

WYOMING MEDICAL SOCIETY

2010 Final Legislative Report

OVERVIEW OF THE 2010 BUDGET SESSION

Budget sessions occur in even numbered years in contrast to general sessions that convene in odd numbered years. Budget sessions run only 20 days and are primarily focused on establishing the biennial budget. On March 5 the Legislature recessed after a fast and furious bill session. At the end of the fourth and final week of the session, approximately 121 of all introduced measures have stayed alive and await action from the Governor, out of 224 total introduced measures.

The Budget Bill, a general appropriations bill for the operation of state government over the next two years, cleared each chamber and was signed by the Governor. The \$2.9 billion spending bill for the biennium is over \$900 million less than the appropriations amount for the previous two-year period, though this amount may change through supplemental spending actions one year from now to adjust for economic conditions and more clear revenue projections. Medicaid funding, with an influx of \$110 million in federal stimulus funds, is anticipated to cover any anticipated shortfalls even though the Medicaid rolls grow month by month in the down economy. Also, in his farewell address at the end of the session on Friday, Governor Freudenthal applauded the Legislature for not tapping into the State's "Rainy-Day Accounts" and preserving those monies for future sessions when they may be needed even more than today.

The biggest news of the week came when Governor Freudenthal announced he would not seek to overturn state law and pursue a third term in office. Rumors had circulated for weeks in the Capitol that he would make this announcement each day, but finally announced his decision on March 4. He stated, "I think that we all have our season. And unless something really irritates me, really bad, which has been known to happen, I think the right thing is to simply say, 'I have had my season, we have had our time, and now it is for someone else.'" Announced republican candidates include former US Attorney Matt Mead, State Auditor Rita Meyer, and former legislator Ron Micheli, and an expected announcement from House Speaker Colin Simpson in the coming weeks. No candidates have announced on the Democratic side, though names suggested include Cheyenne lawyer Paul Hickey and Senator Mike Massie (D-Albany).

Former WMS President, Rep. Timothy Hallinan (R-Gillette) is recovering at home in Gillette after being discharged from the Wyoming Medical Center in Casper. Dr. Hallinan underwent a multiple-bypass surgery on Feb. 1 after he experienced chest symptoms. He was discharged from the hospital on February 16th, but was unable to attend the Budget Session during his recovery. WMS wishes Dr. Hallinan a healthful and speedy recovery.

The following list of bills surfaced as priority initiatives from the 17 bills that WMS closely monitored throughout the 2010 Budget Session.

Wyoming Medical Society

■ P.O. Box 4009, Cheyenne, WY 82003 ■ 307.635.2424

■ www.wyomed.org ■ info@wyomed.org

SUMMARY OF IMPORTANT 2010 BILLS

Unless otherwise noted, the Governor is expected to sign each bill. To see a comprehensive list of health related bills monitored by WMS staff, please visit the WMS website at: <http://www.wyomed.org/legislature.asp>.

MEDICAL REVIEW PANEL AMENDMENTS SURVIVE, EFFECT UNCLEAR

The final version of HB 26, Medical Review Panel, is headed to the Governor's office for signing. The "loser-pays" provision, initially proposed by Rep. Tim Hallinan, MD, did not survive the process. However, Physician and hospital advocates are eager to see if language attempting to ensure inadmissibility of panel proceedings in future court proceedings, discoveries and decisions will increase utilization of the panel, reduce frivolous lawsuits, and reduce the highest professional liability in the region for Wyoming health providers.

TORT REFORM EFFORT UNSUCCESSFUL

Representative Hallinan, MD continues to feel the political environment is adequate to pursue a constitutional amendment to limit the non-economic damages that may be recovered for causing personal injury or death of any person. The Wyoming Medical Society supported Representative Hallinan, MD in his efforts, however Dr. Hallinan was unable to champion the issue due to an unexpected surgery. House Joint Resolution 6 was heard voted on for introduction but was unable to garner the needed 2/3 vote of approval by a count of 38-20. While an encouraging vote, WMS will have to redouble its efforts to better educate legislators and work to fill the Capitol with more tort reform minded legislators this political cycle.

THIRD TIME A CHARM FOR HEALTH REFORM PILOT

After being defeated in 2008 and 2009, the innovative health reform pilot finally cleared the Legislature and is expected to be signed by the Governor. SF 61 would include 500 patients in a pilot project that tries to contain the costs of providing patients with incentives to stay healthy. Governor Freudenthal has pushed for the pilot in an attempt to utilize a more cohesive system of helping the most expensive patients take personal responsibility to reduce their cost of care through prevention and reduced emergency room visits. If the initial program works at curbing costs, it will be expanded to 3,000 patients. In 2008 the bill died in the House Labor Committee, and in 2009 it died on its third reading on the House Floor. WMS strongly supported the measure.

MIDWIFE LICENSURE BILL ONE OF THE MOST STRINGENT IN THE COUNTRY

Given the will of the Legislature to allow midwifery as an alternative option for women in Wyoming, WMS did its best to work with legislators and proponents of the bill to ensure the consideration of the safest midwife license act possible to protect Wyoming's patients. The 14 amendments that WMS worked diligently to have included helped to narrow the scope of the midwife practice, provide highly increased patient safety for the mother and baby, provide increased liability protections for subsequent health providers, as well as allow for consistent continuity of care in emergency situations.

WMS advocates have carefully walked a very fine line with regard to this measure, understanding well the great opposition the majority of our members feel about the practice of lay midwifery in our state. Throughout the debate WMS maintained that hospitals staffed by trained physicians remain the safest and most optimal place for women to deliver babies. However, WMS offered that if it was in fact the will of the legislature to license certified professional midwives and provide the alternative home birth option to Wyoming families we would do our best to structure the safest bill possible that addressed concerns surrounding patient safety, education, training and standards of care. If signed, the amended bill currently being considered by the Governor will be one of the most stringent measures in the country. WMS very much appreciates the overwhelming support received from the AMA Advocacy Resource Center and could not have accomplished what we did without the tremendous help of a generous funding grant from the AMA Scope of Practice Partnership.

SENATE DECIDES AGAINST FULL PRIVILEGES FOR NURSE PRACTITIONERS

In a very close vote of 16 nays to 14 ayes a measure sponsored by Senator Charlie Scott (R-Natrona) to grant nurse practitioners full admitting privileges in Wyoming hospitals was narrowly defeated this morning. WMS alerted the membership to this alarming bill and appreciates all the messages that were sent from our physicians to state Senators requesting opposition of this initiative. While WMS recognizes the important role of APNs within the healthcare team in Wyoming, we expressed great concern at expanding their scope to hospital care without any further training. If passed, this bill would have allowed Nurse Practitioners to practice in Wyoming hospitals without any supervision from a physician. WMS held firmly that if a patient was ill enough to require acute care in a hospital, that patient deserved the care of a trained physician with expertise in treating patients in a hospital setting.

BILL AIMS TO PROVIDE THE ELDERLY SELF-DIGNITY AND BETTER CARE

HB 86, Medicaid - Elderly Care, would allow Wyoming entities to implement localized “Programs of All-Inclusive Care for the Elderly (PACE)”. PACE is a capitated benefit that features a comprehensive service delivery system and integrated Medicare and Medicaid financing. For most participants, the comprehensive service package permits them to continue living at home, maintaining their self-dignity, while receiving needed services rather than being institutionalized, all at a cost savings to the State Medicaid Office. Representative Lori Millin and geriatrician Kristina Stefka, MD, both of Cheyenne, carried the bill through the Legislature.

EFFORT TO ALLOW INTERSTATE SALES OF HEALTH INSURANCE ADVANCES

Speaker Colin Simpson’s innovative proposal to allow for further study of health insurance sales across state lines is headed to the Governor. The bill is intended to increase competition and drive down the cost of health insurance for consumers, increasing access to care. The bill would create a multi-state consortium to eliminate duplicate regulations and decrease the administrative costs of care. Currently an interstate compact allows life insurance policies to be sold in 40 states. However, it is not clear if other state insurance commissioners would be interested joining a multi-state consortium or evaluating uniform health insurance regulations. It is unclear if the Governor will sign the measure.

BILL TO ALLOW MORE PHYSICIAN DISCRETION PROGRESSES

The Legislature approved a measure to amend the Wyoming Cancer Control Act to authorize physicians to complete follow-up colorectal cancer screening tests if deemed medically necessary. Currently, the Cancer Control Act only authorizes one colorectal cancer screening in a ten year period. House Bill 11, Cancer Control Act, sponsored by Representative Ken Esquibel and Co-sponsored by Representatives Barbuto, Bonner, Byrd, Childers and Millin and Senators Landen, Martin and Meyer is strongly supported by the Wyoming Medical Society.

HEALTH FREEDOM ACT STRIKES OUT TWICE

The Wyoming Liberty Group, a Wyoming non-profit group with a mission of pursuing libertarian principles, brought this proposed amendment to the Wyoming Constitution. The amendment had two goals, first to protect the individual’s right to choose their own health care and prohibit the federal government from forcing people into any plan. It also prohibited implementation of fines or penalizing individuals who choose not to participate in a government run health care program. Second was to protect the right of individuals to purchase and for doctors to provide lawful medical services without government fines or penalties.

Some groups, such as the Wyoming AARP, claimed the amendment would jeopardize the federal match of Medicaid funding. Other healthcare groups raised concerns that the amendment might make it more difficult to develop solutions to provide health insurance coverage for the uninsured.

After falling two votes short of the needed 20 votes for introduction in the Senate on Tuesday, the Health Care Freedom Amendment failed by the same margin on Thursday afternoon in the House. The vote was 38 in favor of introduction with 19 opposing and three excused. With the exception of Owen Petersen, R-Uinta, who opposed the amendment, the vote was along party lines with Democrats opposing the amendment and Republicans supporting it.

YOUTH PROTECTED UNDER TANNING BED LEGISLATION

House Bill 63, tanning salons-minors, sponsored by Representative Millin, prohibits allowing the use of ultraviolet tanning devices by minors under fourteen (14) years of age unless a parent or legal guardian is present. WMS expressed support of this bill in Committee as a commendable effort by the legislature to protect young people in Wyoming who may not fully understand the damaging effects of tanning beds.

MENTAL HEALTH STATUTES AMENDED

The Select Committee on Mental Health and Substance Abuse Services brought a bill to the Senate to consider amending Title 25. The changes intend to clarify the liability for costs of emergency detention, specify the responsibility for transportation of a detainee and authorize counties to establish a single point of responsibility for treatment.

PHARMACEUTICAL REGULATION BILL DIES

SF 67, Pharmacy Benefits Management, died in the House Corporations Committee on Thursday of this week. The bill would have required pharmacy benefit managers to register and pay a license fee with the State of Wyoming, as well as disclose all financial terms and arrangements for remuneration that apply between the pharmacy benefits manager and any prescription drug manufacturer or labeler, including formulary management and drug substitution programs, educational support, claims processing and pharmacy network fees that are charged from retail pharmacies and data sales fees. The proponents of this legislation, including Dr. Eric Wedell of Cheyenne, claimed the bill would provide greater transparency to providers and patients. Opponents of the bill, including the Pharmaceutical Research and Manufacturers of America (PHARMA), carried the day by demonstrating how the bill required disclosure of proprietary information and would benefit consumers.

WMS THANKS THE 2009 DOCTORS OF THE DAY

Wyoming Legislators and Capitol staff have come to depend on the presence of health care providers at the Capitol each day. Knowing that a health care professional is available to tend to health care needs is important to many people involved with the legislature each year and WMS is proud of the valuable service we are able to provide through the generosity of our members. Thank you for your dedication to Wyoming medicine and the sacrifices you make to be able to volunteer each year.

2010 DOCTORS OF THE DAY

Kay Buchanan, MD	~	Torrington	Steven Orcutt, MD	~	Casper
David Gajda, MD	~	Cheyenne	Behice Ozbay, MD	~	Cheyenne
Peter Hanna, MD	~	Cheyenne	Doug Parks, MD	~	Cheyenne
John Healey, MD	~	Cheyenne	Tom Radosevich, MD	~	Casper
Rene Hinkle, MD	~	Cheyenne	Gerry Smith, MD	~	Cheyenne
Randy Johnston, MD	~	Cheyenne	Steve Trent, DO	~	Casper
Ron Malm, DO	~	Cheyenne	Eric Wedell, MD	~	Cheyenne
Diane Noton, MD	~	Cheyenne	Mark Wurzell, MD	~	Powell

This information provided as a service to members of the Wyoming Medical Society.
Questions? Contact Executive Director Sheila Bush at 307.635.2424 or email info@wyomed.org