2018	Utah	Legisla	ative	Session
				Update:



Recent Health Law Legislation

Mark Brinton, JD Utah Medical Association

## Overview

- Medicaid
- Prescribing; Dispensing
- Licensing; Privileging,
- Credentialing
- → Insurance
- → Abortion
- → Medical Marijuana
- Health Care Malpractice Act
- Patient Brokering

- Required Mammogram Notice
- Debt Collection
- Outpatient Anesthesia
- Bills that Failed (but may return)



## Medicaid - I

- HB 472, Medicaid Expansion Revisions (Spendlove R.)
  - Expansion to <95% FPL, if waiver for:
  - Full fed funding (90-10)
  - · Work activity required
  - Sunset or limit if state doesn't fund it
- <u>Utah Decides Healthcare Act ballot initiative</u>
  - Full Medicaid expansion
  - Still short in 10 districts (max 3)



4	ì	
į		
	J	

Medicaid - II	
• <u>HB 12, Family Planning Services Amdts (Ward.</u> <u>R.)</u>	- Hotels of the state and a
<ul> <li>Medicaid to pay separately for implantation for long-acting reversible contraceptives immediately after childbirth</li> </ul>	continued was the second
<ul> <li>Directs Medicaid to apply for a waiver to provide family planning services to individuals &lt;95% FPL who do not qualify for Medicaid</li> </ul>	Greenwale many
5	
Prescribing	verkeavO
<ul> <li>HB 127, Controlled Substance Database Act         Amdts (Fawson, J.)         For Schedule II and III opioids     </li> </ul>	Processing Dispersing
<ul> <li>Check the Controlled Substance Database for patient's first Rx, repeated Rxing, unless:</li> </ul>	#IZEMITEDA metropulo : prilaticabell protipatori processor
<ul> <li>Emergency situation</li> <li>CSD down</li> <li>Internet inoperative</li> </ul>	All sections and the section of the
<ul> <li>No more substantial compliance</li> <li>No DOPL enforcement until earlier of Jan 2019</li> <li>or a CSD-EMR connection possible</li> </ul>	A 160 Charles
6	
Dispensing	. n - branbeld
SB 184, Pharmacist Dispensing Authority Amdts (Weiler, T.)	
<ul> <li>Standing order by physician (DOH)</li> <li>Self-administered contraceptives</li> </ul>	
<ul> <li>Self-screening questionnaire</li> <li>Primary care consult within 24 months</li> <li>(No prescribing)</li> </ul>	
HB 399, Opioid Abuse Prevention and Treatment Amdts (Eliason, S.)	
• Requires warning label on opioids, pamphlet	

Licensing – I	Privileging, Cradonsavina nii
HB 382, Radiology Practitioner Amendments (Spendlove, R.)	
∘ PTs can order x-rays, MRIs	
<ul> <li>Physician must agree to receive the results</li> </ul>	
<ul> <li>SB 68, Physician Assistant Vital Statistics Act Amdts (Bramble, C.)</li> </ul>	e seud ease baen probabilité du résolution de seud étains de seud de seud de seud de seud de seud de seud de s Le contraction de seud
· Clarifies that PAs can sign death certificates	
V. ISIN.	
· Control of the cont	
Licensing – II	1 - 9386 H 2 T
> <u>HB 448, Podiatric Physician Practice Amdts</u> (Fawson, <u>J.)</u>	1 S& 1 S.C. Insurance Considers Amazis (1 Minore)
<ul> <li>Rewrite of the changes three years ago</li> <li>No change; clarification of expanded scope for podiatrists with post-grad training</li> </ul>	vier per lestrement of the extensive
• <u>SB 229, Chiropractic Physician Scope of</u> <u>Practice Amdts, (Vickers, E.)</u> – failed	Angod sto sa montonom to hakes en processor. Por the self stored to a final place of the self-self-self-self-self-self-self-self-
<ul> <li>Would have allowed chiropractors to prescribe</li> <li>Claimed no longer had access to certain homeopathic substances</li> </ul>	ATE value to back and to the state of the same of the
9	
Privileging, Credentialing – I	· He same what
<ul> <li>SB 217, Physician Testing Amdts (Hillyard, L.)</li> <li>For employment, privileges, reimbursement,</li> </ul>	
licensing - Hospitals, insurers, DOPL	
<ul> <li>May not require cognitive testing of physicians at a set age unless the test reflects nationally recognized standards adopted by AMA for ability to</li> </ul>	A STANDARD COMPANY OF THE STAN
provide safe and effective care • Effective earlier of Sep 1, 2018 or AMA adopts standards	
Tunda d	

Privileging, Credentialing – II	i - cario mara i
HB 425, Physician Certification (McKell, M.) -	
failed	
<ul> <li>For employment, privileges, reimbursement, licensing</li> </ul>	2584 (2000) 2000 (2000) 2000
<ul> <li>Hospitals, insurers, DOPL</li> <li>Would have been prohibited from requiring</li> </ul>	
maintenance of board certification	
11	
	,
Insurance – I	
	(a = grisms3L)
<ul> <li>SB 135, Insurance Contracts Amdts (Fillmore, L.)</li> </ul>	- Service Control Charles control Assets
<ul> <li>For life insurance or accident and health insurance</li> <li>Prohibits reserving discretionary authority =</li> </ul>	COSC SARSA SOURV VICTORIA POLICIO AND INCOME.
<ul> <li>Profibits reserving discretionary authority —</li> <li>"Has the effect of conferring discretion on an insurer, or other claim administrator, to:</li> </ul>	the change of the disciplinate of an individual residual for
<ul> <li>"determine eligibility for benefits; or</li> <li>"interpret the terms or provisions of the policy,</li> </ul>	
o "interpret the terms of provisions of the policy, contract, certificate, or agreement; and could lead to a deferential standard of review by	Editores at teach common sectors and the
reviewing court."	1995 Committee of the second o
12	
12	
Insurance – II	ertylleging, Gredentialing
> <u>HB 409, Utah Life and Health Insurance</u>	
Guaranty Association Amdts (Dunnigan, J.)	
<ul> <li>67pp, 1856 lines</li> <li>Among other things, brings HMO insurers into</li> </ul>	ADS Section 1
same insurance guarantee pool as PPO insurers  • (E.g., Arches bankruptcy)	<u> </u>
<ul> <li>Addresses treatment of long-term care rider to a life insurance policy</li> </ul>	
me manance poney	

Abortion	The Enau[TeX hands]
SB 118, Abortion Law Amendments (Weiler,	
<u>T.)</u>	
<ul> <li>Website and info module replace brochure and video</li> </ul>	STARTURE STORT TERMES THE TRANSPORT OF THE PROPERTY OF THE PRO
• Tightens penalties	
HB 205. Down Syndrome Nondiscrimination	Little Land Land to A kee and an department
Abortion Act (Lisonbee, K.) - failed	Just Tyrotome Tragit
<ul> <li>Would have prohibited abortion if solely because of Down Syndrome</li> </ul>	Control of the Contro
Down Syndionie	(32,835) (0.868,00119,00097,00097,00097
To san of	
14	
Medical Marijuana – I	TOTAL CONTRACTOR BIS 2 TO NESS
HB 195, Medical Cannabis Policy (Daw, B.)	
<ul> <li>Adds cannabis to Right to Try</li> </ul>	
<ul> <li>For terminally ill patients</li> <li>Any cannabis in medical dosage form</li> </ul>	
<ul> <li>Must be from state-approved source</li> </ul>	
<ul> <li>Special informed consent (poss. +/- outcomes)</li> </ul>	For the Plante of Authority of
<ul> <li>HB 197, Cannabis Cultivation Amendments (Daw, B.)</li> </ul>	cromas reg. 3-420 more elect plaining, 2012; election
Dept of Ag: grow, process, sell >0.3% THC	
State dispensary: research inst., patients	1822
Dept of Fin Inst: can. payment processor licenses	
15	
Medical Marijuana – II	
,	
› <u>SB 130, Cannabidiol Product Act (Vickers, E.)</u>	
<ul> <li>Dept of Ag: regulate CBD and hemp; licenses</li> <li>Special tax, in lieu of sales tax</li> </ul>	
• Info into Controlled Substances Database	eath conselect it as fitted an afgroup again.
Apply for DEA waiver for pharmacy distribution	and a-ni of stangers make their expect order proces
<ul> <li>HB 302, Cannabis Cultivation Amendments (Daw, B.)</li> </ul>	TICODES also informed to believe a discount
<ul> <li>Dept of Ag: regulate industrial hemp (&lt;0.3% THC)</li> </ul>	
<ul> <li>Research pilot program: license to grow, process,</li> </ul>	
market	
- 1985 1985 1985 1985 1985 1985 1985 1985 1985 1985 1985 1985	

Medical Marijuana – III	Abortion
HB 25. Cannabinoid Product Board Membership	
Amdts (Daw, B.)  • Review research on expanded cannabinoid products	
∘ I.e., >0.3% THC	2
<ul> <li><u>Utah Medical Cannabis Act - ballot initiative</u></li> <li>Whole plant; possess 4 oz max, but</li> </ul>	
• Whole plant, possess 4 oz max, but • Can't "smoke," but	
• No info to CSD; DOH records destroyed 60 days+	II SELA O VIIO II EGODO I BOLLOON AND A DANK
<ul> <li>Debilitating or chronic pain, etc.</li> <li>Liquid assets: \$500k, \$100k, \$250k</li> </ul>	Down Syndrome
Infractions and \$100 fines	
17	
Health Care Malpractice Act	Medical Marijuana - I
> SB 223, Health Care Malpractice Act Amdts	
(Hemmert, D.)	Addis cannabit to aight to Try
<ul> <li>Requires DOPL to collect respondent data on prelitigation process:</li> </ul>	
· Specialty of signer of affidavit of merit	
<ul> <li>Disposition</li> <li>If action is filed in court</li> </ul>	Special Intermed constant looks. 47 (2000) 144
<ul> <li>Clarifies 78B-3-426 (Nonpatient plaintiffs, 2016)</li> <li>Nonpatient plaintiff must show a duty owed</li> </ul>	· HA 197. Cantable bulling the Attendances .
• Foreseeable injury	
18	
Patient Brokering	Modical Martinson - co
SR 222 Tavisalogy Amelts (Pavis C)	
<ul> <li>SB 222, Toxicology Amdts (Davis, G.)</li> <li>Prohibits payments for referrals for substance use</li> </ul>	
disorder treatment	
<ul> <li>Includes referrals to facilities if referrer has ownership interest (including referrals to in-office</li> </ul>	
labs owned by treating healthcare providers)	ALLES WILLIAMS AND LESS OF A MARCH LESS OF A MARCH
<ul> <li>Reportedly, intended to prohibit only referrals that are illegal under federal law (Anti-kickback</li> </ul>	
Statute. Stark? False Claims Act?)	
The state of the s	

Required Mammogram Notice	rumbion yain tud) belar i mas allis
HB 258, Women's Cancer Screening Notification Amdts (Christensen, L.)	
<ul> <li>Mammography results to a patient with dense breast tissue must include:</li> </ul>	and the strength of the streng
<ul> <li>"dense breast tissue can make it more difficult to fully and accurately evaluate your mammogram</li> </ul>	KITTATROMESE SEGRET AS A SEC.
and detect early signs of possible cancer in the breast. This information is being provided to inform and encourage you to discuss your dense breast tissue and other breast cancer risk factors	elevia stromarispor paulan barupar esal bipew
with your health care provider Please contact them if you have any questions or concerns aboth this notice."	
20	
Debt Collection, Revised	
• <u>HB 204, Health Care Debt Collection (Webb,</u> <u>C.)</u>	<ul> <li>112. Z6, End of the Courses AC Surveile.</li> </ul>
<ul> <li>Requires the 2017 HB 128 notification before a "collection action" = any action to recover funds that are past due or in default "that directly results in an adverse report to a credit bureau"</li> </ul>	And account of the control of the co
<ul> <li>Includes using a collection agency to engage in collection action</li> </ul>	.ahtnus bawytomka
<ul> <li>Enables use of collection agency for billing, etc.</li> <li>Healthcare provider is liable</li> </ul>	And the same of th
The state of the s	
21	
Outpatient Anesthesia, Revisited	111 to 1000 1 (3000 1000 000 164 786) 211 d
> 2017: HB 142, Administration of Anesthesia Amdts (Kennedy, M.)	12.36(202) SOMA DESCRIPTION OF 100
<ul> <li>Outpatient IV anesthesia or sedation</li> <li>Excludes Emergency Department</li> </ul>	
<ul> <li>Have an Am Heart Assn crash cart</li> <li>Get specific informed consent</li> </ul>	Propt Co.
<ul> <li>Name and license type of person do the procedure</li> <li>Type of sedation or anesthesia administered</li> </ul>	
Name and license type of person administering What's monitored: O <sub>2</sub> , breathing, circulation Report adverse events to DOH	
Report adverse events to born	

Bills that Failed (but may return) I	
<ul> <li>HB 184, Driver License Form Amdts (Ward, R.)</li> <li>Would have required publishing a key:</li> <li>Severity of illness; required follow up, next review</li> </ul>	
<ul> <li>Would have allowed provider to specify next review</li> <li>SB 224, Medical Treatment Prior Authorization (Vickers, E.)</li> </ul>	neast itssus must indust.  Acques breast itssus can make it burt Million.
<ul> <li>Would have required making requirements public</li> <li>Deadlines for decision; deemed granted</li> </ul>	and dated early signs of pussible cancer in the tree concerns the tree concerns the concerns to the concerns the concerns to the concerns the concer
Continuity of care     Electronic submission	thouse size to make the state and the sure service for the service services. The sure terms are services and the services are services as the services are services are services as the services are services are services as the services are services as the services are services as the services are services are services as the services are services are services as the services are services a
• Step therapy	Solion en
and the second s	
Bills that Failed (but may return) ll	Debt Collection, Kavisea
	22.00
<ul> <li>HB 76, End of Life Options Act (Chavez- Houck, R.)</li> </ul>	
<ul> <li>4th annual effort to bring to UT, laws of WA, OR, other states</li> </ul>	collection action' = any action to recover funds
<ul> <li>Would have allowed physician-assisted, self- administered suicide.</li> </ul>	Company and Threshold of State 19 State
Would have required 2 physicians to opine patient     will die within 6 months	includes uning a collection agency to engage in externion extigo
Many other details	
• Rep. Chavez-Houck is retiring	
24	
Bills that Failed (but may return) III	
<ul> <li>HB 296, Tobacco Age Amdts (Eliason, S.)</li> <li>At least 3<sup>rd</sup> year</li> </ul>	LM. Managara A. Ph. Inch.
<ul> <li>Would raise min age from 19 to 21 for cigarettes, in two steps</li> </ul>	- and the same and section
HB 88, Electronic Cigarette and Other	
Nicotine Product Amdts (Ray, P.)  2016 bill failed	
<ul> <li>Basically same tax as on other tobacco products</li> </ul>	Analysis and a series of the s
25	

Bonus I: Healthcare Legislators  Resigned: Sen. Shiozawa > Sen. Zehnder Rep. Sanpei Retiring: Rep. Redd, Rep. Kennedy (US Senate run) Running: Jennifer Dailey-Provost (Chavez-Houck) Suzanne Harrison (L. Christensen) David Sundwall (C. Moss) Mike Hales (McKay)	
• Jennifer Plumb (Dabakis)  Fileen Gallagher (Van Tassell)	
Bonus II: Vehicle Law Update	
<ul> <li>HB 369, Auto Dealership License Amdts         (Coleman, K.)         <ul> <li>Allows direct-sale manufacturers to sell in UT</li> </ul> </li> <li>HB 58. Traffic Control Signs for Bicycles         (Moss, C.) - failed         <ul> <li>Would have allowed cyclists to go slow through stop signs and proceed at a red light</li> </ul> </li> <li>HB 416, Traffic Flow Amdts (Ivory, K.) - failed         <ul> <li>Would have allowed proceeding on red after furstop if no other traffic</li> </ul> </li> </ul>	
Effective date of statutory changes passed in the 2018 General Session is May 8, 2018, unless otherwise provided in the bill.	
See <u>le.utah.gov</u> for full text of bills	
Mark Brinton, JD General Counsel and Director of Government Affairs Utah Medical Association 801-747-3500, x. 227 markb@utahmed.org	