

Chiropractic Fellowship of PA
Summary of Legislation
November 2018

“Blue Wave” Hits PA Mostly in the Southeast; Wolf and Casey Re-elected Easily

Although many political pundits predicted a Trump-inspired “blue wave” of Democrats overwhelming Congress and state legislators across the country, the actual results nationwide were not as dramatic as expected on November 6. The Democrats did indeed regain control of the US House of Representatives, but not by the margins that have been customarily seen in “mid-term” elections after a new president is elected. The parties of Clinton, Bush and Obama all lost more seats than the Republicans did this year, and they actually ADDED to their majority in the US Senate, giving President Trump even more of an advantage should another Supreme Court seat come open.

In Pennsylvania, Democrats did make inroads in reducing their deficits in both the state House and Senate, with nearly all of those seat switches coming in the “collar counties” surrounding Philadelphia. Hardest hit were the Chester and Delaware County Republican delegations, where **Republican Reps. Becky Corbin (155th - Chester); Warren Kampf (157th – Chester), Eric Roe (158th- Chester) Duane Milne (167th -Chester), and Jamie Santora – 163rd (Delaware); Alex Charlton – 165th (Delaware) and Sen. Tom McGarrigle (26th -Delaware)** all were defeated. Over in Montgomery, **Reps. Kate Harper (61st) and Tom Quigley (146th)** also lost their seats, and Democrats flipped long-held Republican Senate seats in Montgomery and Bucks Counties.

The GOP entered election night with a commanding 121-79 majority in the House, with three vacancies in Democratic seats, while Senate Republicans looked to defend their 34-16 cushion. While a couple of House election results are still being determined, it appears the ratio will be 110-91, plus the seat currently by Democrat **State Rep. Vanessa Lowery-Brown** who won re-election, but will be sentenced November 28 for her bribery conviction, and the seat of the late **Rep. Syd Michaels Kavulich**, who won re-election just weeks after his passing. The GOP was successful in knocking off just two Democratic incumbents, **Bryan Barbin (71st-Cambria) and Helen Tai (178th –Bucks)**. A third seat, the 49th (Fayette/Washington), currently held by GOP State Rep. Bud Cook, was also the subject of ballot challenges.

There were some very hotly contested Senate races, including the 6th Senate district in Bucks County, where long-time incumbent Republican Sen. Tommy Tomlinson squeaked out a 74-vote victory over Democrat **State Rep. Tina Davis**, so the Senate will swear in **28 Republicans and 21 Democrats**, and newly elected **Lt. Gov. John Fetterman** will call a Special Election to fill a vacancy created in the 37th district by the resignation of Republican **Sen. Guy Reschenthaler**, who was elected to Congress on election night. Davis, who also easily won re-election to her own House seat, called for a recount, but couldn’t come up with the votes needs to oust Tomlinson. In the 10th Senate district, **Democrat Steve Santarsiero** beat **State Rep. Marguerite Quinn**, flipping the Bucks County seat, and Democrat **Maria Collett** won a victory over **Stewart Greenleaf, Jr.** to capture the 12th district Montgomery/Bucks seat held since 1977 by Greenleaf’s father. The most unexpected upset occurred in the 44th (Montgomery/Chester), where first-time candidate **Katie Muth** unseated Republican **Sen. John Rafferty**, who had served the district since 2003. In the Pittsburgh suburbs, Democrat **Lindsey Williams** beat Republican **Jeremy Shaeffer**, who had upset incumbent **Sen. Randy Vulakovich** in the 38th primary, to pick up another seat for the Dems.

It remains to be seen how these smaller majorities, and a Governor entering his second and final term, will affect the flow and nature of legislation in the new session.

Statewide, the races for Governor and US Senate came in pretty much as expected. **Governor Tom Wolf** easily won a second term, defeating former Republican **Sen. Scott Wagner** by a 58%-41% margin after a blistering campaign, mostly on the part of the challenger. Wolf will be joined by a new Lieutenant Governor as he enters his new term, as the aforementioned John Fetterman takes over for current Lt. Governor **Mike Stack**, whom Fetterman defeated in the May primary.

PA's Senior Senator, **Bob Casey, Jr.** also easily defeated his opponent for U.S. Senate, **Congressman Lou Barletta**, by a roughly 55%-42% margin, to earn a third term.

In Congress, Republicans went in with a 13-5 advantage in the PA delegation, but a combination of newly drawn Congressional maps and backlash against the President resulted in the Democrats winning the new 4th, 5th, 6th, 7th and 17th Congressional Districts, while the GOP won the new 14th. The PA Congressional delegation will now be split 9-9, including a historic four women.

House and Senate Republicans, Democrats Leadership Teams for 2019/20

The House held leadership elections November 13 for the new legislative session starting in January.

House Republicans re-elected Mike Turzai (R-Allegheny), **as their choice for Speaker** when the House members are sworn in again on January 1. **Bryan Cutler** (R-Lancaster), who previously served as Whip, was elected to lead his Majority caucus, succeeding the retiring Dave Reed. **Kerry Benninghoff (R-Centre)**, who previously served as Policy Chair, will now serve as Majority Whip. Majority Appropriations Chair **Stan Saylor (R-York)**, Republican Caucus Chair **Marcy Toepel (R-Montgomery)**, and Caucus Administrator **Kurt Masser (R-Columbia)**, were re-elected to their respective posts, while former **Caucus Secretary Donna Oberlander (R-Armstrong)** was elected Policy Committee Chair, and Rep. **Mike Reese (R-Somerset)** was elected Caucus Secretary.

In an introductory press statement, the new **House Majority Leader Bryan Cutler** said he is focused on finding solutions to problems and reaching across the political aisle on issues where Republicans have common ground with Democrats, like on education funding and jobs.

House Democrats saw a major shift in its leadership team, to younger Philadelphia-area members.

After Minority Leader **Frank Dermody (D-Allegheny)** was re-elected to his post, Reps. **Jordan Harris of Philadelphia (Whip)**, **Matt Bradford of Montgomery (Appropriations Chair)** and **Joanna McClinton of Delaware County (Caucus Chair)** scored surprise upset victories, while current Policy Committee Chair **Mike Sturla (Lancaster)**, Caucus Administrator **Neal Goodman (Schuylkill)**, and Caucus Secretary **Rosita Youngblood (Philadelphia)** were re-elected.

The Senate held leadership elections the following day, with no changes in the Republican and Democratic line-ups, other than the vacancy created by Sen. Chuck McIlhinney's retirement. His post as **Republican Caucus Administrator** will be filled by President Pro Tempore-elect Joe Scarnati at a later date. **Senate Republicans** re-elected: President Pro Tempore **Joe Scarnati (R-Jefferson)**, Majority Leader **Jake Corman (R-Centre)**, Majority Whip **John Gordner (R-Columbia)**, Majority Appropriations Chair **Pat Browne (R-Lehigh)**, Caucus Chair **Robert Mensch (R-Montgomery)**, Caucus Secretary **Richard Alloway (R-Adams)**, and Policy Committee Chair **David Argall (R-Schuylkill)**, with the aforementioned Caucus Administrator position to be named.

Senate Democrats, who picked up five new seats in the 2018 elections retained their entire leadership team from 2017-18: Minority Leader **Jay Costa (D-Allegheny)**,

Minority Whip **Anthony Williams (D-Philadelphia)**, Minority Appropriations Chair **Vincent Hughes (D-Philadelphia)**, Caucus Chair **Wayne Fontana (D-Allegheny)**, Caucus Secretary **Lawrence Farnese (D-Philadelphia)**, Caucus Administrator **John Blake (D-Lackawanna)**, and Policy Committee Chair **Lisa Boscola (D-Northampton)**

State Board of Chiropractic November 8 Meeting Highlights

The State Board of Chiropractic met on **November 8 in Harrisburg**. Here are the highlights.

- **Board Chair Gerald Halloran, DC, welcomed the members and guests.**
- **Lead Board Prosecutor Paul Jarveck** had no cases to present.
- **BPOA Commissioner Ian Harlow** did not attend.
- **Board Chair Gerald Halloran, DC** reported on this attendance at the FCLB meeting in Florida, along with Dr. Khoury. He stated that the Board has many problems in common with other states. They discussed the need to educate medical boards about chiropractic role in opioid use reduction. He believes the Board has been "shut out" of the Department of Health's opioid task force. They also discussed various legal

issues regarding multidisciplinary clinics. Halloran believes that delegation of chiropractic duties needs to be defined in law, in light of the Superior Court ruling, which has many chiropractors not knowing what they can and can't do. He reminded the members not to speak about Board business outside the bounds of a Board meeting. Finally, in filling the vacancy left by Dr. Khoury's departure, Halloran thinks the Governor needs to be mindful of geographic balance.

- **Board Counsel Kerry Maloney** reported on the status of the Assistants regulation. An exposure draft had been sent to stakeholders, and comments will be reviewed at the next meeting.

- The Board heard a presentation by **PCA Executive Director Ed Nielsen and Dr. Marc Belitsky** regarding the chiropractic assistants issue. PCA supports the exposure draft, and asked that the Board move it along expeditiously. Belitsky stated that the court decision severely curtails the DC's ability to perform their job, and many don't know what they can and cannot do now. Nielsen said he has been recommending to members not to delegate any services for the time being. Ted Mowatt stated that the Fellowship is reviewing the exposure draft, and encouraged the Board to deal with this issue promptly. A couple of other DC's also made some comments, mostly regarding the current state of confusion in the profession. Maloney announced that Tom Blackburn has left the regulatory division, and Maloney will be working on the Board regs himself going forward. He noted there may be a need to incorporate the concepts in the new law on chiropractic interns with the assistants reg.

- The Board then heard a second presentation, this one on veterinary chiropractic. Maloney prefaced the presentation by saying the Board was in "receive only" mode on this issue, and would listen, but not ask any questions or make any decisions at this time. Attorney **Charles Artz**, and **Dr. David Smolensky** laid out the issue, and asserted that "hundreds" of chiropractors in PA are currently providing services to animals, usually, but not always, in conjunction with veterinarians.

- **Under New Business: 1.** The Board re-elected Dr. Halloran chair, and Dr. McCarrin Secretary, respectively.

- **Committee Assignments:** Atty. Maloney suggested that the **Probable Cause Committee** be reduced to just one standing member, to lessen the number of members who must recuse themselves from deliberation.

Nicole Brock will serve as the designee, with **Merry Woods**, as alternate.

Next meeting is January 17, 2019. Future 2019 meeting dates: March 21, May 16, July 18, September 19, November 21

BPOA Publishes Proposed Rulemaking On Expungement; Fees

The Department of State's Commissioner of Professional and Occupational Affairs proposed rulemaking relating to expungement and fees. More information on the proposed rulemaking can be viewed in the *Pennsylvania Bulletin* here: <https://www.pabulletin.com/secure/data/vol48/48-45/1745.html>. Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Cynthia Montgomery, Counsel to the Commissioner, PO Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov by December 10. Reference No. 16A-060 (Expungement; Fees) when submitting comments.

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.

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

January	1, 15, 16, 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

To be determined

State Board of Chiropractic Board Meeting Schedule

Remaining 2018 Meeting Dates (Subject to Change): November 8

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

Remaining 2018 Meeting Dates: December 13

2019 dates have not yet been announced. 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>