

Overview of the 85th Texas Legislature

Texas MGMA
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Texas Medical Association

- Nation's largest state medical society.
- 50,000+ physicians and medical students.
- All medical specialties represented.
- 110 component medical societies.
- Renowned for legislative, regulatory, and legal advocacy successes.
- Strong practice management benefits and services.

Overview of the 85th Texas Legislature

- Legislature meets every odd numbered year for 140 calendar days, starting the second Tuesday in January.
- Bi-cameral Legislature
 - Lt. Governor Dan Patrick runs Senate (20 R – 11D)
 - Rep. Joe Straus runs House (95 R – 55D)
- Only constitutional requirement: pass a balanced budget.
- Special session began July 18, ended August 15.



Overview of the 85th Texas Legislature

- Only 12% of all bills filed (6,980) made it to governor's desk.
- 21% of all bills filed (1,479) were tracked by TMA.
- 1,180 First Tuesday office visits by 742 TMA members.
- 2,535 TMA members completed 5,266 legislator contacts through grassroots action center.
- 55 TMA members testified 94 times before 24 committees.
- Easier to stop a bill than pass one – TMA excelled at that this session.

Practice Issues

- SB 1148: Maintenance of Certification – signed by governor
- Scope of Practice
 - HB 593: Allowing psychologists to prescribe – died
 - HB 1415: APRN authority – died
 - SB 728: Direct access to physical therapists – died
- Balance Billing
 - SB 507: Expanded surprise billing mediation while protecting physician's right to balance bill – signed by governor
 - SB 2127/HB 4011: Preventing physicians from collecting payment for their services to patients – died
 - HB 1675: Requiring physicians to accept virtual credit cards – died



More patients with access to surprise bill mediation, which helps you get paid



Practice Issues, cont.

- HB 2561: PMP pushback to 2019 – signed by governor
- HB 719: Tort reform caps – died
- HB 752/SB 833: Whistleblower protections and corporate practice of medicine – died
- HB 2760/SB 2210: Daily updates to health plan network directories – died
- HB 2063: DNRs – died but SB 11 passed during special session





Health Information Technology

- SB 1107: Telemedicine – signed by governor
- SB 922: Telehealth for school districts – signed by governor
- HB 9: Cybersecurity – signed by governor



Telemedicine is a tool to expand your practice, with the same standards as in-person care.
• Health Information Technology Practice Act, § 161.001
 • Patient Protection and Affordable Care Act, § 10101

Step Therapy

- SB 680: Provides a standardized and expedited process for physician override request on step therapy protocols
 - Automatic granting of exception request unless request is denied within required timeframe (24-72 hours, depending)
 - Prior process could take up to 53 days
 - Once patient has gone through step therapy process, they don't have to again due to a change in health plans



Doctors, not health plan step therapy rules, select medications best for patients
SB 680

Budget

- Total budget for 2018-19 biennium: \$216.8 billion
 - Population growth of 1.75% since 2015 session
 - Biennium budget growth of .2% over 2016-17
- Medicaid: \$427 million in cost containment
- \$131 million to local health departments – a \$30 million cut
- Increases to GME funding and formulas but cuts to Residency and Loan Repayment programs



Workforce Development

- SB 674: Expedited licensing for psychiatrists licensed in another state
- SB 1066: Requires new medical schools to offer new GME positions to keep pace with graduates

Graduate medical education expansion grants up

\$44 MILLION

to keep new doctors in Texas

SB 1



New medical schools to offer new GME positions to keep pace with their medical graduates

SB 1066

Mental Health

- \$460 million for replacement / repair / deferred maintenance of state mental hospitals
- \$165 million to expand access to mental health services

\$460 MILLION

to repair or replace state hospital/mental health facilities

+

\$67.6 MILLION

to eliminate adult and child mental health waiting lists

+

\$67 MILLION

for community-based crisis services

+

\$30 MILLION

to reduce homelessness and recidivism



\$625 MILLION

total new mental health funding

SB 1

Mental Health, cont.

- HB 10: Mental health parity with physical health
- HB 13: State-local collaborations to support mental health
- HB 1600: Annual mental health screenings during well-child exams
- HB 435: No guns in state hospitals
- SB 292: Reducing arrest, incarceration, and recidivism



Women's Health

- HB 2466: Maternal depression screening during well-baby or office visits – signed by governor
- SB 17: Maternal Mortality and Morbidity Task Force – signed by governor
- HHSC to pursue Medicaid 1115 waiver for Healthy Texas Women program



Special Session

Can only be called by the governor on topics of his choosing, to last no more than 30 days

- Texas Medical Board sunset bill – hostage during regular session
 - SB 20 and SB 60 passed in special session
- Renew Maternal Mortality & Morbidity Task Force
 - SB 17 passed in special session
- Moderate revisions to DNR rules
 - SB 11 passed in special session
- Texas Health Care Doomsday Countdown Calendar

Harvey responses

Some Important TMB waivers for duration of recovery

- Physician and Physician Assistant licensees whose current permit expires on 8/31/2017 will automatically be extended through 11/30/2017
- Suspends law and rules to allow providers employed by a hospital and licensed and in good standing in another state to practice in Texas in order assist with the Tropical Depression Harvey disaster response
- Waives certain rules re Delegation of Rx to APRNs and PAs but supervising physician(s) remain responsible for the conduct of the PAs and APRNs under their supervision.
- Details: <http://www.tmb.state.tx.us/>



Harvey responses

- Rx Refills...patient's original Rx likely available in chain's system
- Pharmacists can provide emergency refill up to 30 days based on professional judgment
- Physicians can prescribe C-II by phone for time necessary to treat emergency condition. Must follow up within 7 days with proper written Rx.
- Details: <http://www.pharmacy.texas.gov/>

Harvey Response

- Texas Medicaid ensuring Medicaid and CHIP clients do not encounter a break in services as a result of Hurricane Harvey.
- This includes eliminating CHIP co-pays for clients who reside in FEMA-declared disaster areas, allowing pharmacists to dispense prescriptions sooner.
- Tracking and coordinating care for Medicaid clients who were evacuated, paying out-of-network providers, coordinating disaster-related provider inquiries and complaints for Medicaid clients,
- And extending enrollment for Medicaid and CHIP for 6 months for clients who reside in the FEMA-declared disaster areas.
- Please see <https://hhs.texas.gov/services/financial/disaster-assistance> for more information.

Interim Studies

- Likely to be announced later this Fall
 - Senate and House Committee assignments
 - Reports and recommendations prior to next regular session
- Generally, issues with some policy or political complexity
 - Process of defining/refining options
 - Attempt at reaching consensus
 - Head start for success by reaching agreement ahead of session





Campaign Season

- Once the regular session ends, campaign season begins
 - Many key races, defending friends and working to defeat enemies
 - Third-party extremist groups will continue to attack medicine
 - Empower Texas
 - Anti-vaxxers
 - Health plans
 - Texas Right to Life on end of life issues
- TMA Objective and Subject Scorecard being developed based on key votes and TMA member input on elected officials
- TEXPAC action plan for March 2018 primaries – most Texas state House and Senate races are decided in the primary
 - Includes candidate endorsements, communication plan, fundraising, block walking, volunteer recruitment

Reality Check

What physicians think...

- Physicians save lives. The legislature wouldn't hurt them, right?
- Expanding scope of practice shouldn't be a legislative issue. A physician has significantly more training than a psychologist.
- Political contributions just buy access.

Legislative reality...

- Physicians make too much money and tort reform has lessened their accountability.
- With health care needs increasing in Texas, psychologists are a good way to fill the gap. If that psychologist has a doctorate, doesn't that make them a doctor?
- That is correct, and access is everything.

Reality Check, cont.

What physicians think...

- Because we are physicians, we are the best informed about health care and therefore the legislature will listen to us.
- Politics is beneath me.
- I don't have time to be politically active.

Legislative reality...

- It doesn't matter how much you know or even if you are right, if you don't speak up or have anyone to listen to you.
- Government and politics impact virtually every aspect of medicine.
- Get involved in TEXPAC.



TEXPAC



- TEXPAC is the bipartisan political arm of TMA that helps advance mission of TMA
- TEXPAC is physicians united in protecting their patients and practice
- TEXPAC helps elect the best candidates for medicine through grassroots and financial support

Visit www.texpac.org to join today!

TEXPAC



- TEXPAC memberships is physician-led, ensuring medicine has a strong voice at the crowded table of politics in an effort to hold elected officials accountable
- Last cycle, TEXPAC elected two new physicians, and defeated a mid-level practitioner, an anti-vaxxer, and the second worst vote for medicine
- While we appreciate your TMA membership, by law your TEXPAC **must** be paid for separately

Visit www.texpac.org to join today!

TMA Needs and Thanks You

- Encourage fellow physicians to become TMA members
- Encourage fellow physicians to become TEXPAC members
- Keep in touch with legislators during the interim
- Coffee With a Doc
- Participate in First Tuesdays
- Testify, call, and email when needed



We can't do this without you – we appreciate your support and participation.



Questions?



Physician Caregiver for Severe
