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# 2018 Legislative Outlook

Mid-South  
Medical Group Management Association

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## Agenda

- Federal Update
- Political Landscape
- 2017 Session Recap
- 2018 Legislative Agenda

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## Federal Update

- ACA Repeal and Replace
- Stability for Individual Insurance Market
- Rural Hospital Extenders
- CHIP Reauthorization
- Debt Ceiling/Budget
- 340B Program
- Area Wage Index

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## Political Landscape

- Gubernatorial election in 2018
- Seven major candidates
  - Five Republicans
    - State Sen. Mae Beavers
    - Congressman Diane Black
    - Businessman Randy Boyd
    - House Speaker Beth Harwell
    - Businessman Bill Lee
  - Two Democrats
    - Former Nashville Mayor Karl Dean
    - State Rep. Craig Fitzhugh

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## Political Landscape

- Full House and half of the Senate will be up for election in 2018
- More than a dozen departing, retiring or transitioning legislators
  - Sens. Bill Ketrone, Mark Norris, Doug Overbey
  - Reps. David Alexander, Harry Brooks, Brenda Gilmore, Roger Kane, Judd Matheny, Jimmy Matlock, Joe Pitts, Mark Pody, Art Swann

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## 2017 Session Recap

- Health Services and Development Agency
  - On track for three-year extension throughout session
  - Delayed for floor vote in House
  - Denial of FSED application led to broader issues
  - Initially doomed, but revived on the floor and extended one year
- Maintenance of Certification
  - Biggest battle of 2017 with TMA and physician groups
  - Widespread opposition from hospitals and payers
  - Compromise bill restricted Board of Medical Examiners, created study task force for hospital and payer concerns

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## 2018 Legislative Agenda

- **THA Bills**
  - Hospital assessment
    - Continuing at 4.52 percent
    - Modifications with move to directed payments made in 2017
  - Psychiatric Hospital Data Reporting
    - Update law to require claims data reporting
    - Will enable access to Tennessee Health Information Network data
    - Strengthen dataset with behavioral health utilization
  - Hospital/Payer Credentialing of Physicians
    - Seek parity/reciprocity for insurance credentialing when hospital process is complete
    - Reduce delays for physicians to begin providing services

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## 2018 Legislative Agenda

- **THA Bills**
  - Corporate Practice of Medicine
    - Working with stakeholder groups – radiologists, anesthesiologists, pathologists and emergency physicians – and TMA to discuss and explore solutions to employment restriction
    - Ultimate goal is to enable hospital employment of these specialists
  - Payment Reform Regulation
    - Caption bill from 2017
    - In the event episodes of care are made mandatory in commercial market, there is a need for state oversight by Department of Commerce and Insurance

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## 2018 Legislative Agenda

- **Priority Issues**

- Health Services and Development Agency
  - Sunset returns after one-year extension
  - Push for three-year extension as intended in 2017
- Maintenance of Certification
  - Legislative task force meeting in October and November
  - Possible compromise with Texas model
- Balance Billing
  - Lots of summer conversation about issue and expectation for legislation in 2018
  - Providers working on possible solution based on 2016-2017 work with TDCI on model legislation

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## 2018 Legislative Agenda

- **Other Items of Interest**

- Stroke Treatment
  - Recommendations by Stroke Treatment and Best Practices Task Force due to General Assembly
  - Statewide recognition of stroke designation
  - Destination guidelines/protocol
- Doctor of Medical Science
  - Advanced degree for physician assistants
  - Led by LMU with some physician support
  - Recommendation to remain neutral on issue

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## Political Landscape

- Gubernatorial election in 2018
  - Five Republicans
    - State Sen. Mae Beavers
    - Congressman Diane Black
    - Businessman Randy Boyd
    - House Speaker Beth Harwell
    - Businessman Bill Lee
  - Two Democrats
    - Former Nashville Mayor Karl Dean
    - State Rep. Craig Fitzhugh
- THA's Future of Medicaid Task Force
  - Set of recommendations for candidates

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## Political Landscape

- Full House and half of the Senate will be up for election in 2018
- Growing numbers of departing, retiring or transitioning legislators
- Very different membership in 2019 with new Speaker of the House
- Corker Decides NOT to Run Setting the Stage for Possible Blackburn vs Bredesen Battle

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## Legislative Recommendations

- Hospital assessment
  - Continuing at 4.52 percent
  - Minimal modifications needed to bill language
  - New Senate sponsor for 2018, new House sponsor coming in 2019
- Psychiatric Hospital Data Reporting
  - Update law to require claims data reporting
  - Will enable access to Tennessee Health Information Network data
  - Strengthen dataset with behavioral health utilization

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## Legislative Recommendations

- Hospital/Payer Credentialing of Physicians
  - Seek parity/reciprocity for insurance credentialing when hospital process is complete
  - Reduce delays for physicians to begin providing services
- Joint Annual Report Instructions
  - Technical change in statutory language:
    - From “data should be consistent with hospital financials” to “data should be consistent with Medicare cost report”
  - Eliminates ambiguity and errors in reporting
  - Pending formal recommendation from THA Data Policy Committee

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## Legislative Recommendations

- Corporate Practice of Medicine\*
  - Working with stakeholder groups – radiologists, anesthesiologists, pathologists and emergency physicians – and TMA to discuss and explore solutions to employment restriction
  - Ultimate goal is to enable hospital employment of these specialists

*\*Decision to move forward with bill pending outcomes of stakeholder meetings*

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## Priority Issues

- Health Services and Development Agency
  - Sunset returns after one-year extension
  - Joint committee recommended three-year extension, as intended in 2017
- Maintenance of Certification
  - Legislative task force met Oct. 5, next meeting Nov. 7
  - TMA wants compromise with Texas model
  - THA Board wants to continue to oppose

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## Priority Issues

- Balance Billing
  - Lots of summer conversation about issue and expectation for legislation in 2018
  - Providers working on possible solution based on 2016-2017 work with TDC on model legislation
  - Overlap with corporate practice discussion
- Stroke Treatment
  - State recognition of stroke designations
    - Use existing national designations rather than new state-created system
  - EMS protocol and destination guidelines
    - Statewide standards to be implemented within each EMS region

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## Priority Issues

- Doctor of Medical Science
  - Advanced degree for physician assistants
  - Led by LMU with some physician support
  - Recommendation to remain neutral on issue, but watch closely

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# CHIP Reauthorization

## FQHC Funding

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