion

NONE

Worker's Comp

NONE

Copies of bills described above can be obtained on-line at:

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

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/>

2019 SENATE SESSION SCHEDULE

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

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

Remaining 2019 dates: May 16, July 18, September 19, November 21

2020 dates: March 19, May 14, July 18, September 17, November 19, 2020

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: 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/>