



## MARYLAND HEALTH CARE COMMISSION

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### Memo

**To:** Commissioners and Senior Staff

**From:** Megan Renfrew, Chief, Government Affairs and Special Projects

**Date:** March 13, 2020

**Re:** Update on Legislative Session

The last legislative policy conference call was held on February 28<sup>th</sup> or March 13<sup>th</sup>. This memo is intended to provide an update on legislative actions related to the Maryland Health Care Commission (the “Commission”) in lieu of a conference call.

No bills related to the Commission are scheduled for hearings during the week of March 16<sup>th</sup>, and thus no Commission actions are needed on bill positions. The remainder of this memo contains information on the status of bills that are of interest to the Commission as of Thursday March 12<sup>th</sup>. Each bill number contains a link to the Maryland General Assembly webpage for that bill.

### High Priority Bills

[House Bill 1486](#) / [Senate Bill 752](#) – Public Health – Non–Controlled Substance Prescription Record System Program - *Support*

These bills would establish an interoperable system that would pass information on prescriptions through the State-designated exchange and make that information available to health care providers at the point of service. This system was intended to reduce medication errors by providing access to an electronic prescription record for non-controlled substances (controlled dangerous substance prescription data is already collected and shared through the prescription drug monitoring program). Dr. David Sharp, the Center Director for HIT and Innovative Care Delivery, and Ben Steffen, the Commission’s Executive Director, testified in support of this bill in bill hearings in the House and Senate on March 6<sup>th</sup>. The House held a subcommittee meeting on Monday, March 9<sup>th</sup>. A number of individuals testified about privacy concerns with this approach and the subcommittee chair signaled that she would not likely let the bill out of committee. Mr. Ben Steffen has reached out to the Delegate Pendergrass, the committee chair, to discuss this bill.

[HB 935/ SB 728](#) Health Facilities - Freestanding Ambulatory Care Facilities - Administration of Anesthesia - *Support with Amendment*

Ben Steffen testified for this bill in the House and Megan Renfrew testified in the Senate. Mr. Steffen, Ms. Renfrew, and Paul Parker all worked closely with the Maryland Society of

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Anesthesiologists to reach a compromise that met the Anesthesiologists' goal of increased flexibility in regulation while meeting the regulatory goal of maintaining a clear difference between operating rooms and procedure rooms. Both bills have been amended by the committees of jurisdiction, and the House bill has been passed by the House and has crossed over to the Senate.

### **Lower Priority Bills**

[HB 915/ SB 632](#) - Health Facilities - Hospitals - Disclosure of Outpatient Facility Fees (Facility Fee Right-to-Know Act) -*Letter of Information*

This bill requires hospitals to provide patients with written, oral, or electronic notices of outpatient facility fee at the time appointments are made, and the patient must acknowledge this information before the appointment. Neither the House nor Senate bill has moved out of committee at this time.

[HB 926](#) – Hospitals and Freestanding Medical Facilities – Closing or Partial Closing – Public Notice - *Letter of Information*

This bill, which would require the Commission to provide more notice of hospital and FMF closures to communities and public officials, has not moved out of Committee. The Vice Chair asked MHCC staff present at the hearing to work with the Sponsor on this issue. MHCC staff will follow up with the Delegates.

[SB 669/ HB 1095](#) Public Health - Prescription Drug Affordability Board and Fund - *Support*

This bill establishes an annual assessment on prescription drug manufacturers, pharmacy benefit managers, carriers, and wholesale distributors to fund the Prescription Drug Affordability Board (PDAB). MHCC supported this bill. MHCC has been funding this Board through a loan, and this bill will allow the PDAB to reimburse MHCC. The Senate bill has been approved by the Senate Finance Committee and the House bill had a subcommittee meeting this morning.

[SB 690](#) Public Health - Long-Term Care Planning-*Information*

This bill requires the Maryland Department of Health to develop and publish materials to assist State residents with long-term care family planning, including financial planning. MHCC provided a letter of information about the existing long term care consumer guide and our willingness to add materials on topics covered in the bill. This bill has been approved by the Senate Finance Committee

### **Other Updates**

The Senate budget bills ([SB 190](#) and [SB 192](#)) have started to move through the Senate. At this time, no interim study projects have been assigned to the Commission through these bills.

A hearing on the bill to remove Substance and Alcohol Abuse Intermediate Care Facilities (i.e. ASAM 3.7 and 3.7W beds) from CON regulation ([HB 1572](#)) has not yet been scheduled for a committee hearing. The courtesy committee reporting date was March 10<sup>th</sup>. This bill may still move, but it is harder to pass once procedural dates are missed.

[SB 501](#), which expands the Maryland Loan Assistance Program for Physicians and Physician Assistants has passed the Senate, with amendments.

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The status of the three bills requiring use of electronic prescriptions for controlled dangerous substances is below:

[HB 512](#) Drugs and Devices - Electronic Prescriptions - Controlled Dangerous Substance - *Information*. This bill has been approved by the House Health and Government Operations Committee, with amendments.

[HB 692](#) Drugs and Devices - Electronic Prescriptions - Controlled Dangerous Substances - *Support*. This bill was withdrawn, in favor of HB 512.

[SB 166](#) Drugs and Devices - Electronic Prescriptions - Controlled Dangerous Substance - *Information*. This bill has passed the Senate and crossed-over to the House.

The bills altering the in vitro fertilization coverage mandate for private insurance ([HB 781](#) and [SB 988](#)) have both been passed by their house of origin and crossed over to the other house.

[SB 502](#) Telehealth- Delivery of Mental Health Services- Coverage for Home Settings and [HB 1208](#) Maryland Medical Assistance Program - Telehealth - Pilot Program- *Information*

These bills seek to establish programs to provide Medicaid coverage for mental health related telehealth in homes. SB 502 establishes a permanent program. This bill has been reported favorably by the Senate Finance Committee. HB 1208 establishes a pilot program and has not yet been reported out of committee.

### **Meeting Summary**

A meeting summary from the legislative policy call on February 28, 2020 is attached to this memo. Ms. Renfrew plans to post this meeting summary publically on or after March 20<sup>th</sup>. Please consider reviewing this document and providing comments before that date.

Attachment:

Meeting Summary, February 28, 2020.