

Government Relations Update – May 17, 2022

Pennsylvania Issues

Legislation

- **HB 1644**: Medicaid Care Transition Program. As previously reported, on April 29, 2019, Representative James Struzzi (R-Indiana) sponsored a resolution directing the Joint State Government Commission to study the Commonwealth's behavioral health needs and possible solutions for better access to care and referrals for treatment. Based on the results of the study, on June 16, 2021, Representative Struzzi introduced legislation directing the Pennsylvania Department of Human Services to develop a statewide process to place patients who are enrolled in Medicaid with behavioral health or other long-term care needs in appropriate care settings in a timely matter. On April 26, 2022, the legislation was approved by the House Health Committee and is currently awaiting consideration by the House. St. Luke's University Health Network and the Hospital and Healthsystem Association of Pennsylvania (HAP) support this legislation.
- **HB 2590**: Nursing Board & Licenses. On May 11, 2022, Representative Dawn Keefer (R-York) introduced legislation to prohibit the State Board of Nursing from reviewing and approving applications as a prerequisite for nurses to be eligible for the nurse licensure exam, since the Board's process of reviewing and verifying completion of a state accredited program is unnecessary. The legislation is being reviewed by the House Professional Licensure Committee. St. Luke's and HAP support this legislation.
- **SB 818**: Aligning Pennsylvania's Ambulatory Surgery Centers (ASC) Procedures with the Centers for Medicare and Medicaid Services (CMS). As previously reported, 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, on April 26, 2022, it was approved by the House Health Committee. The legislation is currently awaiting consideration by the House. St. Luke's and HAP support this legislation.
- **Hospital Name Badges**: As previously reported, under the Health Care Facilities Act, employees of a licensed facility are currently required to have the name of the licensed facility displayed on their photo ID badge. The Act does not take into consideration that the name of the health system or hospital may be more identifiable to the patient than the name of the actual licensed facility. St. Luke's was recently cited by the Department of Health for failing to comply with the Act. On April 28, 2022, Representative Tim Twardzik (R-Schuylkill) circulated a co-sponsorship memorandum for legislation to amend the Act so that health system names and fictitious names can be used on the badges. St. Luke's and HAP support this legislation.

Federal Issues

Legislation

- **H.R. 3173**: Improving Seniors' Timely Access to Care Act of 2021. On May 13, 2021, Congresswoman Suzan DelBene (D-WA-1) introduced legislation to establish a more streamlined and transparent electronic prior authorization process for Medicare Advantage patients. There are 292 co-sponsors for the bill, including every Pennsylvania representative and Congressman Tom Malinowski (D-NJ-7). The legislation is being reviewed by the House Ways and Means Subcommittee on Health.

On April 27, 2022, the Office of Inspector General (OIG) released a report concluding that prior authorization denials by Medicare Advantage Organizations (MAO) are impacting patient access to care. In the report, the OIG found that MAOs ultimately approved 75% of requests that were initially denied. The American Hospital Association (AHA) and St. Luke's support this bill, as prior authorization denials continue to be a significant administrative burden.

- **H.R. 432:** Mental Health Access Improvement Act of 2021. On January 21, 2021, Congressman Mike Thompson (D-CA-5) introduced legislation to require coverage of services performed by Licensed Professional Counselors (LPC) under the Medicare program. In Pennsylvania, Medicaid (but not Medicare) covers treatment by LPCs, and in rural areas, there are often more LPCs available than all other types of mental health professionals. The legislation is being reviewed by the Energy and Commerce Subcommittee on Health. St. Luke's supports this legislation, as Medicare coverage of LPCs would greatly reduce the number of people waiting for behavioral health services.
- **H.R. 2035:** Improving Access to Mental Health Act of 2021. On March 18, 2021, Congresswoman Barbara Lee (D-CA-13) introduced legislation to increase the Medicare reimbursement rate for clinical social worker services. Additionally, the bill would require reimbursement for services provided by clinical social workers within skilled nursing facilities. St. Luke's supports this legislation.
- **H.R. 1332:** Telehealth Modernization Act. On February 25, 2021, Congressman Earl L. "Buddy" Carter (R-GA-1) introduced legislation to extend certain flexibilities that were initially authorized during the public health emergency relating to COVID-19. The bill would ensure that patients can access telehealth anywhere by permanently removing Medicare's geographic and originating site restrictions, which had required for reimbursement purposes that the patient live in a rural area and use telehealth at a doctor's office or another clinical site. The legislation is currently being reviewed by the Energy and Commerce Subcommittee on Health. St. Luke's supports this legislation.

Miscellaneous

- **Medicare Sequestration:** As previously reported, on March 4, 2021, Senator Tim Kaine (D-VA) introduced legislation to delay scheduled payment cuts to physicians, therapists, and health care professionals, including the 2% Medicare sequester, the 4% reduction to providers under the Pay-As-You-Go Act of 2010 (PAYGO), and the expiration of the 3.75% payment increase for physicians set to take place on January 1, 2022. On December 7, 2021, the House passed a bill that provided a three-month extension of the moratorium on the Medicare sequester payment reductions, delayed the PAYGO reduction until 2023, and reduced the scheduled 3.75% payment cut to physicians to 3% until March 31, 2022. On December 9, 2021, the Senate passed the bill, and President Joe Biden (D) signed it into law on December 10, 2021. The Medicare sequester payment reductions were later delayed again until June 30, 2022. If enacted, the Medicare sequester payment reduction alone would cost St. Luke's approximately \$18 million annually. St. Luke's and the AHA are urging Congress to reverse these cuts.
- **H.R. 7475:** Mamas First Act. On April 7, 2022, Congresswoman Gwen Moore (D-WI-4) introduced legislation that would expand Medicaid coverage for services provided by midwives, provided that the midwife completes a midwifery education program. The legislation is being reviewed by the House Committee on Energy and Commerce. St. Luke's supports this legislation. Currently, midwives do not need to be certified to practice in Pennsylvania, and this lack of oversight has resulted in preventable injuries to babies and mothers.