

ISMA LEGISLATIVE UPDATE

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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

Med Mal Summer Study Committee - 2015

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~~ July 1, 2017
- Anesthesiologist Assistants protected
- Panel Stipend ~~\$350~~ \$500
- PCF Payouts ~~quarterly~~ within 60 days

Legislation - 2016

SB – 28

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

Legislation – 2016

SB 28 - Senate

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

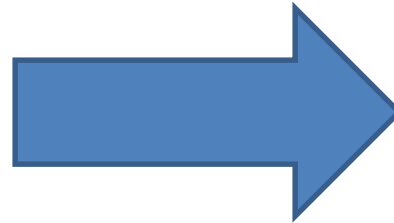
- Court holds collaborating physician liable for APN's prescribing practices
- ISMA testifies against Anthem merger
- Med schools agree to teach responsible prescribing
- Emergency Department Prescribing Guidelines
- Medicaid Opioid Policy

2017 Top LEGISLATIVE Issues

New Senate Health Chair



Sen. Patricia Miller –
2016 ISMA's Honorary Member Recipient



Ed Charbonneau,
Valparaiso



Ron Grooms, New Albany



Mike Crider, Greenfield

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: 34th (\$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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