

Legislative  
Update

May 3, 2021



Dr. Nord, COA  
Second Vice-  
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# Legislative Update

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# COA Sponsored Bill

## AB 356 (Chen) Fluoroscopy Temporary Permit

- Is the third time the charm?
  - AB 407 Santiago in 2019 made it to Senate Approps – allowed ongoing training to count for fluoro education
  - AB 2544 Santiago in 2021 died because it was not COVID related.
- AB 356 Chen (Santiago co author) provides a one-time, temporary permit for out of state docs who have used fluoroscopy for up to 12 months.
- Only opposition is radiologic technicians.
- Passed Assembly Health Committee 15-0 with Dr. Nord testifying
- Passed Assembly Business and Professions Committee 19-0 on consent.
- Don't celebrate yet; the radiologic health branch of the CDPH could still tank it.

## COA Sponsored Bill

### AB 404 Salas QMEs could get a COLA

- Co Sponsored with The California Society for Industrial Medicine and Surgery, CSIMS
- As introduced, required an annual COLA for Qualified Medical Examiners in the Workers Comp system.
- Strong pushback from Assembly Insurance Committee.
- Amended bill to have the Division of Workers Comp review the med legal fee schedule every two years and, if necessary, add a COLA for the work and for the per page cost.
- Passed Assembly Insurance Committee 10-0.

## COA Oppose bills of Note:

### Early Wins

- If your patient is out of network, you need to tell them which docs are in network. Consent form for out of network treatment must be translated to top 15 languages. AB 510 Wood is dead for now. An early win!
- Son of SB 977 Monning from last year to give the Attorney General additional authority over mergers and acquisitions in health care that would have affected orthopedic practice groups who change affiliation or who merge. COA, CMA, CHA, and other specialty groups all opposed. The author gut-and-amended the bill to deal with Medi-Cal demonstration project for Coordinated Care Initiative and Whole Person Care pilot project. AB 1132 Wood is in the Assembly Appropriations Committee.
- Single Payor Health Care is dead for the year due to excessive costs. Another win! AB 1400 Kalra was not set for hearing.

## COA Oppose bills of Note:

### Still fighting

- A bill to create a way for nurses to override care guidelines. COA is working with CMA and others to amend the bill to require physician approval prior to doing so. AB 858 Jones Sawyer is in Assembly Appropriations Committee.
- A bill to establish the Office of Health Care Affordability to control health care costs that may recommend cuts in physician pay. Office would set targets by health care sector and region. Would set targets for per capita health care spending. AB 1130 Wood is in the Assembly Appropriations committee.
- A bill to prohibit docs in workers compensation appropriations from considering immutable characteristics like genetic characteristics, sex or race. SB 788 Bradford is in the Senate Appropriations committee.



## COA Support Bills of Note

- CMA sponsored bill regarding extending telehealth payment parity post pandemic for Medi-Cal managed care plans. AB 32 Aguiar Curry is in Assembly Appropriations Committee.
- CMA sponsored bill to align standards for out of state doctors to practice in California. AB 359 Cooper has passed the Assembly and is in the Senate.
- CMA sponsored bill to require health insurers to pay supplemental reimbursements during declared emergencies for increase costs like PPE. AB 454 Rodriguez is in Assembly Appropriations Committee.

## COA Support Bills of Note

- CMA sponsored bill to promote telehealth parity by creating the telehealth patient bill of rights. AB 457 Santiago is in Assembly Appropriations Committee.
- CMA sponsored bill to move the CURES database to the Department of Public Health from the Department of Justice. AB 864 Low is in Assembly Business and Professions Committee.
- CMA sponsored bill to require health plans to reimburse for PPE expenses. SB 242 Newman is in the Senate Appropriations suspense file.
- CMA sponsored bill to reform utilization review and give you a two-year utilization free period if you are within the range of other doctors. SB 250 Pan is in the Senate Appropriations suspense file.
- CMA sponsored bill to prohibit prior authorization for COVID tests and prohibit patient cost sharing for testing and vaccination. SB 510 Pan is in the Senate Health Committee.

# Nurse Practitioner Update

AB 890 became  
law

AB 890 Wood, allowing NPs to practice independently, passed last year over COA and CMA opposition and is now law but doesn't go into effect until 2023.

There is a cleanup bill, AB 852 Wood, which allows NPs to do provider performed microscopy procedures and to administer self screening tool for birth control, and to prescribe topical medicine for occupational therapy.

California Board of Registered Nursing Nurse Practitioner Advisory Committee writes AB 890 regulations.

- Board has 4 NPs, 2 MDs, one public member
- COA monitors the meetings
- So far, they have dealt with NP students who study out of state, approved members.

# COVID vaccine provider update

California Department of Public Health has issued waivers to allow for COVID vaccine administration by

- Retired physicians
- Medical students
- Medical assistants, with supervision
- Physician assistants
- Dental assistants, with supervision

## Legislation

- AB 1710 of 2020 allowed pharmacists to administer
- SB 95 became law – supplemental sick leave to get vaccine

# Political Update

Governor Newsom Recall qualified

Running for Governor of California? A Jenner, an ex-Congressman, a Model and a Porn Star – People Magazine



## Political Update

In 2003, Arnold beat Gray Davis in a recall.



# Political Update

Anti Micra Initiative could possibly be on the recall ballot

No date yet

- MICRA = Medical Injury Compensation Reform Act
- Passed in 1975 to cap non-economic damages in Medical Malpractice cases at \$250,000
  - No limit on economic damages
  - No limit on punitive damages
- In 2014, California voters rejected Proposition 46, which would have raised MICRA Cap to \$1M with ongoing inflation raises
- New initiative raises MICRA cap to \$1.2 M with cap indexed for inflation.
- Cap doesn't apply for "catastrophic injury," which is broadly defined to include death, impairment, disfigurement, and disability.
- New initiative has no limit on attorney's fees.

# Political Update

## Doctor legislators and candidates

**Dr. Akilah Weber**  
Assembly Member  
AD 79 San Diego





# Political Update

Candidate Dr Sion Roy for  
AD 50 Santa Monica



**Sion Roy, MD**  
Cardiologist, Harbor-UCLA Medical Center

# Legislation affecting Doctor Employers

- Bereavement Leave – any employer with 25 or more employees would have to allow employee to take up to 10 unpaid days of bereavement leave. AB 95 Low.
- Healthcare worker COVID 19 bonuses – some health care providers would have to pay bonuses to employees who worked during COVID. AB 650 Muratsuchi.
- Paid Sick Leave – increases from 3 days to 5 days how much sick leave employer must provide. AB 995 Gonzalez.

# Legislation affecting Doctor Employers

- Family Leave extension – employee can designate a person to care for as part of family leave. AB 1041 Wicks.
- Family responsibility accommodation – expands requirements for employer to accommodate family responsibilities like school drop off and pick up. AB 1119 Wicks.
- Childcare benefit – employer would need to pay for up to 60 hours a year of backup childcare. AB 1179 Carillo.

# Workers Comp Bills

- Rangers at the Department of Fish and Wildlife or Department of Parks and Rec would enjoy a presumption in workers comp that skin cancer arose as a result of employment. AB 334 Mullin.
- Statewide Medical Provider Network – COA Legislative committee had a long discussion about AB 1465 Reyes, which, as introduced, would have created a statewide medical provider network that any provider could join and could set their own rates. The Assembly Insurance committee suggested amendments that stripped the bill to study the issue of MPNs.
- Additional presumptions of injury caused by work for hospital employees to include infectious diseases, cancer, injuries, and others. SB 213 Cortese.
- Presumption that if firefighter gets PTSD its from work. SB 284 Stern.
- Reduces from 90 days to 45 days the amount of time an employer has to disclaim responsibility for a worker's injury. SB 335 Cortese

# Questions?

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