REPORT OF THE OSMA COUNCIL ON STATE LEGISLATION AND REGULATION

Subject: Annual Report
Presented by: Arthur Rousseau, MD, Chair

INTRODUCTION

The Council on State Legislation and Regulation is tasked with proactively promoting legislation that will improve the practice of medicine as well as reviewing all proposed measures that will impact physicians and working to support or oppose them, as appropriate.

2016 LEGISLATIVE SESSION

At the start of the legislative session, the Legislative Council was tracking more than 540 pieces of legislation. As of this writing (March 14), various legislative cutoff deadlines have knocked that number down to less than 90. However, several key issues remain outstanding. Below is a summary of action on some of the top issues for 2016.

BUDGET

The budget continues to be the dark shadow hanging over everything at the Capitol this year. All state agencies were forced to implement across-the-board 3% cuts in January and another 4% in March. And that is in addition to the $1.3 billion deficit the state will face for the next fiscal year, which begins July 1. We are being told that, if the state chooses to implement across-the-board cuts, the best case scenario from the Health Care Authority will be a 13% rate cut to Medicaid providers. Although we don’t believe the Legislature will do an across-the-board cut, it is almost certain there will be significant provider rate cuts for FY2017. As such, it is vital that physicians keep talking to their lawmakers and helping them understand this debate is about more than dollars and cents, it is about the real patients in their communities.

MAINTENANCE OF CERTIFICATION

One of OSMA’s top legislative priorities is alive and well. SB 1148 by Sen. Brian Crain (R-Tulsa) would prohibit Maintenance of Certification from being required as a condition of licensure, hospital credentialing or reimbursement. The bill passed the Senate 42-0 and now heads to the House.

PUBLIC HEALTH

Several pieces of legislation were filed that would raid the funds of the Tobacco Settlement Endowment Trust (TSET) for purposes outside of its intended public health function. After this deadline, there are two bills still left alive. SJR 71 by Sen. Josh Brecheen (R-Coalgate) would say that Medicaid spending would be an “acceptable purpose” on which the TSET earnings could be spent. HJR 1045 by Rep. Jason Nelson (R-Oklahoma City) goes further, mandating that TSET spend a minimum of $1 million annually on pediatric cancer research. Although these bills may be well-intentioned, OSMA opposes legislation that would take money away from TSET’s public health funding efforts or diminish the autonomy of the TSET Board.
Legislation that would raise the cigarette tax by $1.50 per pack was not heard in committee. But the issue remains a discussion item as part of the larger budget debate, so it is still somewhat in play. Legislation to raise the age to buy tobacco products to 21 did not get a hearing. But this appears to be part of a larger national trend (Hawaii, California and more than 100 cities nationwide have passed similar laws in recent months), so expect this issue to come back next year.

One of the biggest disappointments so far this session was the failure to pass legislation aimed at increasing immunization rates in the state. SB 1478 by Sen. Ervin Yen, MD (R-Oklahoma City) would have removed the personal exemption from the requirement that students be immunized before attending public schools. However, the anti-vaccine forces rallied and gun-shy legislators in the Senate Education Committee killed the bill on a 6-7 vote.

SCOPE OF PRACTICE
As usual, there were a number of scope of practice expansion bills filed this year, but I am pleased to report that none are currently still alive. The most expansive bill of the year, HB 2841 by Rep. Jon Echols (R-Oklahoma City) would have removed any supervision requirements for advance practice nurses, giving them independent practice and full prescriptive authority. Fortunately, we were able to work with the author of the bill, who ultimately pulled it from consideration. All of the other scope bills out there have either also been killed or we have been able to negotiate acceptable language.

Last fall, the OSMA and OOA filed a lawsuit alleging that the 2014 law granting physical therapists direct access to patients without a physician referral is unconstitutional. That case is tentatively scheduled for a preliminary hearing April 15th. We will keep you updated as the case progresses.

LAWSUIT REFORM
Another of our key priorities this year is actually a bill we filed last session. SB 765 by Sen. Anthony Sykes (R-Moore) passed the Senate last year on a 37-6 vote. However, it was not heard in the House Judiciary Committee. But the bill carried over to this session and is still alive, so we are working with Judiciary Chair Rep. Randy Grau (R-Edmond) to ensure the bill receives a hearing before the next committee deadline.

WOMEN’S HEALTH
As per the usual in Oklahoma politics, one of the more talked-about debates this session surrounded abortion. SB 1118 by Sen. Joseph Silk (R-Broken Bow) would have made anyone who destroys a human embryo or fetus guilty of first-degree murder. That bill was not heard in the Senate, but the author has vowed to keep pushing this legislation. An only slightly less onerous bill unfortunately is still alive. SB 1552 by Sen. Nathan Dahm (R-Broken Arrow) would strip the medical license of any physician who conducts an abortion. While the OSMA does not take a position on the legality of abortion, as long as it remains a legal act, we will oppose legislation that is designed to intimidate physicians or override their medical judgment.

PHYSICIAN WORKFORCE
In recent years, the Physician Manpower Training Commission (PMTC) has been a frequent subject of agency consolidation rumors. To that end, OSMA and legislative leaders began discussing possible options and, should consolidation occur, where would be the best landing spot for PMTC. SB 1526 by Sen. Yen would move the PMTC to the Department of Commerce,
where it would have the advantage of some additional economic development resources and expertise. The OSMA Board stopped short of officially endorsing a move to Commerce and is still looking at ways to revitalize the PMTC as a standalone agency. But we believe it is a discussion worth having and will continue looking for the best option moving forward.

2016 LEGISLATIVE AGENDA

Each year, the OSMA Board of Trustees adopts a legislative agenda to guide the CSLR in its deliberations and preparations for the following year. At its August meeting, the OSMA Board adopted the following agenda for 2016.

- **Lawsuit Reform**: Maintain our recent gains and provide greater protections for physicians. Promote access to care by providing physicians with a stable and lower-cost medical liability system.

- **Scope of Practice**: Defend against any legislation that would expand the scopes of practice for mid-level providers without the approval of the Patients First Coalition. Support efforts to ensure that allopathic and osteopathic physicians are appropriately referenced in any legislation dealing with medical procedures. Oppose any legislation that could jeopardize patient safety or create a “two-tiered” system of care for patients on Medicaid or who live in medically underserved areas.

- **Physician Practice**: Oppose legislation that would mandate specific courses of treatment or otherwise override a physician’s medical judgment. Support efforts to decrease administrative burdens on physician offices.

- **Reimbursement**: Maintain adequate physician reimbursement through Medicaid and support insurance reforms that will help maintain physician reimbursement levels. Promote access to care by providing adequate reimbursement and other incentives for physicians to see Medicaid patients and to serve in rural communities.

- **Public Health**: Support anti-tobacco, anti-obesity and other initiatives to improve the public health in Oklahoma.

- **Maintenance of Certification**: Support legislation that would prohibit maintenance of certification as a condition of licensure, employment, hospital staff membership or reimbursement.

LEGISLATIVE COMMUNICATIONS

Legislative updates will continue to be provided on a regular basis in *OSMA News Now*. Targeted legislative alerts are faxed or e-mailed to members using *Voter Voice*, OSMA’s web-based grassroots advocacy software. We are also very active in social media, posting alerts on our blog, Facebook and Twitter.

MEDICINE DAY

The OSMA’s annual Medicine Day legislative reception was held Tuesday, February 16th. We had a really good turnout this year, so a big thank you to everyone who helped make this event a success.

DOCTOR OF THE DAY
The Doctor of the Day program has successfully continued to allow increased legislator contact by OSMA members. The legislative staff provides information to the Doctors of the Day and has involved them in our lobbying efforts. Thank you to all the physicians who have participated in this program and special thanks to the Tulsa and Oklahoma County Medical societies for their efforts to coordinate volunteers. May is reserved for OSMA Rural Section members, so rural physician leaders are encouraged to contact Wes Glinsmann as soon as possible to schedule a date.

CONCLUSION

A very big thank you goes out to all OSMA members who served on the Council on State Legislation this year. We are always looking for active members so if you or one of your colleagues has an interest in helping us promote the practice of medicine by influencing state policy, please contact Wes Glinsmann to sign up to serve on the Council on State Legislation.

Respectfully submitted,

Arthur Rousseau, MD

CSLR Chair