

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Friday, February 16, 2018
TIME: 9:00 A.M.
PLACE: Room EW20
MEMBERS: Chairman Wood, Vice Chairman Packer, Representatives Perry, Vander Woude, Redman, Blanksma, Hanks, Kingsley, Zollinger, Wagoner, Chew, Rubel
**ABSENT/
EXCUSED:** None
GUESTS: Dean Cameron, DOI; Kris Ellis, Eiguren Ellis; Gus Powell and Clay Sealers, Idaho Association of Nurse Anesthetists; Heather Hermestedt, Idaho ACEP; Corey Surber and Megan Rideart, Saint Alphonsus; Tracy Olsen, Self; Amanda Watson, Camp Rainbow Gold; Teresa Harper, College of American Pathologists; Toni Lawson, Idaho Hospital Assoc.; Ken McClure, IMA; Brian Whitlock, IHA; Elizabeth Criner, ISDA; Bill Roden, Select Health

Chairman Wood called the meeting to order at 9:00 a.m.

MOTION: **Vice Chairman Packer** made a motion to approve the minutes of the February 7, 2018, meeting. **Motion carried by voice vote.**

HCR 36: **Rep. Greg Chaney**, District 10, presented **HCR 36** designating May 17th Idaho Diffuse Intrinsic Pontine Glioma (DIPG) Awareness Day to highlight the inoperable tumor's affect on children and encourage families by letting them know they are not alone and have Idaho's support.

Darren Tanner Hoagland, testified **in support of HCR 36**. He described his seven year-old stepson, **Beckham Bradley Bice**, who is battling the illness. Mr. Copeland detailed the family's journey to the DIPG diagnosis and its impact on their family. After a thirty-day radiation treatment and some tumor shrinkage, a forum of doctors are currently formulating a new plan, which may include experimental trials, to save Beckham's life.

Amanda Watson, Camp Rainbow Gold, testified **in support of HCR 36**. DIPG victims rarely attend the camp.

MOTION: **Vice Chairman Packer** made a motion to send **HCR 36** to the floor with a **PASS** recommendation. **Motion carried by voice vote.** **Rep. Chaney** will sponsor the bill on the floor.

H 495: **Rep. Lynn Luker**, District 15, presented **H 495**, the Health Care Billing Equity Act. This legislation provides relief for insured individuals who, after release from hospitals, receive unexpected bills from out-of-network providers.

The emergency services provision provides a guaranteed payment at 85% of the nearest in-network provider rate or 145% of the service area Medicare rate. Non-emergency care, including elective surgery, requires a pre-surgery patient signed agreement to allow balance billing. Hospitals can verify provider network standings through their database.

Dean Cameron, Director, Department of Insurance (DOI), addressed the committee. This impacts air ambulance services, all five carriers, and is a statewide issue. The DOI is willing and able to assist the Legislature on this issue, which requires compromise by all parties.

Answering questions, **Director Cameron**, said along with the patient, who needs to be held harmless, hospitals need to provide the services, and providers need the freedom to choose to sign contracts.

Heather Hemstead, Physician, President, American College of Emergency Physicians, Public Health Policy Expert, testified **in opposition** to **H 495**. It does not have any real patient protection pieces, assumes physician costs are the problem, and keeps patients from noticing they have insurance coverage gaps. The emergency physicians ask to be a part of discussions. Non-profit organizations, as are used by other states, could be a good model for Idaho.

Ken McClure, Idaho Medical Association (IMA), testified **in opposition** to **H 495**. Return to a broader network and free marketplace would address the problem.

Answering questions, **Mr. McClure** explained most emergency room (ER) providers are already in a network, although there are many networks and some offer highly discounted reimbursements. Inexpensive policies do not offer robust coverage. A payor mix is necessary to cover operational costs.

Brian Whitlock, President, Idaho Hospital Association (IHA), testified **in opposition** to **H 495**. A family needing emergency specialists on a holiday are concerned with their loved one, not network coverage. The IMA will join the interim work team.

Elizabeth Criner, Idaho State Dental Association (ISDA), testified **in opposition** to **H 495**. The ISDA and oral surgeons request inclusion in the discussions.

Gus Powell, Idaho Association of Nurse Anesthetists, testified **in support** of **H 495**. Advanced practice nurses (APNs) are used in hospitals and ERs. Anesthetists and other specialists do not have the ability to meet with patients prior to a procedure. He offered his time and energy to work toward a solution during the interim.

Norm Varin, Pacific Source Health Plans, testified **in opposition** to **H 495**. Their contracts require emergency service at in-network benefits. Although various mechanisms can determine in-network providers, support services are scheduled the day of the procedure, providing no patient knowledge of their network status.

For the record, no one else indicated their desire to testify.

MOTION:

Rep. Zollinger made a motion to **HOLD H 495** in committee.

Concluding, **Rep. Luker** said the patient has been excluded in the discussions. He asked the germane committee to invite the groups to report back next year.

Responding to a question, **Director Cameron** said a number of stakeholder meetings would be held to narrow the issue focus to balance billing without including compensation levels. Federal law requires payment at network rates for emergencies; however there has been no discussion regarding balance billing for the difference. He agreed to acquire the federal code and help with the negotiations.

**SUBSTITUTE
MOTION:**

Rep. Redman made a substitute motion to **HOLD H 496** for time certain, two weeks.

Chairman Wood stated the issue needs to be solved, either by the stakeholders or by the Legislature next session, cautioning the stakeholders may not like the subsequent legislation.

**ROLL CALL
VOTE:**

Roll call vote was requested. **Substitute motion failed by a vote of 3 AYE, 8 NAY, 1 Absent/Excused. Voting in favor** of the substitute motion: **Reps. Redman, Chew, Rubel. Voting in opposition** to the substitute motion: **Reps. Wood, Packer, Perry, Vander Woude, Hanks, Kingsley, Zollinger, Wagoner. Absent/Excused: Rep. Blanksma.**

VOTE ON MOTION: **Original motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:53 a.m.

Representative Wood
Chair

Irene Moore
Secretary