



MSD

Legislative e-Update

July 2, 2018

149th General Assembly Closes: Strong Year for Physicians

After what seemed to be shaping up as an easy June 30 compared to last year, the legislature hit a last-minute bump in the road. Delaware's full budget really comes in three pieces, or "money bills" - the budget, the bond bill, and grant-in-aid. While one piece was done early, the other two caused a serious scare that the legislature would again fail to complete its duties by the close of June 30th. By 8:40 a.m. on July 1st, all three passed after hours of frenzied negotiations, which as result will set the stage for when the 150th General Assembly convenes in January 2019.

Once again, health care legislation continued to take a prominent role in Dover, and once again the Medical Society of Delaware (MSD) was there every step of the way to advocate on behalf of MSD members and their patients. When the gavel came down to close the 149th General Assembly, it marked a strong year for MSD that included many notable successes. Below are a few critical bills that the Society worked on your behalf in the closing days of session. [Read comprehensive list of bills reviewed by the Government Affairs Committee.](#)

Primary Care ([SB 227](#)) Gets Unanimous Votes - MSD Members Made the Difference! - Crafted by the Medical Society of Delaware alongside Rep. Bentz and Sen. Townsend, this bill which sets the reimbursement floor for primary care services at Medicare made headlines throughout the state. Thanks to impressively strong and determined advocacy efforts from MSD members, and concentrated efforts by the primary care community in particular, Senate Bill 227 headed to the Governor's desk on June 28th. A loud and clear grassroots MSD member mobilization made a tremendous impact in driving home the urgency of the primary care crisis for independent practices. With the first step successfully passed, ongoing engagement will be critical to ensure the work started this session continues into the next.

Benchmarking Health Care Largely Absent - [Executive Order 19](#) expired June 30th, dissolving the benchmark's temporary advisory group. While neither legislation nor a report were issued by the end of session, comments from previous meetings of the group, found on the [DHSS website](#), are being aggregated and next steps are expected in the coming weeks.

Marijuana Legalization Fails in Floor Vote ([HB 110](#) & [HCR 52](#)) - With both its House and Senate sponsors retiring, marijuana legalization came to a vote on the House floor. Thanks to a concerted opposition effort which included addiction, travel, and health advocates, the bill failed to receive the votes

needed, falling well-short even after the sponsor amended the bill to lower its necessary vote total to 25. MSD was well-represented on the official task force as a valuable ear and voice for Delaware physicians for this highly debated issue.

Mental Health & Guns ([HB 302](#)) - In 2013 the Psychiatric Society of Delaware through the Medical Society, worked with Attorney General Beau Biden in crafting HB 88, which sought to create a mechanism to remove firearms from persons a danger to self or a danger to others with due process. While the bill cleared the House unanimously, it ultimately failed in the Senate. In 2018 the legislation resurfaced in a wave of gun bills. After additional due process amendments, the legislation sailed through both chambers and became law in April. Also passed on June 30th was [Senate Bill 230](#) which imports federal mental health parity reporting requirements to the state level.

Personal Injury Protection Fee Schedule ([SB 161](#)) - Insurance Commissioner Navarro proposed legislation seeking to import the worker's compensation fee schedule into the Personal Injury Protection (PIP) system. Early questions and concerns were raised by MSD and other system participants leading the Commissioner to convene stakeholder meetings to explore a path forward to lowering PIP costs in the 2019 legislature.

Women's Health Bills - The Society both supported and opposed bills pertaining to women's health this session. Paid family leave for state employees ([HB 3](#)), supported by the Delaware Section of American College of Obstetricians and Gynecologists (ACOG) and Delaware Chapter, American Academy of Pediatrics (AAP), was signed into law on June 30th. Just minutes before, insurance coverage for infertility treatment was signed as well ([SB 139](#)). Earlier in June, MSD-crafted legislation enabling expedited partner therapy for the treatment of sexually transmitted infections for patient and non-present partner passed in both chambers ([SB 157](#)). MSD opposed, for lack of evidence, anti-abortion legislation, [SB 205](#), a 20-week abortion ban, and a mandatory ultrasound offering bill, [SB 240](#). Neither of these bills advanced.

Opiates & Pain Treatment - Several opiate bills were filed this year. Notably, [SB 225](#) and [SB 176](#). The former opened up patient access to chiropractic and physical therapy; it passed on June 30th. The latter explored an opiate impact fee - a \$.01 per morphine milligram equivalents fee - expected to raise between \$4 million and \$9 million to be used on anti-addiction efforts; it was tabled before the end of session.

Patient Privacy & Prescription Monitoring Program ([HB 458](#)) - Attorney General Denn pushed legislation that would lower the threshold for law enforcement to search patient data in the prescription monitoring program. Alarmed that patient privacy was being boldly assaulted, MSD, along with the ACLU and the Office of the Public Defender sounded the alarm swiftly and the bill was withdrawn for further discussion over the summer and fall.

Novel Legislation: Experimental Treatment ([HB 319](#)) - First in the nation, MSD crafted and passed legislation designed to create an efficiency in bringing experimental treatments like tomotherapy to patients more quickly and consistently among insurance plans.

MSD actively monitors all health related legislation and maintains an active and visible presence in Legislative Hall on your behalf.

If you have questions, please contact Mark B. Thompson, Executive Director at 302-444-6958, Mark.Thompson@medsocdel.org or Drew Wilson, Attorney at 302-888-6878, awilson@morrisjames.com.

The Medical Society of Delaware Legislative e-update is a benefit to our members, providing information on legislative activity of interest in the 149th General Assembly in Dover.

