

## MEMORANDUM

TO: Michigan Radiological Society Board of Trustees  
Shannon Sage, Executive Director

FROM: James G. Cavanagh

DATE: November 21, 2024

RE: **Legislative Report**

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### OVERVIEW

The results of the November 5 General Election saw the GOP once again take the majority in the Michigan House of Representatives. In addition, Republicans flipped one congressional seat and nearly swept the Boards of control of Michigan's major universities and State Board of Education. However, the Democrats kept the U.S. Senate seat now held by retiring Senator Debbie Stabenow as Elissa Slotkin narrowly defeated her Republican opponent, former Congressman Mike Rogers. When the next State Legislative Session begins on January 8, it now appears the Republicans will hold a 58-52 seat majority. Rep. Matt Hall (R-Kalamazoo) will be the next Speaker of the House. Also, beginning in January, Michigan will have a divided State government with the governor and the majority of state senators who did not face the voters in last of the election, still in Democratic Party control. Incumbent Democratic State Senator Kristen McDonald Rivet won her race for the U.S. House. She will replace retiring Democratic Congressman Dan Kildee of Flint. The state senate district which McDonald Rivet will be vacating is considered to be "purple" in its partisan makeup and the Governor will at some point in 2025 call a special election to fill the vacancy. If the Republicans win the seat, the partisan makeup of the state senate would be 19-19. In the event of a tie vote on legislation the Lt. Governor who is a Democrat and who is the presiding officer of that chamber, has the constitutional authority to cast the deciding vote. However, in order to pass legislation a majority of those elected and serving must vote in the affirmative, or twenty votes out of thirty-eight members serving. If one Republican does not vote a tie would be avoided, the Lt. Governor would not be able to vote and the bill would not pass.

The Legislature is currently on a two week break for firearm deer season and Thanksgiving. Members are scheduled to return December 3, for "lame duck" session. Since thee Republicans will be in control of the House in January, Democrats will attempt to pass as many of their priorities as possible in the nine session days left on the calendar. Use of the word "attempt" is appropriate here as the Democratic Caucus has been split even prior to the election with progressives within the Caucus openly calling for the ouster of Speaker Joe Tate. Nevertheless, a Democrat introduced medical malpractice liability bills last week which would significantly increase the award a plaintiff could obtain in a medical malpractice and wrongful death action. (For more information on the legislation, please see the next story).

## LEGISLATION

### **Increase In Medical Malpractice Liability Exposure:**

Last week Rep. Carrie Rheingans (D-Ann Arbor) introduced HBs 6085 and 6086. HB 6085 more than doubles the cap on damages for non-economic loss in medical malpractice cases. HB 6086 expands the damages to be sought in medical malpractice cases brought pursuant to the wrongful death statute, by including speculative damages based on projections of the deceased's lost earning capacity and household services. HB 6086 appears to address a recent Michigan Supreme Court decision finding that the wrongful death statute did not allow for recovery of speculative damages. The bills have been referred to the House Judiciary Committee. Lobbyists for physician specialty groups, MSMS and the insurance industry have been meeting to determine strategy to defeat these measures. MRS members will be needed to contact their House members to register their strong objections to these two bills which jeopardize the practice of medicine and the public's access to health care in this State.

### **Scope of Practice:**

Last April, Senator Jeff Irwin (D-Ann Arbor) introduced SB 279, which is a reintroduction of last session's SB 680. The bill has bipartisan co-sponsorship and has been referred to the Senate Committee on Health Policy. This legislation, in essence, allows nurse practitioners to practice medicine by granting them authority to diagnose medical conditions and prescribe controlled substances without being under the supervision of a physician. It also specifically allows nurse practitioners to engage in "ordering, performing, supervising and *interpreting* laboratory and imaging studies."

The Committee held a hearing on the bill, last spring. Physician groups including MRS spoke out against the measure. Due to that opposition it now appears the bill will die at the end of this session which will be late December.

### **Physician-Led Patient Care Teams:**

Rep. Alabas Farhat (D-Dearborn) has introduced HB 4472, which would establish and mandate practice agreements for physician assistants and nurse practitioners. The agreements call for a patient care team led by a physician or physicians. The legislation was introduced at the request of Michigan State Medical Society and is supported by physician specialty groups. It is now with the House Committee on Health Policy where it has stayed since its introduction in April. The introduction of this bill was a counter-offensive by MSMS and physician groups to the nurses' efforts to legislate a medical degree.

### **HB 4015, Insulin Co-Pay:**

Sponsored by Rep. Jennifer Conlin (D-Dexter), places a limit on the co-pay of Insulin at \$35 for every 30-day supply. This bill was reported from the House Committee of Insurance and Financial Services to the floor of the House in substituted form where it has remained since May.

### **MRS Public Relations Task Force:**

As part of the MRS Legislative effort, a public relations firm has been engaged to keep educating legislators and the public in general, about the practice of radiology and the need to have qualified people interpret images. Market Resource Group (MRG) will develop effective messaging to inform decision makers about devastating effect HB 6085 and 6086 would have on patient access to health care, the perils of SB 279, the need for HB 4472 and what it takes to become a radiologist. To combine and expedite this effort a Working Group has been meeting with MRG and to act as liaison for the Board of Trustees. Group members include Legislative Committee Co-Chairs Doctors Joe Junewick and Leah Davis, MRS President, Dr. Rocky Saenz, Dr. Michael Hicks, Dr. Sonia Somant, and MRS lobbyist Jim Cavanagh.

### **Mandating Insurance Coverage for Diagnostic Mammograms:**

The MRS Legislative Committee with Board approval, will be seeking legislation next session which would mandate insurers to cover diagnostic mammograms for Michigan patients. The Committee will be enlisting the assistance of breast radiologists toward this effort and will be seeking a coalition with patient advocacy groups such as the American Cancer Society. The Committee has been reviewing legislation from other states many of which have become law. Legislation to mandate insurance coverage will be strongly opposed by Blue Cross/Blue Shield, along with other insurers and the Economic Alliance. Nevertheless, this is a patient health and safety issue that needs to be addressed. Meantime, potential bill sponsors are being approached as well as efforts to gain support from potential allied groups.

Many thanks to Dr. Leah Davis, the Legislative Committee and breast radiologists for their leadership on this issue.

### **Other**

**Day of Radiology:** Governor Gretchen Whitmer by Proclamation declared November 8, 2024 as the “Day of Radiology” in Michigan. November 8 marks the 129<sup>th</sup> anniversary of the discovery of the x-ray. The Proclamation goes on to recognize and honor the tremendous advances in patient care made possible by radiation therapy and medical imaging. If you would like a copy of the Proclamation please contact me.