



Monday, March 16, 2015

2015 Regular Session Complete

The 2015 60-Day Regular Session of the Legislature ended on Saturday, March 14 at midnight, with the passage of **261 bills (135 Senate Bills and 126 House Bills)**.

We're in the process of reviewing final language as it pertains to bills of interest to WVHA and will provide a more complete and comprehensive summary of relevant bills in the coming days and weeks ahead. For now, here's a link to **all** bills that completed legislative action this session: http://www.legis.state.wv.us/Bill_Status/Bills_all_pass.cfm?year=2015&sessiontype=RS&btype=bi
[ll](#)

As we reported last week, several WVHA-agenda related and/or hospital important bills of interest completed legislative action and have either been signed by the Governor or are awaiting his Action. WVHA has requested the Governor's signature on many of the bills awaiting Action.

- 1. MPLA Generally – [SB 6](#) - to modernize aspects of Medical Practice Liability Act (MPLA) Completed legislative action;**
- 2. MPLA Clinical Practice Plans - [SB 532](#) -Relating to civil liability immunity for clinical practice plans and medical and dental school personnel. Completed legislative action;**
- 3. Physicians' Mutual - [HB 2811](#) – Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company. Completed legislative action;**
- 4. Hospital UPL Program - [SB 398](#) - to continue the current Hospital Upper Payment Limit Program for an additional year. Completed legislative action. Signed by the Governor;**
- 5. Hospital Assessment to the WV Health Care Authority– [HB 2652](#) - to reduce the hospital assessment paid to the WV Health Care Authority. Completed legislative action;**
- 6. Penalties related to Rate-Review under the WV Health Care Authority – [SB 336](#) - Eliminating Health Care Authority's power to apply certain penalties to future rate applications. Completed legislative action;**

7. **CON Affected Parties Out-Of-State** - [HB 2595](#) – Relating to certificates of need for the development of health facilities in this state. **Completed legislative action;**
8. **CON Neonatal Abstinence Centers** - [HB 2999](#) – Relating to Neonatal Abstinence Centers. **Completed legislative action;**
9. **AARP’s Caregiver Act** - [HB 2100](#) – “Creating Caregiver Advise, Record and Enable Act” – **Completed legislative action**

[Other Health Care Bills Complete Legislative Action](#)

Numerous healthcare related bills completed legislative action this session and below is a **small** sampling. If you have a question about a particular bill listed or one you do not see, please feel free to contact me at tgregory@wvha.org.

- [HB 2103](#) – Relating generally to boards of examination and registration;
- [HB 2272](#) – Relating to Authority of Board of Pharmacy;
- [HB 2432](#) – Relating to licensure requirements to practice pharmacists care;
- [HB 2493](#) – Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct healthcare services that cover anti-cancer medications;
- [HB 2496](#) – Adopting the Interstate Medical Licensure Compact to implement a streamlined process that allows physicians to become licensed in multiple states;
- [HB 2568](#) – Pain-Capable Unborn Child Protection Act;
- [HB 2648](#) - Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency;
- [HB 2662](#) – Eye Care Consumer Protection Law;
- [HB 2733](#) – Removing certain combination of drugs containing hydrocodone from Schedule III of the controlled substance law;
- [HB 2776](#) – Relating to prescribing hydrocodone combination drugs for duration of no more than 3 days;
- [HB 2880](#) – Creating an addiction treatment pilot program;

- **HB 2931** - Adding drugs to the classification of schedule I drugs;
- **HB 2976** – Expanding the eligible master’s and doctoral level programs for which a Nursing Scholarship may be awarded;
- **SB 267** – Repealing code relating to the Governor’s Office of Health Enhancement and Lifestyle Planning;
- **SB 277** – Requiring issuance by State Registrar of certificate of birth resulting in stillbirth;
- **SB 286** – Relating to immunizations;
- **SB 295** – Establishing an appeal process for DHHR Board of Review and Medicaid decisions;
- **SB 363** – Establishing maximum rates and service limitations for reimbursement of healthcare services by the WV Court of Claims;
- **SB 366** – Creating Patient Protection and Transparency Act (related to qualified health plans sold on the WV Health Exchange);
- **SB 523** – Creating Alcohol and Drug Overdose Prevention and Clemency Act;
- **SB 542** – Reforming provisions of Consumer Credit and Protection Act relating to debt collection;
- **SB 559** – Relating to social work licensing exemptions; and
- **SB 583** – Increasing tax rate for one year on providers of certain nursing facility services

Employer Community Bills Complete Legislative Action

A number of bills supported by and on the radar of the business community throughout the 60-day Regular Session completed legislative action including the following:

- **SB 12**– Relating to payment of separated employee’s outstanding wages;
- **SB 13** – Reinstating open and obvious doctrine for premises liability;
- **SB 37** - Relating to arbitration;
- **SB 318** – Relating to payment of wages by employers;
- **SB 344** - which deals with unmitigated front pay awards;

- **SB 361** – Prevailing Wage;
- **SB 421** –Punitive Damages;
- **SB 423** – Amending Above Ground Storage Tank Act;
- **HB 2002** - Comparative Fault;
- **HB 2011** – Deliberate Intent

A word about the Budget

Although the 60-Day Regular Session concluded at midnight March 14th, Governor Tomblin called for an extended session through Wednesday to complete work on the FY 2016 Budget.

The focus will be on reconciling the differences between the 2 legislative budgets as proposed by the Senate and House last week. Their starting point was the Governor's Budget released back in January. His revised budget calls for using \$15.5 million from the Rainy Day Fund which is less than what he originally proposed in January. This is due to growth in local property taxes that will decrease the state's share of school aid funding, and better than expected investment returns. His budget still calls for about \$72 million in cuts absorbed in the areas of public education, higher education and health and human services. No specific cuts have been proposed to hospital payments. We're hearing that the overall differences between the Legislature's budget(s) and the Governor's budget are not too far off.

As for healthcare related items in the budget...several FY 2015 supplemental budget bills were approved during the 2015 Session including HB 3021 increasing general fund appropriation to Medicaid by \$41,238,413. This supplemental will carryover in to FY 2016 and reduce estimated rainy day funding. Both the House and Senate increased general fund appropriations to Medicaid by approximately \$26M to address changing federal match rate projections. Other line item specific appropriations remain unchanged allocating \$6.8, \$2.6 and \$6 million to the enhanced payment program, among other healthcare related appropriations.

WVHA will continue to follow the activity around the budget and report on any significant developments, specifically as it relates to Medicaid and other healthcare related items.

If you have any questions regarding legislative issues/activity, please do not hesitate to contact me at the Association at (304) 353-9719 or tgregory@wvha.org. Thanks. Tony

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