

## Government Relations Update – April 23, 2019

### Pennsylvania Issues

#### Legislation

- **HB 1245**: Providing coverage for breast density screenings. On April 16, 2019, Representative Isabella Fitzgerald (D – Philadelphia) introduced legislation requiring insurers to cover all costs associated with breast cancer screening methods recommended for women with high breast density or with increased risk factors for breast cancer. St. Luke’s supports this legislation as pre-authorization requirements and denials for screening modalities adjunct to mammography, such as ultrasound and MRI, are ongoing issues for our patients.
- **HB 427**: Fair Access to Cancer Treatment. As previously reported, on February 11, 2019, Representative Kerry A. Benninghoff (R – Centre County) introduced legislation to mandate that health insurance plans offered within Pennsylvania cover all FDA approved treatments for Stage IV metastatic cancers, without any requirement that a patient first fail another treatment option. Leadership within the St. Luke’s Cancer Center supports the legislation. On March 25, 2019, the bill was delivered from the House Health Committee to the House floor for consideration.
- **HB 596**: Addiction treatment bed registry. On March 1, 2019, Representative Doyle Heffley (R – Carbon) introduced legislation requiring the Pennsylvania Department of Drug and Alcohol Programs to develop and administer an internet-based detoxification and addiction treatment bed registry. The registry would collect, aggregate and display information about available beds in licensed detoxification and rehabilitation facilities for the treatment of individuals in need of inpatient detoxification or addiction treatment. The registry would also contain relevant information for facilities and licensed providers and provide a search function to identify available beds that are appropriate for the treatment of a substance abuse emergency. A similar bill passed the House last session. HAP opposed the bill last session, but HAP is considering a neutral position if certain hospital facility requirements are removed. On April 16, 2019, the bill was delivered from the House Human Services Committee to the House floor for consideration.
- **HR 216**: Warm Hand Off Task Force. On April 10, 2019, Representative F. Todd Polinchock (R – Bucks) introduced a Resolution calling for the Joint State Government Committee to form a task force and advisory committee to study ways the Commonwealth can forge the next link in the chain of care for people struggling with an addiction. The Resolution follows the House Human Services Committee’s public hearings concerning proposed legislation to mandate specific hand-off to treatment programs by hospitals. There was consensus among the presenters at the hearings that the Commonwealth should conduct the work necessary to assure that there are adequate detox and treatment resources across the continuum of care so the entire Commonwealth is positioned to help people who are afflicted with a substance use disorder. On April 16, 2019, the resolution was delivered from the House Health Committee to the House floor for consideration.
- **HR 745**: Healthcare Workforce Development Study. House Resolution 754 of 2018 directed the Joint State Government Commission to study the health care workforce, including the education and training pipeline, so that the Commonwealth can be prepared to meet its healthcare needs during the next five years. On April 10, 2019, the Commission issued its study, which recommends increased primary care residencies, additional nurse training opportunities, enhanced use of telemedicine, expanded roles for nurse practitioners and physician assistants and loan repayment opportunities for physicians, physician assistants, dentists and nurses. The legislature is expected to offer various proposals to address the items raised in the study.

## Federal Issues

### Advocacy

- **Affordable Care Act:** On April 16, 2019, Congresswoman Susan Wild (D–PA–7) and Pennsylvania Attorney General Josh Shapiro (D) held a roundtable discussion at the Miller-Keystone Blood Center in Bethlehem with representatives from St. Luke’s University Health Network and Lehigh Valley Health Network to discuss the Affordable Care Act (ACA). Discussion topics included the benefits of Medicaid expansion and coverage for otherwise uninsured individuals, but also the high out-of-pocket costs of the insurance policies available through the ACA. Robby Wax, Dr. Ken Bertka, Dr. Aldo Carmona, Dr. Bonnie Coyle, Karen Dietz, RN, and Rebecca Miller, Outpatient Care Management Director, participated.
- **Legislative Visit:** On April 17, 2019, Congressman Dan Meuser (R–PA–9) visited St. Luke’s Hospital – Gnadon Huetten Campus and met with its management team and physicians. John Nespoli, Dr. William Markson, and Micah Gursky, Director of Development for St. Luke’s Hospital – Miners Campus, discussed the future of healthcare in Carbon County.

### Legislation

- **Texas v. United States:** As previously reported, on February 26, 2018, a case challenging the ACA was brought by 20 Republican state attorneys general and governors, as well as two individuals, in the United States District Court for the Northern District of Texas. The plaintiffs argued that, when Congress eliminated the penalty for the individual mandate under the Tax Cuts and Jobs Act of 2017, it invalidated the ACA, because the United State Supreme Court determined in 2012 that an individual mandate without a tax penalty is unconstitutional. A number of states intervened in the lawsuit, arguing that the individual mandate remains constitutional. They also argued in the alternative that should the individual mandate be invalidated, that provision should be severed from the ACA, leaving the rest of the law intact in accordance with congressional intent. The Trump administration declined to defend the constitutionality of the individual mandate but asked the court to: (1) delay its decision until after the health insurance exchange open enrollment period concluded on December 15, 2018; and (2) defer any holding as to the severability of the individual mandate to January 1, 2020, so that the federal government could adopt a program to replace the ACA.

On December 14, 2019, Texas federal district court Judge Reed O’Connor dismissed the requests of both the Trump administration and the intervenor states and held that the entire law is invalid and unconstitutional. An appeal has been filed. In the meantime, because the court did not enjoin the ACA, its provisions remain fully intact. On March 25, 2019, the Department of Justice (DOJ) sent a letter to the Fifth Circuit Court of Appeals urging that the trial court’s ruling invalidating the ACA be upheld. Representative Colin Allred (D – Texas) introduced a resolution later that day demanding that the DOJ seek to uphold the ACA. The resolution was passed along party lines on April 3, 2019.

On April 1, 2019, HAP joined 23 other state hospital associations in filing an amicus brief in the appeal in support of the ACA. The brief highlights the crucial investments being made in the health care workforce, wellness and prevention efforts and health care quality initiatives based on ACA requirements. The brief further argues that these innovations are independent of the ACA’s insurance-related provisions and should remain intact even if other portions of the ACA are deemed unconstitutional.