

Government Relations Update – April 6, 2021

Pennsylvania Issues

Legislation

- **Health Care Heroes and Public Health Preparedness Act:** As previously reported, the recently enacted American Rescue Plan Act (ARPA) is expected to deliver billions of federal dollars to help states address issues associated with the pandemic and its economic fallout. In collaboration with the Hospital and Healthsystem Association of Pennsylvania (HAP), on March 22, 2021, Representative Greg Rothman (R-Cumberland) circulated a co-sponsorship memorandum seeking support for the Health Care Heroes and Public Health Preparedness Act, which would use \$650 million from ARPA funds to establish a grant program for Pennsylvania hospitals to support their workforces, build public health infrastructure, and address the behavioral health crisis. St. Luke's University Health Network supports this legislation.
- **HR 68:** Oral Care in Rural Communities. On March 1, 2021, Representative Kathy Rapp (R-Crawford) introduced a resolution directing the Legislative Budget and Finance Committee to review the increased use of teledentistry and mobile dentistry as methods to improve oral care to those living in rural communities. Providing oral care in rural communities is cost effective, since untreated oral pain results in significant unnecessary use of hospital emergency rooms. On March 23, 2021, the House adopted the resolution. The report will be completed within 18 months. St. Luke's supports this resolution.
- **HB 106:** Patient Safety Act. On February 24, 2021, Representative Thomas Mehaffie (R-Dauphin) introduced legislation to require nurse staffing ratios in hospitals. Representatives Maureen Madden (D-Monroe) and Jack Rader (R-Monroe) serve as co-sponsors. The legislation outlines minimum staffing ratios for every hospital unit, including one nurse for every two patients for intensive care units and one nurse for every four patients on a medical/surgical floor. The legislation is currently in the House Health Committee. HAP and St. Luke's oppose the legislation and have been meeting with the bill sponsor and co-sponsors to explain how the bill would negatively impact patient care.
- **HB 605:** COVID Liability. On March 23, 2021, Representative Torren Ecker (R-Adams) introduced legislation requiring that cases alleging personal injury or death resulting from exposure to COVID-19 be handled by mandatory arbitration, unless the plaintiff files a certificate affirming that the defendant failed to comply with public health directives in effect at the time of the injury. On March 24, 2021, the legislation was reported out of the Judiciary Committee. On April 5, 2021, Representative Ecker proposed an amendment to provide specific liability protection for healthcare practitioners and facilities, EMS providers and nursing homes for services rendered in response to COVID-19. HAP and St. Luke's support this legislation. Governor Wolf (D-PA) vetoed a broader COVID liability protection bill last session.
- **SB 115:** Interstate Nurse Licensure Compact. On March 22, 2021, Senator Lisa Boscola (D-Northampton) introduced legislation for Pennsylvania to join 34 other states in the Nurse Licensure Compact, which makes the nurse licensing process simpler. On March 23, 2021, the legislation passed the Senate Professional Licensure Committee and is awaiting a vote by the full Senate. HAP and St. Luke's support this legislation.
- **SB 285:** COVID-19 Vaccination Distribution. On February 26, 2021, Senator Boscola introduced legislation to expand persons authorized to provide vaccine injections during an emergency declaration to include nurse aides, licensed practical nurses, emergency medical technicians, certified medical first responders, pharmacy technicians, pharmacy students, nursing students, dentists, dental students, medical school students, and veterinarians. These individuals would be required to work under the supervision of a pharmacist, registered nurse, or physician authorized to provide injections to patients. HAP and St. Luke's support the legislation.

- **SB 425:** Informed Consent. On March 15, 2021, Senator John Gordner (R-Luzerne) reintroduced legislation to address the flawed Pennsylvania Supreme Court decision (Shinal v. Toms) from 2017 limiting the authority of a physician to delegate the task of obtaining a patient’s informed consent to another practitioner. The bill would clarify that while physicians remain responsible for the overall care of their patients, the task of obtaining a patient’s informed consent may be delegated by a physician to a qualified practitioner. The bill is currently in the Senate Banking and Insurance Committee. HAP and St. Luke’s support this legislation.

Miscellaneous

- **Pennsylvania Department of Health Vaccine Orders:** On February 12, 2021, Acting Secretary of Health Alison Beam issued an order directing vaccine providers to administer 80% of first doses of vaccine within seven days of receipt, administer the vaccine in accordance with the Commonwealth’s planned phases, file an inventory report within 24 hours of receiving vaccine shipments, and report race and ethnicity of vaccine recipients. On March 15, 2021, Acting Secretary Beam issued the first amendment to that order requiring vaccine providers to use best efforts to schedule appointments for all interested and eligible residents under Phase 1A. The order encouraged providers to schedule appointments into the future with a reliance on receiving consistent vaccine allocations. On March 25, 2021, Acting Secretary Beam issued the second amendment to the order advising vaccine providers that they may not refuse to schedule an appointment for a Phase 1A individual regardless of how far in the future the appointment must be made and prohibiting providers from advertising on a website or phone line that no appointments are available.

Federal Issues

Legislation

- **S. 610 and HR 1667:** Dr. Lorna Breen Healthcare Provider Protection Act. On March 4, 2021, Senator Tim Kaine (D-VA) introduced legislation to train health professionals in methods intended to reduce burnout, prevent suicide, and increase awareness about mental health conditions. On March 8, 2021, Congresswoman Susan Wild (D-PA) introduced identical legislation in the House. The legislation is named in honor of Dr. Lorna Breen, an emergency medicine physician who worked at New York-Presbyterian Allen Hospital before dying by suicide on April 26, 2020. St. Luke’s supports this legislation.
- **21st Century Cures Act Implementation:** On December 13, 2016, the 21st Century Cures Act was signed into law. The Act defines interoperability requirements for electronic health information (EHI) and prohibits information blocking, a practice that interferes with or prevents access to EHI. Examples include direct interference (i.e., not providing access to EHI) and indirect interference (i.e., delays in response; only providing certain EHI; charging for access; and imposing licensing terms for interoperability elements). The Act includes fines of up to \$1 million per violation for prohibited information blocking.

On February 11, 2020, the Office of the National Coordinator for Health IT (ONC) released its proposed rule to implement provisions of the 21st Century Cures Act related to EHI blocking and interoperability. During the public comment period, St. Luke’s sent a letter to the United States Health and Human Services (HHS) Secretary supporting efforts to increase the interoperability of health information technology but expressing concerns that ONC’s proposed rule would be overburdensome on health systems and endanger patient privacy.

On May 1, 2020, the ONC released its final rule, effective November 2, 2020, which requires that EHI be accessible without restriction unless it meets very narrow exceptions and prohibits providers from creating policies restricting or delaying the release of information. On October 29, 2020, the ONC extended the implementation deadline to April 5, 2021 due to the pandemic. St. Luke’s has implemented the required modifications to be compliant and will monitor changes required by ONC.