



Warner Norcross + Judd LLP

## MEMORANDUM

TO: MRS Board of Trustees and Shannon Sage, Executive Director  
FROM: James G. Cavanagh  
DATE: April 14, 2021

RE: **Legislative and Regulatory Update**

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### OVERVIEW

The Legislature has returned from its two-week spring break and will stay in session until late June. During the months of February and March, the Legislature was busy negotiating and eventually passing appropriations for COVID relief, taking testimony on the upcoming FY 2021-22 budget, and having the House pass and send to the Senate a 15 bill health care access and transparency package. Pressure continues from the GOP controlled Legislature to have the State open up more business, educational, sporting and social activities. On the other hand, the Department of Health and Human Services (DHHS) has resisted such efforts and has been gradually easing restrictions. Unfortunately, Michigan now leads the nation in new COVID cases, even though more people are receiving the COVID vaccine and in spite of the restrictions imposed by DHHS. The relationship between the Legislature and the Administration is frosty at best. Legislative leaders are not including the Governor or her staff in budget negotiations. This atmosphere not only makes it difficult to predict what items will emerge and escape from the Gubernatorial veto, but the same can be said for the \$5.6 billion that will be appropriated from the most recent federal COVID Relief package.

### LEGISLATION

#### Drug Pricing Transparency:

The Speaker of the House made it clear at the beginning of the session that his major priority was passage of a drug pricing transparency package. Unfortunately, a few bills, and two in particular, managed to wangle their way into the package, even though they do not concern drug pricing. HB 4359 would allow nurse anesthetists to practice without supervision of a physician under certain circumstances. The other is HB 4355, which would significantly expand the use and availability of telemedicine. Under this bill, an out-of-state provider would be allowed to provide services in Michigan as long as the provider was authorized to practice in his/her jurisdiction and received the consent of the patient. This open ended legislation would in essence eviscerate Michigan's licensing laws and their governing boards. Moreover, this legislation does

not address public safety, which should be of paramount concern. The bill passed the House by the slimmest of majorities, only reaching the 56<sup>th</sup> vote after the tote boards were left open for nearly 45 minutes. I have spoken with the Government Affairs Director of the Michigan State Medical Society (MSMS). MSMS will generally oppose, although it is still working on its official position. I have also spoken to the Governor's office and it is, at this time, opposed. I am developing a grassroots message and urge MRS members to contact members of the Senate Health Policy Committee in opposition to the bill.

#### Prior Authorization:

Last year, Sen. Curt VanderWall (R-Ludington), the Chair of the Senate Health Policy Committee, introduced legislation calling for procedures and protocols to be established before the use of prior authorization by insurance companies. MRS has been a member of the "Health Can't Wait" coalition which has been advocating prior authorization reform. Unfortunately, major insurers such as Blue Cross/Blue Shield were successful in amending last session's version of the legislation to the point where even the Coalition opposed its passage. Consequently, the bill died at the end of session. Last month, Sen. VanderWall introduced SB 247, a revised version of last session's bill. While SB 247 is not as strong as last session's bill as originally introduced, it is still supported by the Coalition. Moreover, in an attempt to get the best final product, it is anticipated that legislation on the subject will be introduced in the House, which will be more to the Coalition's liking. The strategy here is to leverage the House legislation in negotiations with the Senate.

#### Scope of Practice:

As of this date, there has not been legislation expanding the practice of chiropractic. However, we are continuing to be vigilant.

#### Mammography:

I have received word that a bill is being drafted that would require insurance coverage for mammography examinations for women 35 years of age and older every calendar year. The current law requires coverage for women 40 years or older. I will keep you informed.

### REGULATORY

#### PET Hearing:

The Michigan Certificate of Need Commission will hold a virtual public hearing on Positron Emission Tomography Services on April 22 at 9:30 a.m. For those wishing to pose questions or provide comments, emails may be sent to: [MDHHS-ConWebTeam@michigan.gov](mailto:MDHHS-ConWebTeam@michigan.gov).

You can join the meeting from PC, MAC, LINUX, iOS, or Android by:  
<https://michigan-host.zoom.us/j/81432882483>

Or join by telephone at: 1-888-363-4734, Conference Code: 212089

MRI Standard Advisory Committee (SAC):

If you or your organization is interested in participating in the Magnetic Resonance Imaging (MRI) SAC, you should complete the nomination form found online with DHHS by 5:00 p.m. on April 23, 2021. The Certificate of Need (CON) Chairperson will appoint members for the SAC. The SAC is tentatively scheduled to meet on July 15, August 19, September 23, October 21, November 18, December 16, and January 22, 2022. If you should have any questions, please contact the Policy staff at (517) 335-6708

#### OTHER

Virtual Capitol Hill Day:

Like last year, this year's Capitol Hill Day will be virtual and is scheduled for May 19. Please let me know if you plan on participating.

JGC/ell

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**MEMORANDUM**

TO: MRS Legislative Committee and Shannon Sage  
FROM: James G. Cavanagh  
DATE: April 14, 2021

RE: **Members of the Senate Health Policy Committee**

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Republicans

Curt Vanderwall (Ludington), Chair	<a href="mailto:sencvanderwall@senate.michigan.gov">sencvanderwall@senate.michigan.gov</a>	(517) 373-1725
John Bizon, M.D. (Battle Creek), Vice-Chair	<a href="mailto:senjbizon@senate.michigan.gov">senjbizon@senate.michigan.gov</a>	(517) 373-2426
Ruth Johnson (Holly)	<a href="mailto:senrjohnson@senate.michigan.gov">senrjohnson@senate.michigan.gov</a>	(517) 373-1636
Kim LaSata (St. Joseph)	<a href="mailto:senklasata@senate.michigan.gov">senklasata@senate.michigan.gov</a>	(517) 373-6960
Michael MacDonald (Macomb)	<a href="mailto:senmmacdonald@senate.michigan.gov">senmmacdonald@senate.michigan.gov</a>	(517) 373-7315
Lara Theis (Brighton)	<a href="mailto:senltheis@senate.michigan.gov">senltheis@senate.michigan.gov</a>	(517) 373-2420

Democrats

Winnie Brinks (Grand Rapids), Minority Vice-Chair	<a href="mailto:senwbrinks@senate.michigan.gov">senwbrinks@senate.michigan.gov</a>	(517) 373-1801
Sylvia Santana (Detroit)	<a href="mailto:senssantana@senate.michigan.gov">senssantana@senate.michigan.gov</a>	(517) 373-0990
Curtis Hertel (East Lansing)	<a href="mailto:senchertel@senate.michigan.gov">senchertel@senate.michigan.gov</a>	(517) 373-1734
Paul Wojno (Warren)	<a href="mailto:senpwojno@senate.michigan.gov">senpwojno@senate.michigan.gov</a>	(517) 373-8360

## **MRS Talking Points Regarding HB 4355**

- Allowing out-of-state practitioners who are not licensed to practice in Michigan will subvert the licensing process in this state. It will diminish the role of licensing boards and do nothing to protect the public.
- Some of the basic functions of state government are to protect the health, safety, and welfare of its citizens. HB 4355 does nothing to enhance those objectives. In fact, it is contrary to those stated goals.
- I am a radiologist licensed to practice in Michigan. HB 4355 will compromise patient safety and professional accountability. I urge you to oppose HB 4355.
- HB 4355 proposes to advance patient access to more medical professionals and services, but at what cost? The cost is patient safety and professional accountability. Telemedicine can be a useful tool of health care, but it must not be given carte blanche. There must be one who is accountable, has supervisory authority and who can coordinate services in order to act in the patient's best interests. HB 4355, as written, offers none of these things. You must oppose HB 4355 as written.
- The question I ask is: Who is promoting this legislation and who has the most to gain? The patient may gain immediate access, but there is no guarantee of quality. There is no doctor/patient relationship, which is critical to quality health care.
- If HB 4355 is allowed to pass, there would be no need for our controlling boards to regulate professions. It would, in essence, eviscerate the State's authority to regulate the professions and to protect the public.