

STONE ADVOCACY

END OF SESSION REPORT

CALIFORNIA ORTHOPAEDIC ASSOCIATION

11-1-21

KIM 916-798-1878

KIM@STONEADVOCACY.COM

WWW.STONEADVOCACY.COM

HIGHLIGHTS:

- Led effort to pass AB 356 (Chen) to create a one-time temporary permit for out of state doctors while they go through the process to get a regular permit.
- Led effort on AB 404 (Salas) to allow a cost-of-living adjustment for Qualified Medical Examiners if such adjustment is necessary. Bill was held in Senate Appropriations Committee.
- Represented COA before legislators and staff with enthusiasm, passion, and integrity.
- Opposed 5 bills; killed or amended to satisfaction 4 of them – 80-% kill rate.
- Sponsored 2 bills; one became law – 50% success with sponsored legislation
- Supported 16 bills; 6 are still alive to go to Governor – a 37% success rate with supported bills. Of four sponsored bills only one is still alive, a 25% success rate but if you count the budget money that we got instead of the Wiener bill that would be a 50% success rate for sponsored bills.
- Read each of the 2775 bills introduced (1811 in Assembly and 964 in Senate) and each of the amendments to each of the bills to issue spot for COA. Provided background information and analysis to Diane, Legislative Committee, and Board.
- Responded promptly and professionally to member inquires.

BIG WIN: AB 356 FLUOROSCOPY SIGNED INTO LAW

The third time really was a charm with COA's attempt to allow out of state doctors who come to California to use fluoroscopy in surgery while they complete the sometimes-lengthy process to get a permit. AB 356 (Chen) allows a one-time, temporary permit to use fluoroscopy while they go through the process to get a regular permit.

OTHER OPPOSE BILLS: 80% KILL RATE

COA opposed or opposed-unless-amended five bills in 2021 and we killed four of the five bills.

- **AB 510 (Wood)** would have added burdens to our members by imposing additional requirements on billing of patients if the patient was out of the insurers network. The forms were required to be available in fifteen languages. If a patient is out of network, the treating

physician would have been required to give the patient a list of doctors who are in-network, even though the treating physician would not have access to that information. The bill died for 2021 but became a two-year bill so is eligible to move again in 2022.

- **AB 1130 (Wood)** would have created the office of health care affordability to address rising health care costs. The bill would have given the office the authority to set cost targets and to penalize entities for failing to meet targets. COA fears that cost targets may be incompatible with accessible and complete patient care, so we opposed the bill. The bill died for 2021 but became a two-year bill so is eligible to move again in 2022.
- **AB 1400 (Kalra)** would have created single payor health care for California. The bill died for 2021 but became a two-year bill so is eligible to move again in 2022.
- **SB 447 (Laird)** became law. This bill will allow recovery for pain and suffering (noneconomic damages) even after the plaintiff dies.
- **SB 605 (Eggman)** would have created a “right to repair” medical devices with non-manufacturer parts. COA wanted to ensure that implants were excluded from the bill, but the bill died.

BUDGET WIN: NO OFFICE OF HEALTH CARE AFFORDABILITY

- Even though AB 1130 (Wood) stalled in the legislative process, there was a second attempt to push the idea by putting it in the state budget. COA, CMA, and other providers were able to stop that attempt.

OTHER WINS: COA SUPPORTED AND SPONSORED BILLS BECAME LAW

- **AB 356 (Chen)** was our COA sponsored temporary permit for fluoroscopy bill.
- **AB 359 (Cooper)** was a CMA sponsored bill to make it easier for out of state doctors to practice in California.
- **AB 457 (Santiago)** was the CMA sponsored, COA supported bill to promote telehealth parity. It requires patients to see a provider in their own community and requires records to be sent to patient’s primary doctor.
- **SB 242 (Newman)** was the CMA sponsored bill, which COA supported, to require health plans to reimburse for PPE expenses.
- **SB 510 (Pan)** was a CMA sponsored, COA supported bill to prohibit prior authorization and cost sharing for COVID tests.

FIGHTING THE GOOD FIGHT: SPONSORED AND SUPPORTED BILLS THAT DID NOT BECOME LAW (YET!)

- **AB 32 (Aguiar Curry)** was a CMA sponsored bill to promote telehealth parity. COA supported the bill, but it became a two-year bill, and could return in 2022.
- **AB 248 (Choi)** would have allowed a business to deduct the cost of COVID cleaning supplies from their income for tax purposes. The bill, which COA supported, became a two-year bill and could return in 2022.
- **AB 368 (Bonta)**, which COA supported would have created a pilot project in the East Bay regarding food as medicine. COA supported the bill because healthy people have fewer orthopedic problems. The bill became a two-year bill so could return in 2022.

- **AB 404 (Salas)**, which COA sponsored, would have originally required an annual cost of living adjustment for Qualified Medical Examiners in the workers compensation system. It was then amended coming out of Assembly Insurance to allow a COLA for QMEs if the department felt it to be necessary, and with this change the insurers removed their opposition. Nevertheless, the bill was held in the Senate Appropriations Committee. It is a two-year bill and could return in 2022.
- **AB 454 (Rodriguez)**, which COA supported would have required health plans to pay supplemental payments for additional costs like PPE during emergencies. This CMA sponsored bill has died for this year but could return in 2022.
- **AB 685 (Maienschein)**, which COA supported would have required health plan to pay docs within fifteen days. It has become a two-year bill and is dead for this year but could return in 2022.
- **AB 864 (Low)**, which COA supported, was a CMA sponsored bill to move the CURES database from the Department of Justice to the Department of Health. It has become a two-year bill and is dead for this year but could return in 2022.
- **AB 1160 (Rubio)**, which COA supported was a spot bill regarding medically supportive food. The bill could return next year.
- **AB 1313 (Bigelow)** would have provided businesses who follow COVID protocols with immunity from liability if someone contracted COVID there. It became a two-year bill but could return next year.
- **SB 250 (Pan)**, which COA supported, was a CMA sponsored bill to reform prior authorization by allowing physicians who are in the middle regarding approvals to have two-year exemption from prior authorization. The bill became a two-year bill but is eligible to return next year.

EMPLOYER/WATCH BILLS OF NOTE THAT HAVE PASSED, GOVERNOR SIGNED SO ARE NOW LAW

AB 1177 (Santiago) public bank. Employers required to provide employees with direct payroll deposit to BankCal if they provide direct deposit to any other bank.

AB 237 (Gray) makes it an unfair practice to refuse to provide medical coverage during a strike.

AB 1003 (Gonzalez) creates criminal liability for wage theft.

AB 1033 (Bauer Kahan) streamlines the small employer family leave mediation program.

SB 331 (Leyva) limits confidential settlements in employment litigation.

O