

REPORT OF THE OSMA COUNCIL ON STATE LEGISLATION AND REGULATION

A-2010

Subject: Council on State Legislation and Regulation (CSLR) Annual Report

Presented by: Jack Beller, MD

INTRODUCTION

This year, nearly 2300 pieces of legislation have been introduced for consideration at the State Capitol. This is in addition to another 2000+ bills that carried over from the 2009 session. In late January, Wes Glinsmann (OSMA Director of State Legislative and Political Affairs), Jim Dunlap (OSMA lobbyist) and Jack Beller, MD (CSLR Chair) went through all the new bills to identify those that were relevant to the House of Medicine. All relevant legislation was then assigned to one of seven committees—scope of practice, lawsuit reform, insurance, Medicare/Medicaid, health, workers compensation and others—for consideration. Each committee then made its recommendations for official OSMA positions on each bill to the CSLR.

This year's subcommittee chairs were Jack Beller, MD (Tort Reform), Lee Schoeffler, MD (Scope of Practice), Robert McCaffree, MD (Health), Steve Crawford, MD (Insurance), Roger Sheldon, MD (Medicare/Medicaid) and Jean Forsberg, MD (Other).

REVIEW OF ACTIVITIES

The CSLR met January 25th and February 1st to take up the various committee recommendations and, in the end, took official positions on more than 260 pieces of legislation, in addition to nearly 300 bills carried over from the previous session.

As of this writing (February 26th), 133 bills—including most of our top legislative priorities—are still alive.

2010 LEGISLATIVE PRIORITIES

As approved by the OSMA Board of Directors in August 2009:

- Secure creation of the Health Care Indemnity fund and caps on noneconomic damages.
- Medicaid physician payments at or above Medicare level.
- Scope of Practice:
 - Appropriation for Physician Work Force to increase Primary Care access.
 - Change "rule-making" procedure from state agencies and boards.
 - Defeat efforts by mid-level providers to expand scopes of practice to include medical procedures.
- Strengthen laws related to secondhand smoke.

2010 LEGISLATIVE DEADLINES

February 1—Legislative session began

February 18—Deadline for Senate bills to be reported from Senate committees

February 25—Deadline for House bills to be reported from House committees

March 11—Deadline for bills to pass chamber of origin

April 2—Deadline for House bills to be reported from Senate committees

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1 April 9—Deadline for Senate bills to be reported from House committees
2 April 22—Deadline for bills to pass second chamber
3 May 28—Sine Die adjournment
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5 **LEGISLATIVE COMMUNICATIONS**

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7 Legislative updates are provided on a regular basis in *OSMA News Now*. Targeted legislative alerts are
8 faxed or e-mailed to members using *Voter Voice*, OSMA's web-based grassroots advocacy software.
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10 **REVIEW OF 2009 LEGISLATIVE PRIORITIES**

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12 The Oklahoma Legislature convened on February 2, 2009 and adjourned sine die on May 26, 2009.
13 During that time, the OSMA lobby team monitored more than 300 bills and resolutions affecting
14 physicians. This report identifies some of the top issues that received final action last year.
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16 **HB 1603—Lawsuit Reform** (Sullivan). HB 1603 is the OSMA-supported omnibus lawsuit reform
17 legislation which, among other things:

- 18 • Requires a certificate of merit in professional liability cases.
- 19 • Makes peer review proceedings confidential and not subject to discovery.
- 20 • Says that prejudgment interest shall not accrue before 24 months.
- 21 • Restricts joint and several liability.
- 22 • Caps noneconomic damages at \$400,000 (subject to creation of a state indemnity fund for cases
23 of gross negligence or willful misconduct, in which case the cap can be lifted).
- 24 • *Status: Signed into law.*

25
26 **HB 1569—Truth in Advertising** (Schwartz). HB 1569 requires anyone advertising or otherwise
27 holding themselves out as a physician to list his or her credentials. *Status: Signed into law.*
28

29 **HB 1055—Preauthorization** (Cox). HB 1055 prohibits insurers that have preauthorized a procedure
30 from retroactively denying the service or refusing to pay. *Status: Signed into law.*
31

32 **SB 817—Administrative Rules** (Brogdon). SB 817 requires that any proposed agency rules be
33 approved by the Legislature before taking effect. This would help rein in many of the scope expansions
34 we've seen done through the rulemaking process of various licensure boards. *Status: Passed Senate 34-
35 11, reported from House committee, carried over and awaiting House floor action.*
36

37 **DOCTOR OF THE DAY**

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39 The Doctor of the Day program has successfully continued to allow increased legislator contact by
40 OSMA members. The legislative staff provides information to the Doctors of the Day and has involved
41 them in our lobbying efforts. Thank you to all the physicians who have participated in this program and
42 special thanks to the Tulsa and Oklahoma County Medical societies for their efforts to coordinate
43 volunteers.
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45 **MEDICINE DAY**

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47 OSMA's annual Medicine Day legislative reception was held February 24th at the OSMA building.
48 Over 150 OSMA members and guests joined approximately 40 legislators for a very successful event.
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51 **CONCLUSION**

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1 An up-to-date summary of the 2010 legislative session will be available at the House of Delegates
2 meeting.

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4 Respectfully submitted,

5 Jack J. Beller, MD

6 CSLR Chair

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