

IAFP Legislative Committee-

Below please find the End of Session report. I provided an introductory article at the beginning and then outlined our priorities. I believe the IAFP had a very successful year and continue to build our presence at the Capitol through our email advocacy, phone calls, meetings and soon our PAC. Please know I am a phone call or email away if you have any questions comments or concerns. I would like for our organization to begin shaping the 2013 legislative priorities in July or August so we can meet with legislators through the fall. Thank you for the opportunity to represent the Iowa Academy of Family Physicians.

David

INTRODUCTION

The 84th Iowa General Assembly finally adjourned May 9th, almost 3 weeks overdue, however it was not because there was major legislation to complete. This legislative session has produced one of the lowest bill totals in recent history.

The split-control Legislature approved 125 enrolled bills and joint resolutions. That number includes a dozen fiscal 2013 budget bills which are required each year to pass, mental health redesign and education reform. For those that had legislation signed by the Governor, feel fortunate as approximately 3200 pieces of legislation that were filed never made it to the Governor's desk. Last year, lawmakers worked a 172-day, overtime session that produced 138 enrolled bills and joint resolutions.

In comparison, the 82nd General Assembly passed 322 bills during the 2007 and 2008 sessions. "In pure numbers, it's the lightest session we've had for several decades," said Richard Johnson of the nonpartisan Legislative Services Agency, which provides support services and helps lawmakers draft policy measures and appropriation bills. "My recollection is we've never been this low since I've been here and that's been 30 years."

The 73rd General Assembly sent then-Gov. Terry Branstad 602 bills during its 1989 and 1990 sessions. Since then, lawmakers gradually have lowered their legislative output to where the annual bill total has exceeded 200 only three times in the past 11 years.

"When you can reduce the number of bills, that's probably a good thing," said Rep. Ralph Watts, R-Adel. "People complain about, 'well, it's a do-nothing Legislature.' My experience in the time I've been here is the shorter time we're here, the better off the people out there are; the less we get involved, the less we meddle in their lives," Watts added.

Lawmakers say the back-to-back years of below-average legislative output are a result of divided government. Republicans hold a 60-40 edge in the Iowa House and Democrats narrowly control the Iowa Senate with a 26-24 majority.

They also cite:

- A 'go-slow' concern among constituents looking for stability in unsettled economic and political times.

- An agenda that included a number of complicated and time-consuming issues in a year when leaders compressed the session timetable.
- A desire to both limit the growth of government and emphasize quality over quantity.

“I don’t think Iowans should judge a legislative session by the number of bills passed. I would think that would be almost a meaningless measure for whether a Legislature has been successful or not. I think it really gets more to the substance of what is being passed,” said Sen. Rob Hogg, D-Cedar Rapids. “I think people want government to continue to be updated. I think people also want us to focus on things that are important to the economy or education.”

Hogg, vice chairman of the Senate Judiciary Committee — an area that traditionally sees a lot of legislative action — said the panel took a limited approach this session to House-passed measures dealing with gun laws and other bills that seemed politically motivated or designed to take advantage of an election-year session. “One of the things I sense — people feel there’s a little turbulence right now. The rhetoric is getting pretty extreme,” Hogg said. “I think people react to that. Let’s not go to these extreme postures. Let’s stabilize, hold together, get Democrats and Republicans to work together. In some sense, that’s a stabilizing influence and it means you don’t need to pass legislation on every subject.”

ISSUES

Mental Health

Mental Health Reform passed in the final days of session. The Health and Human Service bill included an unprecedented \$40 Million for mental health. It also includes the forgiveness of disputed claims and ability to carry forward the Risk pool counties may have. An interim committee was established to look at funding, specifically the property tax levy going forward. The per capita levy is set for FY 14 and 15 with a plan create a sustainable system with better data as we move forward in regionalization and outcomes reporting.

There are transition funds-up to \$20 million set aside. The Department will compile county data and submit it to the legislature in December for appropriations in January. In HHS bill, language was created to allow counties to transfer money for cash flow purposes between now and October when property tax monies are allocated. All though, not a perfect bill this initiative was a major undertaking with multiple stakeholders. I believe this new reform to be a win for all Iowans seeking mental health treatment. The children’s mental health work group will continue to meet and provide recommendations to the Legislature next year

Rural Workforce

The Rural Primary Care Loan Repayment legislation passed the Legislature and was signed by the Governor shortly before the General Assembly adjourned. We were able to hold off attempts from interest groups wanting to add the ARNPs and PAs. At the time of passage there is no public money allocated to the Trust.

As we discussed, the House made it very clear, they had no intentions of appropriating money to this program and any attempt to add money in the Senate would be a death sentence for the bill when it would return to the House. We assured the Legislature our organizations would go after

private money and thus the need for the policy/framework to become law in order to raise private funds.

At the eleventh hour we were able to convince those in the closed door negotiations to provide seed money for the trust as we go after private dollars. After much deliberation an earmark of \$105,823 was directed to program. In conjunction with interested parties, the Iowa Student Aid Commission will begin drafting rules shaping the program. A link below will take you to the final form of the legislation.

<http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&menu=false&hbill=hf2458>

Medicaid Reimbursement

Another victory for our physicians was a rule nullification that passed both chambers by a unanimous vote. This resolution nullifies the Department of Human Services administrative rules enrolled last year that cut physician reimbursement by nearly \$3.2 million. When the rule was passed DHS claimed it would only be a \$1million cost savings plan. Although we opposed this measure in 2011, the implementation continued. Because the legislation was a Resolution and not a Senate or House File, it does not need to be signed by the Governor.

The original version of the House Health and Human Services budget for FY 2013 included the elimination of Medicaid reimbursement for co-payments and co-insurance for patients dually eligible for Medicaid and Medicare. We estimated this cut was close to \$6.2 million for hospitals and providers. This provision was struck from the bill and was not included in the conference committee report passed by the General Assembly. However the Report did include language that again gives the Department emergency rule making authority to implement Medicaid cost containment strategies at the direction of the Governor.

In order to resolve differences between the House and Senate and adjourn the 2012 legislative session, the HHS conference committee removed the Medicaid budget from the conference committee report. During the 2011 legislative session, the General Assembly passed an appropriation for the Medicaid program that will fund the program through approximately April of 2013. The next General Assembly will need to pass supplemental appropriations to fully fund the Medicaid budget. We can only hope partisan games are not thrown in the middle of this very serious issue that must be addressed January 2013.

Scope of Practice

1. Nurses

In October of 2011 the District Court for Polk County ruled that administrative rules that had been adopted by the Department of Public Health and the Iowa Board of Nursing regarding the supervision and use of fluoroscopy were invalid, illegal, void and of no effect. In response, the Board of Nursing pre-filed legislation that would have removed the requirement that the Board work collaboratively with the Board of Medicine when establishing scope of practice for Advanced Registered Nurse Practitioners and striking the requirement that there be agreement

with the Board of Medicine when nursing advances into the practice of medicine. The physician lobby strongly opposed this bill and it failed to advance even to sub-committee.

2. Naturopaths

Again this year Naturopathic practitioners sought legislation that would license their profession as physicians under the Board of Medicine. This year the Naturopathic Physicians Association was successful in filing companion bills in each chamber. The Senate State Government moved the bill forward, but it did not come to the full Senate for a vote. The House State Government Committee held a sub-committee meeting on the bill, but never brought the bill before the full committee. The physician lobby worked defeated this legislation and will continue to oppose efforts to license Naturopaths as physicians.

3. Direct Entry Midwives

Although there was not much traction this year direct entry midwives sought licensure under their own licensing board. The requirements for licensure to deliver babies in the home were minimal and the legislation included the ability to administer pitocin and immunizations. The bill also waived the requirement that direct entry midwives carry professional liability insurance so long as this was disclosed to the patient. The physician lobby opposed this proposal citing patient safety concerns. This bill failed to even gain sub-committee consideration. Another reason the bill failed to make any headway in the House was because their lobbyist is running for the Legislature as a Democrat in a Republican controlled chamber.

4. Physician Assistants

The Physician Assistants Society brought forward legislation that would raise the supervisory ratio for physician assistants from the current 2:1 to 5:1. The bill did not contain additional safeguards for patient safety that have been put in place in states where the ratio is higher than 2:1. The physician lobby worked diligently to include patient safeguards, including advocating for scope of practice agreements or approval by the Board of Medicine, but were ultimately unsuccessful. The bill passed both chambers overwhelmingly and was signed by the Governor.

Iowa Health Information Network

SF 2318 passed the Legislature and was signed by the Governor. This legislation allowed for the Health Information Network to move forward developing a fee schedule and regulatory structure. The physician lobby and hospital lobby spoke in favor of striking the opt-in/opt-out per procedure language and seemed to gain headway. The concern would have been that a physician should be able to trust the IHIN to provide accurate and complete data if a patient could opt out of the network per procedure. This language was struck before being enrolled.

Health Funding

- Poison Control Center Funding increase \$102,895. Now is funded at \$539,477
- Cervical Cancer Early Detection and Prevention \$500,000

Raw Milk

A subcommittee in the House held a hearing on the distribution of raw milk however the bill never was addressed in the full committee.

Successful Legislative Reception

The Academy had another successful legislative reception this winter and continues to strengthen our voice in the advocacy arena. As we shape our priorities for next session it will be important to share these priorities with our elected officials before the legislative session and get an in person “status report” from these legislators during our legislative reception next winter.