

Government Relations Update – February 8, 2022

Pennsylvania Issues

Legislation

- **HB 253:** Funding to Support the Health Care Workforce in Pennsylvania. On January 26, 2022, Governor Tom Wolf (D) signed into law a bill that appropriates \$225 million in federal American Rescue Plan Act funding for retention and recruitment payments made by hospitals directly to their employees, excluding executives, administrators, and contracted staff. The amounts available for each hospital is based on the number of licensed beds. St. Luke's University Health Network and Lehigh Valley Health Network are able to receive \$7.95 million and \$11.6 million, respectively, under the program.
- **HB 1280:** Amending the Patient Test Result Information Act. The Pennsylvania Patient Test Result Information Act requires that when, in the judgment of an entity performing a diagnostic imaging service, a significant abnormality may exist, the entity must directly notify the patient. On April 26, 2021, Representative Barry Jozwiak (R-Berks) introduced legislation to amend the act by requiring diagnostic imaging entities instead to provide patients with written notice at the time of any imaging service that: (1) the results of the test will be sent to the ordering health care practitioner; and (2) patients should follow up with the practitioner to discuss the results. On January 11, 2022, the bill was approved by the House and sent to the Senate Health and Human Services Committee. The Hospital and Healthsystem Association of Pennsylvania (HAP) and St. Luke's support the legislation.
- **SB 818:** Aligning Pennsylvania's Ambulatory Surgery Centers (ASCs) Procedures with the Centers for Medicare and Medicaid Services (CMS). On July 26, 2021, Representative Judy Ward (R-Blair) introduced legislation to align the procedures permitted in Pennsylvania's ASCs with policies adopted by CMS, since Pennsylvania's regulations are more restrictive. On January 19, 2022, the bill was approved by the Senate and sent to the House Health Committee. HAP and St. Luke's support this legislation.
- **SB 1019:** Covid Regulatory Flexibility. On January 14, 2022, Senator Michele Brooks (R-Crawford) introduced legislation requiring that each Pennsylvania state agency issue a report no later than May 31, 2022 identifying any statute, rule, or regulation that was temporarily suspended by the emergency declaration that the agency recommends for permanent suspension. On January 24, 2022, the bill was approved by the Senate and sent to the House State Government Committee. On January 26, 2022, the committee approved the legislation, and it is currently awaiting consideration by the House.
- **HB 889:** Updating International Nursing Licensure Exam Requirements. On March 15, 2021, Representative Brett Miller (R-Lancaster) introduced legislation to amend the Pennsylvania Professional Nursing Law by allowing all graduates of an international professional nursing education program to sit for the registered nurse licensure examination, provided the Board of Nursing determines the program meets Pennsylvania's standards. Currently, the Professional Nursing Law allows graduates of nursing programs in foreign countries to sit for the licensure examination only if they have first been licensed in the foreign country. HAP and St. Luke's support this legislation.

New Jersey Issues

Legislation

- **Vaccine Mandate:** On January 19, 2022, Governor Phil Murphy (D) issued an executive order requiring all healthcare workers to obtain an initial COVID-19 vaccine dose by January 27, 2022 and receive a booster within three weeks of eligibility. The mandate, which is one of the most stringent in the nation, eliminates the test-out option for unvaccinated workers.

- **S2559**: Telehealth Coverage. On June 8, 2020, Senator Vin Gopal (D-Monmouth) introduced legislation to make permanent the payment parity of telehealth coverage currently required under the state’s emergency declaration. The bill would require insurance carriers, including Medicaid, to offer telemedicine services on the same basis and at the same reimbursement rate as services delivered in person. On June 30, 2021, the Senate and Assembly approved the legislation and sent it to Governor Murphy. On November 8, 2021, Governor Murphy sent a conditional veto to the Senate, recommending that the bill be amended to require the New Jersey Department of Health (NJDOH) to assess payment parity and make policy recommendations within 18 months. In the meantime, Governor Murphy recommended that payment parity remain until December 31, 2023 to give policy makers time to review the NJDOH report. On December 20, 2021, the Senate and Assembly approved the legislation, and the bill was signed into law by the Governor on December 21, 2021. St. Luke’s and the New Jersey Hospital Association support payment parity for telehealth services and await release of the NJDOH report.
- **S4139**: Extending Temporary Emergency Licensure of Certain Health Care Professionals. On November 12, 2021, Senator Joseph Vitale (D-Middlesex) introduced legislation to authorize out-of-state health care workers practicing under a temporary emergency reciprocal license, and recently graduated health care workers practicing under a temporary emergency graduate license, to continue to practice in the state until June 30, 2022. The bill would also authorize additional out-of-state and recently graduated health care workers to apply for, and be issued, a temporary emergency license to practice in New Jersey until June 30, 2022. On January 10, 2022, the bill was approved by the Senate and Assembly and signed into law by Governor Murphy.

Miscellaneous

- **Public Health Emergency**: On January 11, 2022, Governor Murphy signed Executive Order No. 280, reinstating the state’s Public Health Emergency. The Public Health Emergency allows the state to continue vaccine distribution, vaccination and testing efforts, the collection of COVID-19 data, and other critical components of the state’s COVID-19 response. The order also requires masking mandates in schools and daycare settings to remain in effect.

Federal Issues

Miscellaneous

- **CMS Vaccine Requirements**: On November 4, 2021, CMS published a rule requiring that healthcare workers at facilities participating in Medicare and Medicaid be fully vaccinated by January 4, 2022. On November 30, 2021, a federal district court in Louisiana issued a preliminary injunction preventing enforcement of the rule in 14 states. The mandate was similarly stayed in 11 other states in two separate lawsuits. The injunctions were upheld on appeal, CMS further appealed the matters to the United States Supreme Court, and the Supreme Court upheld the mandate on January 13, 2022. CMS previously announced that it would begin enforcing its vaccine mandate at facilities located in the 25 states where the mandate was not enjoined, including Pennsylvania and New Jersey, and CMS released guidelines for the mandate. According to the guidelines, by January 27, 2022, facilities in those states are required to ensure that all staff have at least one dose of the COVID-19 vaccine or have a qualified exemption, or face termination from the Medicare and Medicaid health insurance programs. By the end of February, staff must be fully vaccinated or have a qualified exemption. CMS has authorized its surveyors and accrediting organizations to begin surveying for compliance with the vaccine mandate on February 28, 2022. CMS extended the deadlines by three weeks in the 25 states where the mandate had been enjoined.
- **Federal Public Health Emergency**: On January 18, 2022, the United States Department of Health and Human Services extended the national public health emergency for another 90 days. The extension ensures critical pandemic waivers and flexibilities remain amid the latest COVID-19 surge. The emergency was set to expire on January 16, 2022. The American Hospital Association advocated for the extension.