AGENDA

• A look back at 2016
  • Legislation
  • Rules & Policies
  • Guidelines

• What will 2017 Bring?
  • Elections
  • Legislation
Story of Med Mal at the Statehouse
Legislation – 2014
SB 56 – PCF Payouts

• Purpose: Increase frequency of PCF payouts from 2x to 4x per year.

• Introduced by: Trial Lawyers

• ISMA: Not opposed
Legislation - 2015

SB 55 – Medical Review Panels

Purpose: To allow more cases to circumvent the medical review panel process by increasing the minimum case value threshold from $15,000 to $187,000.

1st Amendment (committee): $50,000
2nd Amendment (floor of Senate): Added wrong site surgeries and retained foreign objects.

Introduced by: Trial Lawyers
ISMA: Strongly opposed

Result: Passed out of committee; Defeated 27-22 in floor vote
Legislation - 2015

HB 1043 – Damages Cap

Purpose: To increase the medical malpractice damages cap from $1.25M to $1.65M.

ISMA: Strong concerns (est. 15% increase in insurance costs)

Result: Passed out of committee; Died on the calendar
Med Mal Summer Study Committee - 2015

Hearing #1 - September 10, 2015

Topic: Malpractice damages cap $1.25M

- Trial Lawyers Ass’n (ITLA) – supported $1.8-$2.3M
- Hospital Ass’n (IHA) – supported increase
- ISMA – opposed increase
Hearing #2 – September 24, 2015

Topic: Medical review panels

• ITLA – replace or speed up
• ISMA – do not eliminate; support expediency
Legislation – 2016
SB 152 – Med Mal Package

• Cap $1.65M
• Future Cap Adjusters: CPI
• Adjustment Frequency: 2 years, then 4 years
• Attorney fees: 31%
• “Direct Access” (panels): $75,000
• Sanctions: Default judgment
• Effective date: January 1, 2017
Legislation - 2016
SB 152 - Process

• No agreement between ISMA, IHA and ITLA

• Hearing – January 25
  – Bill removed from calendar for lack of agreement.
[3 weeks pass...]
Legislation – 2016

SB 28

SB 28 - High Fences Medical Malpractice
Legislative Challenges – 2016
SB 28

• Cap $1.65M
• Future Cap Adjusters: $150,000
• Adjustment Frequency: 2 yrs, then 4 yrs
  – 2017 - $1.65M
  – 2019 - $1.80M
  – 2023 - $1.95M
  – 2027 - $2.10M
  – 2031 - $2.25M
Legislation - 2016
SB 28 (cont.)

• Attorney fees: 32%
• “Direct Access” (panels): $35,000
• Panel expediency: Expectations
• Effective date: January 1, 2017
Legislation 2016
SB 28

The Hearing
House Judiciary Committee
Monday, February 29, 2016
Legislation – 2016
SB 28 – The Hearing

Supporting SB 28

• Indiana Trial Lawyers Association
• Indiana Hospital Association
Legislation – 2016
SB 28 – The Hearing

Opposing SB 28

• Indiana Chamber
• Optometrists
• Ophthalmologists
• Dentists
• ACOG
• ACP
• ACI (Dr. Alex Choi)
• ISA (Dr. Alex Choi)

• Northwest Radiology (Linda Wilgus)
• AHN
• CRNA’s
• PT’s
• Nursing homes (IHCA)
• Podiatrists
• Chiropractors
• Psychologists
Legislation – 2016
SB 28 – Committee Hearing
House Judiciary Cmte
The Vote:

11-1
Legislation – 2016
SB 28 – House Amendments

House Amendments
Wednesday, March 2, 2016
10 introduced
4 heard and adopted
Legislation – 2016
SB 28 – House Amendments

• Cap $1.65M
• Future Cap Adjusters: $150,000
• Adjustment Frequency: 2 yrs, then 4 yrs
  – 2017 - $1.65M
  – 2019 - $1.80M
  – 2023 - $1.95M
  – 2027 - $2.10M
  – 2031 - $2.25M
Legislation - 2016
SB 28 – Amendments (cont.)

• Attorney fees: 32%
• “Direct Access”: $35,000 – $15,000
• Panel expediency: Expectations
• Effective date: January 1, 2017
• Anesthesiologist Assistants protected
• Panel Stipend $350 – $500
• PCF Payouts quarterly within 60 days
Thursday, March 3, 2016

IHA and ITLA announced support of AMENDED SB 28
Legislation – 2016
SB 28 - House

House Vote
Thursday, March 3, 2016

90-5
Senate Vote
Tuesday, March 8, 2016
49-0
2016 Legislation

- Telemedicine – remove previous MLB rule
- Step Therapy legislation
- Release of medical tests for pregnant women
- INSPECT updates
- Abortion legislation
- Standing order for Naloxone
- Insurance bulletin for virtual credit cards
- CDC releases opioid prescribing guidelines
2016 Rules & Policies

• Court holds collaborating physician liable for APN’s prescribing practices
• ISMA testifies against Anthem merger
• Med schools agree to teach responsible prescribing
• Emergency Department Prescribing Guidelines
• Medicaid Opioid Policy
2017 Top LEGISLATIVE Issues
New Senate Health Chair

- Ed Charbonneau, Valparaisio
- Ron Grooms, New Albany
- Mike Crider, Greenfield

Sen. Patricia Miller – 2016 ISMA’s Honorary Member Recipient
Physician in the House

Representative Tim Brown, M.D.
Crawfordsville, IN
Chairman, Ways & Means
House Public Health Chair

Representative Cindy Kirchhofer
District 89
Beech Grove
Tobacco: The Health Problem

- Indiana overall health ranking: 41st
- Indiana smoking rates: 44th (22.9% IN; 18.1% US)
- Public health funding: 48th
- Smoking is the leading cause of preventable illness and premature death, including infant mortality
- Vast majority of smokers begin smoking during adolescence, when the brain has heightened susceptibility to nicotine addiction
Tobacco: The Economic Problem

• Current state tax: 34\textsuperscript{th} ($0.995 in IN (2008); $1.60 US)

• Indiana medical costs and productivity losses associated with smoking: $15.90 per pack

• Statewide cost: $2.93B/yr; $589M for Medicaid

• Smoker’s Bill of Rights (1991) prohibits employers from insisting on a healthy, non-smoking workforce
Tobacco: Evidence-Based Solutions

- Increase tax → Reduce smoking rates
- Stop smoking → Immediate short and long term health benefits
- Increase age from 18 to 21 → Deters smoking initiation and reduces consumption
Tobacco: The Plan to Increase Health and Prosperity

• Raise the tobacco tax by at least $1.50

• Raise the age to 21

• Repeal the Smoker’s Bill of Rights

• Increase public health funding for smoking prevention and cessation
Insurance – Balance Billing

• What is it?
  – Amount owed by patient after copay and the pt’s insurance has paid obligation

• Surprise medical bill
  – Pt received “inadvertent” care from out of network provider
Other Legislative Issues

• INSPECT
• Licensing - Valid to practice status
• Trauma – Stroke victims
• Medical Services Tax
• Graduate Medical Education Funding
• Prior Auth
• Virtual Credit Cards
Other Legislative Issues

• Scope of Practice
  – Naturopaths
  – CRNA’s
  – Pharmacy
  – APN’s
  – Podiatrists
  – ??????
Contact Us!

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