



MSD

Legislative e-Update

Billing, Hassles, and Social Determinants

The Delaware General Assembly reconvened January 14th to start the second year of their current two-year session. After a three week sprint, they are now adjourned until March 17th for the Joint Finance Committee to hold hearings on the Governor's proposed budget.

Here is an update on some of the higher-profile bills in play:

[Surprise Billing \(HB 286\)](#) - The national conversation on what to do about surprise billing has reached a boiling point. While stakeholders and policymakers agree that patients should not be put through a stressful surprise billing situation, there is disagreement across the country on exactly how to address the issue. In Delaware, the proposal is to expand the existing emergency procedures process that uses the Department of Insurance-led arbitration for out-of-network services delivered to patients at in-network hospitals.

[Maternal Health Disparities \(SCR 66\)](#) - National data is stark regarding disparities in maternal mortality and morbidity. Delaware is ahead of the curve on addressing the problem by establishing evaluative bodies such as the Perinatal Quality Collaborative. However, in concert with the Delaware chapter of the American College of Obstetricians and Gynecologists (ACOG), MSD is encouraging the state to extend Medicaid coverage post-partum from six weeks to a year.

[Primary Care \(SB 200\)](#) - Legislation is being passed to smooth the path of actionable data between the Primary Care Collaborative and the Delaware Health Information Network (DHIN). With a better grasp on where the spend is in Delaware, coinciding with initial rounds of information from the state's Benchmark initiative, this data should underpin important next steps for structural change in care delivery.

[Recreational Marijuana Legislation \(HB110\)](#) - This bill was put on hold last year, but promises to return with renewed energy. House Bill 110 aims to allow for the legal use of recreational marijuana. MSD strongly opposes this bill and will continue to work closely with a robust coalition of local groups that includes law enforcement, health care agencies, and addiction advocates.

[Medical Marijuana Cultivation \(HB 243\)](#) - A curve-ball alternative approach to using a dispensary, HB 243 would allow for the cultivation of marijuana

by persons holding a medical marijuana card or their caregivers. MSD remains neutral on medical marijuana provided the program remains evidence-based, and opposed to marijuana legalization, but has concerns about the enforceability and safety of home cultivation.

[Physician Assisted Suicide \(HB 140\)](#) - This continues to be a hot topic in Delaware with public debate churning a difficult issue. MSD reaffirmed its opposition at the most recent Delegate Meeting at the close of 2019 and the Ethics Committee meets regularly on the topic. Recently opinion articles from both sides were published in the News Journal, with MSD's John J. Goodill, MD penning the physician case for opposition. The Society expects to host a Hot Topic event on the issue in the coming months.

[Physician Assistants \(HB 169\)](#) - MSD has stood firm to ensure that the physician remains ultimately responsible to the patient for medicine delivered in the team setting. Working with the Division of Professional Regulation, a consensus amendment is being addressed to ensure bulwarks against the corporate practice of medicine and erosion of physician responsibility to their patients.

[DHSS Restructure \(SCR 65\)](#) - MSD continues to track the ongoing analysis and recommendation for the future of the Department of Health and Social Services. Legislators have suggested dividing the Department and a task force is meeting to do a comprehensive review of the state's largest agency.

[Prior Authorization \(HB 105\)](#) - This continues to be a major issue for MSD as practices continue to struggle under the ill-advised weight of managed care. Following continued success in reforms like the passage of HB 105 regarding step therapy, MSD is now looking back to the fundamentals of the purported purpose of prior authorization and how to address the continuing hassles head-on.

[Genetic Discrimination \(SB 144\)](#) - Florida has now crafted legislation similar to the model that MSD and the AMA assisted in creating in Delaware. It is clear that national traction is coming to the difficult issue of patient rights and expectations of privacy as it pertains to their genetic information.

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

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

The Medical Society of Delaware Legislative e-update is a benefit to our members, providing information on legislative activity of interest in the 150th General Assembly in Dover.



