


## Health Care Advocacy and Legislation in North Dakota


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## Objectives

- Identify the major issues of the 2021 session
- Understand the issue underlying the vaccine bills
- Recognize the difficulty of scope bills
- Interim studies list
- Understand the importance of being involved in policy



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## 2021 NDMA Legislative Priorities


- Medicaid Expansion
  - Resisted DHS attempt to lower rates and bring in house
  - Passed with expansion at higher rate
- Medicaid
  - Yearly increases of 2% and .25%
- UND School of Medicine and Health Sciences
  - Passed a needs-based budget with opportunity for \$1.5 million in Challenge Grants

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## 2021 NDMA Legislative Priorities - Continued


- Liability Protection for COVID-19
  - Passed with special protections for health care
- Maternal Mortality Review Committee (MMRC) - modernize, but keep what's working
- Payment Parity for Telemedicine
  - Did not pass
  - Telehealth study did pass

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## Other Priorities


- Support patient safety issues.
- Support independent judgment of physicians.
- Support public health initiatives.
- Support physician scope of practice and oppose inappropriate challenges to scope of practice.



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## Scope Bills

- Naturopaths: expand prescribing to testosterone and legend drugs - passed Senate - successfully defeated in House.
- Chiropractors conducting sports physicals: successfully removed from bill.
- Alternative healthcare: provides for the creation of complementary or alternative care - successfully defeated.
- Physical therapists ordering imaging: retains x-rays but successfully removed MRIs.
- Pharmacists immunizing children: passed.



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## Why is scope so difficult?



Legislators do not like to be in the middle of disputes



There is a strong desire to help rural health care with lower-level providers



The groups wanting to expand scope are highly motivated and can come back year after year

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## Other Bills

- ❖ **HB 1415** Physician assisted suicide: NDMA opposed - successfully defeated.
- ❖ **HB 1323** Prohibition on Governor and State Health Officer to implement mask mandates: bill passed; Vetoed. Veto overridden.
- ❖ **HB 1465** Freedom of Choice/Any willing provider statute: allows any provider willing to take payment and otherwise qualified to contract with insurers - passed in House; converted to a study in Senate.
- ❖ **SB 2334** Extended stay centers (ECS): allows up to 48 hours to stay in an ESC after a surgery in a same-day surgery center - successfully passed.
- ❖ **HB 1420** Recreational marijuana: successfully defeated.



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## Medicaid Coverage Issues

- ▶ NDMA has two members on the Medicaid Medical Advisory Committee (MMAC)
  - ▶ Codes subcommittee recommended Medicaid coverage for:
    - ▶ Continuous glucose monitors - Passed.
    - ▶ Interpretative services - Passed in ND Human Services Budget.
    - ▶ Metabolic supplements - Passed.



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## Immunization Bills: all defeated

- ❖ **HB 1301** Relating to employer immunity for communicable diseases and mandatory communicable disease immunizations. An employer may not require an employee or prospective employee to receive an immunization as a condition of retaining or obtaining employment; healthcare facilities are exempt from this policy. Healthcare facilities may not require a vaccine that went through an expedited process.
- ❖ **HB 1306** Interrelationship between sudden infant death syndrome, vaccines, and autism. A bill for an act to provide for a legislative management study of the interrelationship between sudden infant death syndrome, vaccines, and autism spectrum disorder in children.
- ❖ **HB 1307** A bill for an act to prohibit public accommodations from refusing services to an individual because the individual has not been vaccinated; and to provide a penalty. Public accommodation may not refuse service for failure to vaccinate.
- ❖ **HB 1320** Relating to limitations on vaccinations requirements. A state or local elected official, the state, or a political subdivision of the state may not mandate an individual in this state to receive a vaccination including for school or daycare.



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## More Immunization Bills:

- ❖ **HB 1352** - Relating to liability for medical products. Medical products cannot be mandated unless the manufacturer of the medical product is liable for any death or serious injury caused by the medical product
- ❖ **HB 1377** Relating to immunization exemptions. Businesses could not mandate vaccines for employees; this includes the healthcare industry, where vaccines are routinely required to protect staff and patients. This bill would supersede school/childcare immunization requirements, and vaccines could no longer be required for school or childcare entry.
- ❖ **HB 1468** Relating to informed consent and notice of risks associated with vaccines. Requires the whole package insert to be given to patients; does not allow for vaccine mandates. This bill dictates how healthcare providers must practice and is an overreach of government into the practice of medicine.
- ❖ **HB 1469** Relating to exemptions from vaccine requirements before admission to school; and to provide an appropriation. NDCC reference to 23-07-16.1 which adds advanced practice registered nurse, or physician assistant; also makes allowances to present a state dept. of health immunization exemption form and develop an online vaccination education module; rules will be adopted by the ND Health Council.



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## The problem with immunization bills

- ▶ Immunization was never a popular topic
- ▶ Now the politicization of COVID-19, high resistance to science-based arguments
- ▶ The more logical the argument, the more push-back from libertarian minded legislators
- ▶ "We have to give them something"


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**Advocacy is more than Legislation**

- ND Supreme Court - Upholding Damages Cap
- Regulatory Issues - Pathology Testing
- NDMA is involved in nearly every North Dakota private and public health-related policy committee
- Appointment to Boards and Commissions
- Officer Leadership within District and NDMA

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**Networking**



- ▶ Vital to contact all concerned parties and legislators as far ahead of time as possible
- ▶ Work out areas of support or polite disagreement. If you can't get support, at least get neutrality
- ▶ Legislators do not like to be put in the middle of turf disputes

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**Networking**




- ▶ Establish your network for contacts and decisions
- ▶ Establish methods for instant communications
- ▶ Legislators read email. Use it, but don't abuse it. Email addresses are on Legislative Council page
- ▶ When contacting legislators, always use the specific bill number (SB 2300, HB 1475) rather than say you're calling about 'more police for Dickinson' or 'funding for hospitals'

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**You Can Make a Difference**

**Get to Know Your Legislators**




- ▶ Get to know who represents you
- ▶ Be familiar with your district: some span wide swaths of area; some are concentrated
- ▶ Stay informed and stay involved! Many people are unaware of the impact that one email, phone call, or point of contact can have on a legislator as they decide how to vote
- ▶ On a weekly basis, all NDMA members receive legislative updates, access to a revised "Bill Tracker", and notices of upcoming legislation

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**Interim Studies**

- ▶ Telehealth: barriers for providers and patients
- ▶ Narrow network study
- ▶ Acute psychiatric hospitalization study
- ▶ Medication optimization study




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**Special Session**


November 8

- ▶ Re-districting
- ▶ ARPA funds - \$1 billion awarded to North Dakota
  - ▶ Infrastructure and one-time funding needs
- ▶ Potential for other issues - such as anti-vaccine mandate bills




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## 2021 Policy Forum Topics




- ▶ Medicaid coverage 12 months post-partum
- ▶ Patient-choice of provider
- ▶ Nursing home medical director registry
- ▶ Basic Care regulatory reform
- ▶ Renewable energy




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## COVID-19



- ▶ Physician Advisory Group
  - ▶ Up-to-Date News on State-Level Issues
  - ▶ Advocacy Letters
    - ▶ Telemedicine Parity
    - ▶ Liability Waivers Due to COVID-19
    - ▶ Mask Mandate
- ▶ Advisory to School Boards
- ▶ Updated Dashboard Release to Public
- ▶ Manages the Physician & Public Health Advisory Group



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