

2019 LEGISLATIVE SUMMARY

GOVERNOR Gordon offered closing remarks after one o'clock am Wednesday morning to help Wyoming's 65th Legislature adjourn the 2019 Session. After 35 days of early mornings and late nights debating issues ranging from taxes and block chain to mandating work requirements for Medicaid eligibility and healthcare pricing transparency, the legislature called it a wrap.

Wyoming Medical Society (WMS) advocates followed 49 legislative bills. The WMS Board of Trustees voted to support 19, remain neutral on 22 and oppose 8. We prevailed in persuading the majority of legislators to agree with our position on almost 63% of issues and failed to find success on 20% of the bills.

Our 2019 successes were due in large part to the grassroots efforts of our members. More than 50 separate emails were written and sent to Wyoming lawmakers using the WMS website platform with even more sent through the ophthalmology advocacy tool. Additionally, more than a dozen Wyoming papers ran articles and letters to the editor regarding one of this year's more lively scope of practice debates focused on eye care in the state.

Finally, it can't go without saying that our physician advocates who came to testify on legislation or work the lobbies alongside our advocacy team made all the difference this year. Thank you to the following physicians who took time away from busy practices and traveled sometimes snowy roads to be in Cheyenne fighting medicine's fight. **Thank You!**

MATT DODDS, MD
LARYSSA DRAGAN, MD
LISA FINKELSTEIN, DO
BIRD GILMARTIN, MD
ANNE MILLER, MD
JENNIFER NOTTAGE, MD
ANDREW ROSE, MD
SHAUN SHAFER, MD



WMS President Lisa Finkelstein, DO, visits with Governor Mark Gordon in the halls of Wyoming's temporary capitol.

ODD years are general session years and even years are years set aside for establishing the state's biennium budget. Policy issues must garner a favorable vote from two-thirds of the body to be introduced during budget sessions but only need a simple majority in general session years. It was clear to see that 2019 was a general session year with 482 house bills and senate files and more than 20 joint resolution proposals.

The supplemental budget is designed to provide emergency funding for agencies that anticipate deficits in their biennium budget appropriation. This year's supplemental budget provided

for a general fund appropriation increase of \$112.9 million, \$29.3 million federal fund appropriation increase and another \$67.7 million increase in other funds. It further authorized an increase of seven positions taking the state to a total of 7,692 authorized positions (7,386 full-time and 306 part-time).

The Wyoming Department of Health saw a total increase of \$21,115,645 in general fund, \$22,312,093 in federal funds and \$14,397,928 in other funds.

The legislature also saw fit to revert the UW Family Medical Residency Program back to the full University

of Wyoming Agency budget. In 2008 the medical education budgets were separated from the full University of Wyoming agency budget 067 to their independent agency budget 167. Bringing the 167 agency budget back under the UW 067 achieves a variety of things not the least of which is formally designating employees of the residency programs and WWAMI as UW employees enabling them to receive salary increases and other benefits the same as other UW employees rather than standing alone as a separate agency.

SCOPE OF PRACTICE DISCUSSIONS CONSUME WMS EFFORTS

HEALTHCARE profession licensure debates took on new life this year with members of the Senate and House willing to invest personal political capital to see results of certain outcomes. The tone was set early when Senate President Drew Perkins (R - Casper) prioritized scope expansion for healthcare providers in his opening remarks by saying that, "we need to look at allowing healthcare providers the opportunity to allow their practice acts to expand to the extent of their training. We have to look at, and embrace, overlapping healthcare provider disciplines as a chance to enhance competitiveness and access to medical care in Wyoming without having to recruit a single new healthcare provider just by allowing them to perform the services in which they are trained."

WMS listened carefully to lawmakers who shared their thoughts echoing those of the Senate President. The struggle between convenience and safety was the focus of many heated debates as lawmakers grappled with a myriad of bills all seeking in one way or another to redraw the lines of the provider practice lanes in Wyoming's healthcare delivery highway.

A legislative proposal to establish licensure for naturopath providers failed to get a hearing as did another piece of legislation designed to open a new license type called Associate Physician for physicians who graduated from an accredited medical school but failed to complete a residency. Physical Therapy successfully set their eyes on lifting restrictions to patient direct access which WMS helped support based on a former agreement with the association to work together to ensure physical therapists would back away from practicing specialty medicine by employing electrodiagnostic testing methods without sufficient training to do so.

"WE CAN ENHANCE COMPETITIVENESS AND ACCESS TO MEDICAL CARE WITHOUT HAVING TO RECRUIT A SINGLE NEW HEALTHCARE PROVIDER JUST BY ALLOWING PROVIDERS TO PERFORM THE SERVICES IN WHICH THEY ARE TRAINED"
~ SENATE PRESIDENT DREW PERKINS

Optometry's desire to amend their practice act to allow access to therapeutic lasers and advanced scalpel procedures quickly dominated hallway conversations among lawmakers and lobbyists alike. Legislators felt compelled by optometry's ask to update a 25 year-old practice act to bring greater access opportunities to Wyoming patients. For many, allowing optometrists to perform YAG laser procedures such as capsulotomies, and trabeculeplesties, as well as advanced scalpel procedures on and around the eye seemed like a reasonable request.

Ophthalmology's position prevailed this year in part by stressing the inherent dangers of any invasive procedure and the emphasizing the role that hands-on residency training plays in differentiating physicians from other high-trained healthcare providers.

Thank you to all of you who engaged on these tough issues this year. Medicine has our work cut out for us and we look forward to continuing these important conversations.

OPIOID FEARS FORCE ACTION

SENATOR Eli Bebout (R-Riverton) championed legislation in 2018 to establish a statewide opioid addiction taskforce. Legislators were appointed to serve alongside healthcare professionals and law enforcement experts to come up with solutions that would help address growing concerns surrounding opioid abuse and addiction.

WMS physicians served on the taskforce working diligently to find meaningful solutions that would strike a fine balance between protecting prescribers from undue burdens and closing gaps in controlled substance regulations. Of the myriad of taskforce recommendations, the Labor, Health and Social Services Committees championed and ran two bills aimed at impacting controlled substance abuse in the state.

Senate File 46 limits prescribers to seven-day prescriptions to opioid-naïve patients, defined as anyone who has not had an active opioid Rx in the preceding 45 day period, for purposes of treating acute pain.

Senate File 47 directs the following changes to controlled substance prescribing effective July 1, 2019.

- Directs the Wyoming Board of Medicine to require licensees who are registered with the board of pharmacy to dispense a controlled substance to complete one hour of continuing education related to the responsible prescribing of controlled substances or the treatment of substance abuse disorders every two years.
- Mandates that all controlled substance prescriptions be through electronic means on and after January 1, 2021.
- Requires prescribers to search the Rx Drug Monitoring Program (PDMP) prior to prescribing any schedule II-V substance and shall repeat the search every three months thereafter for as long as the controlled substance remains part of the patient's treatment.



Members of the Joint Labor, Health and Social Services Committee meet at the end of Session to propose and discuss topics of interest for interim study and consideration. The conversation drew a crowd with whispers of excitement from onlookers to move back to Wyoming's historic Capitol. The Legislature is expected to convene a Special Session to commemorate the opening of the Capitol in July of 2019.

WWAMI DAY AT THE CAPITOL

FEBRUARY 19 was yet again a highlight of the session with Wyoming's WWAMI students spending their day at the capitol. After lunch with members of the House and Senate the medical students spent the afternoon listening to the Senate debate a contentious block chain bill and enjoying formal individual introductions in both chambers. The day concluded with a meeting with Governor Gordon where students shared their thoughts on

healthcare, answered the Governor's questions and got the opportunity to ask a few of their own.

This year was no different than any in recent past in seeing first hand just how fond the legislature is of this wildly successful program. WWAMI has been making Wyoming lawmakers proud since 1997 when the program began and that pride was on display this year when the students were introduced and both chambers stood, cheered and

nearly fell over themselves to come out to the gallery to meet and visit with the students. With an almost 70% return rate to the state, WWAMI continues to play an invaluable role in recruiting new physicians to live and practice in Wyoming.

CLASS of E-2018, you make us proud. Keep up the good work and know that Wyoming will happily be here to welcome you back.



Pictured above, left to right: Ryan Winchell - Cody, Amanda Golden - Cody, Ranae Wollman - Laramie, Elliot Trott - Jackson, Allana Hall - Laramie, Reno Maldonado - Laramie, Sean McCue - Cody, Jacob Zumo - Cheyenne, Trey Thompson - Cheyenne, Reed Ritterbusch - Sheridan, Daulton Grube - Rock Springs, Alexis Anderson - Jackson, Governor Mark Gordon, Adam Blaine - Gillette, Caleb Brackett - Big Piney, Logan Taylor - Sinclair, Rida Fatima - Rock Springs, Conner Morton - Casper, Aleksandra Zarzycka - Cheyenne, Jesse Hinshaw - Encampment, Marcus Couldridge - Casper.

MEDICAID

SEVERAL bills kept Medicaid policies in the spotlight this year. As of July 1, 2019, state Medicaid will reimburse certified midwives for home birth deliveries, but efforts to require that existing Medicaid recipients work, volunteer or get a certain number of hours of education to maintain eligibility were ultimately thwarted when the House defeated the measure on third reading.

While Medicaid expansion surfaced in policy debates again with a bill to fully expand and another to simply study the issue further, the really interesting conversation happened surrounding air ambulance services in the state. In what Senator Charlie Scott referred to as a "stroke of genius" majority floor leader Barlow may have found a way to skirt federal regulations prohibiting state regulation of air ambulance rates by creating a mechanism by which Medicaid would deem all air ambulance rates. House Bill 194 allows for any resident of Wyoming to be retroactively granted Medicaid eligibility for purposes of submitting a claim within 90 days of air ambulance transport for that air ambulance transport to state Medicaid for reimbursement. It allows for the Department of Health to set a copay that is proportionate to income to be paid to any air ambulance service provider.

PASSED LEGISLATION

- PT Direct Access - Support Amended
- Midwife reimb. in Medicaid - Oppose
- PBM Rx Cost Notification - Support
- Reporting of Abortions - Oppose until Amended
- State ID Medical Alert - Support
- FM Residency & FQHC - Support
- Opiate antagonist revision - Support
- Opioid Mandated CME - Support
- Opioid Rx Limits - Support
- Protection of Children - Support
- Medicaid Expansion Study - Support

FAILED LEGISLATION

- Use of Hemp Extracts - Support
- Gunshot/Stab Reporting - Support Amended
- Naturopathy Licensure - Oppose
- Abortion Waiting Period - Monitor
- Tobacco Tax - Support
- Medicaid Expansion - Support
- Associate Physician Lic. - Oppose
- Medical Marijuana - Oppose
- Abortion Penalties - Oppose
- Optometry Expansion - Oppose
- Mental Health Scope Exp - Oppose

THANK YOU TO OUR DOCTORS AND PAS OF THE DAY!

- Steven Beer, MD
- Kristina Behringer, MD
- Jake Behringer, MD
- Kimberly Broomfield, MD
- JJ Chen, MD
- Dustin Durham, MD
- David Fall, MD
- Lisa Finkelstein, DO
- John Healey, MD
- Lynn Horton, MD
- Larry Kirven, MD
- Ron Malm, MD
- Greg McCue, MD
- Matt Mitchell, MD
- Evan Norby, MD
- Doug Parks, MD
- Amy Shaw, PA
- Kristy Van Kirk, MD

CHILD ABUSE PROTECTIONS BECOME LAW

WYOMING'S physicians won a critical battle in fighting to gain an additional tool in protecting Wyoming's children with the passing and signing of enrolled act 51. Thanks to a few dedicated pediatricians, the support of the Wyoming Chapters of the American Academy of Pediatrics and the American Academy of Family Physicians and the tireless work of a few incredible legislators, children living in the same home as a child suffering abuse will have the opportunity to be examined by a physician to assess their physical health and well-being. Senator Wendy Schuler (R-Evanston) had a vision to make a positive impact for vulnerable children and recruited the help of her colleagues to make the vision a reality. Special thanks to Senators Affie Ellis, and Liisa Anelmi-Dalton for their support in the Senate as well as House Members Dan Kirkbride, Dan Zwonitzer, Eric Barlow, Clark Stith, Shelley Duncan and Pat Sweeney for their work and leadership in carrying this bill through the second chamber.

Because of this legislation, physicians and law enforcement can partner to ensure that when one child is removed for reasons of abuse, other children residing in that same home can be taken into temporary protective custody for a physical examination to ensure their safety.

Dr. Bird Gilmartin saw a problem and did what it took to fix it. This success is a testament to what physicians can do when we work together. Wyoming's children are better for this effort and we are deeply grateful to all those who worked to bring this to fruition. Thank you!



Governor Gordon signs Enrolled Act 51 - Protection of Children into law February 26, 2019

OUR PROCESS AND HOW TO GET INVOLVED

Ever wonder how the WMS determines positions on legislation or how you can do more to get involved? Each member is represented by a county medical society trustee who carries the voice of physicians in their area to the state board of trustees where policies are debated and decisions made about how and where WMS will focus efforts each legislative session. Disagree with something we did, or didn't do? We want to hear from you! Please never hesitate to contact your county trustee, listed on the WMS website at www.wyomed.org, or reach out to your WMS staff in Cheyenne.

WYOMING MEDICAL SOCIETY

Tel: 307-635-2424 | Email: info@wyomed.org