



Welcome to NCMS's 2020 *Virtual* Legislative Night!

Agenda

6:00 p.m. Welcome + Introductions

6:30 p.m. Meet our moderator, Dr. Dave Downs MD, FACP + Legislative Night Topics

6:40 p.m. Individual Breakout Rooms begin

7:10 p.m. Report outs from breakout rooms

7:45 p.m. Closing + NCMS updates and future events

CMS Advocacy

Advocating for Colorado physicians at the local, state & federal levels



WHO WE ARE

Founded in 1871, the Colorado Medical Society (CMS) is the largest organization of physicians in Colorado, with over 7,500 members across all specialties and employment settings. Our members frequently identify advocacy as one of their main reasons for membership in CMS.

OUR WORK

The CMS Advocacy Team is comprised of policy experts, legal counsel, and professional advocates. We strive for grassroots initiatives focused on health care reform at the local and state levels. At the federal level, we work closely with the American Medical Association (AMA).

Our work can be categorized into two efforts: legislative and political. The Council on Legislation, comprised of physicians and industry experts, determines CMS positions on legislative, regulatory, and ballot issues.

The Colorado Medical Political Action Committee (COMPAC) connects state legislators and their physician constituents in collaborative, meaningful relationships. COMPAC vets candidates for statewide office based on their stance on relevant health care issues. Those that align with physician interests receive contributions and fundraising support from COMPAC.

HEALTH CARE ADVOCACY 101

In today's political climate, health care reform is a top issue. Physician voices are crucial to that conversation.

There are many ways to get involved:

- Adopt a Legislator – build a relationship with a local elected official and communicate your willingness to be a resource when it comes to health care issues.
- Attend Townhalls, Legislative Hearings, and Political Events – get informed on the issues.
- Call or Write a Legislator – respond to CMS calls for action and demonstrate grassroots support or opposition for an issue with a phone call or email.
- Donate to COMPAC – support pro-physician candidates and aid CMS' influence at the Capitol.
- Join the Council on Legislation – talk to your local component or specialty society about representing them on COL and have direct involvement in CMS policy.
- Testify – be the voice of your peers at legislative hearings on crucial issues.

*We are always a resource. Contact Emily Bishop at emily_bishop@cms.org with any questions.



NORTHERN COLORADO MEDICAL SOCIETY

Northern Colorado Legislators
All candidates are COMPAC endorsed



Candidate Tonya Van Beber (R)
HD 48 (Weld)
970-590-7141
Vanbeberforstatehouse@gmail.com



Candidate Dan Woog (R)
HD 63 (Weld)
970.658.0255



Candidate Michael Lynch (R)
HD 49 (Larimer; Weld)
970-214-4272
Mike@LynchForColorado.com



Sen. Jerry Sonnenberg (R)
SD 1 (Weld; Sterling)
303-866-6360
senatorsonnenberg@gmail.com
Committees:

- Agriculture & Natural Resources
- State, Veteran, & Military Affairs
- Capital Development



Rep. Mary Young (D)
HD 50 (Weld; Greeley)
303-866-2929
Mary.young.house@state.co.us
Committees:

- Public Health Care & Human Services
- Rural Affairs & Agriculture



Sen. John Cooke (R)
SD 13 (Weld; Greeley)
303-866-4451
John.cooke.senate@state.co.us
Committees:

- Legal Services
- Legislative Council
- Judiciary



Rep. Hugh McKean (R)
HD 51 (Larimer; Loveland)
303-866-2947
Hugh.mckean.house@state.co.us
Committees:

- Business & Labor
- Statutory Revision Committee



Sen. Joann Ginal (D)
SD 14 (Larimer)
303-866-4841
joannginal@yahoo.com
Committees:

- Local Government
- Health & Human Services



Rep. Cathy Kipp (D)
HD 52 (Larimer)
303-866-4569
Cathy.kipp.house@state.co.us
Committees:

- Energy & Environment
- Education



Sen. Rob Woodward (R)
SD 15 (Larimer)
303-866-4853
Rob.woodward.senate@state.co.us
Committees:

- Statutory Revision Committee
- Appropriations
- Finance



Rep. Jeni Arndt (D)
HD 53 (Larimer)
303-866-2917
Jeni.arndt.house@state.co.us
Committees:

- Business Affairs & Labor
- Rural Affairs & Agriculture
- Statutory Revision Committee

A TRUSTED PARTNER WITH PROVEN EXPERIENCE

COPIC is a better option for medical liability coverage. Our industry-leading programs support physicians, medical professionals, group practices, hospitals, and medical facilities to deliver improved patient care. And having a proven partner means you can focus on what matters most—better medicine and better lives.

COPIC benefits include:

- ▶ State medical society members are eligible for a 10% discount.
- ▶ Physician-led company recognized for its patient safety and risk management programs.
- ▶ A 24/7 risk management hotline staffed by physicians for guidance in urgent situations.
- ▶ An array of educational activities that include in-person seminars, on-demand courses, and multi-day conferences, and often qualify for CME/CNE credit.
- ▶ Frequency of claims among COPIC insureds is 30% less than the national average.
- ▶ 20+ years of experience with communication and resolution programs that address patients' needs after an unexpected outcome occurs.
- ▶ On-site reviews that identify high-risk areas and best practices to address these.
- ▶ Eligible insureds can also qualify for a premium discount for participation in the COPIC Points Program.

COPIC is the endorsed carrier of the:

<i>Colorado Hospital Association</i>	<i>Nebraska Medical Association</i>
<i>Colorado Medical Society</i>	<i>North Dakota Medical Association</i>
<i>Iowa Medical Society</i>	<i>South Dakota State Medical Association</i>
<i>Minnesota Medical Association</i>	<i>Utah Medical Association</i>



Better Medicine • Better Lives

www.callcopic.com

*For more information, please contact our Sales Department at
sales@copic.com or (720) 858-6199.*





A sample of health care-related bills from the 2020 Colorado General Assembly
Red indicates bill did not pass

Health Care Costs and Insurance

- Colorado affordable health care option (**HB1349**)
- Allow Medicaid buy in after age 65 (SB033)

Medical Liability

- Allow duplicative lawsuits against employers for employee actions (**HB1348**)
- Patient disclosure of sexual misconduct (SB102)

COVID-19/Patient Safety

- Telemedicine reimbursement codified (SB212)
- Protections for whistleblowers during public health emergencies (HB1415)
- Hospital patient visitation rights during COVID (HB1425)

Sunsets/Scope of Practice

- PAs' financial responsibility requirements clarification (HB1041)
- Availability/access to HIV prevention medications (HB1061)
- Continuing NPATCH (HB1209), board of chiropractic examiners (HB1210), naturopathic doctors (HB1212), and continuing the nurse practice act (HB1216)
- Competency evaluations by APNs (**SB075**)

Addressing the Opioid Epidemic

- Criminal justice system reform (HB1017), harm reduction (HB1065), prevention (**HB1085**), treatment (SB007), and recovery (SB028)

Prescription Drug Costs

- Drug price transparency (**HB1160**)
- Drug production cost disclosures (**SB107**)

Other Highlights

- School entry immunizations (SB163)
- Simplified health care billing (**SB005**)



Sine die report: Legislature passes laws reflecting the “new normal”

Wednesday, July 01, 2020

Despite rocky session, physicians see tremendous gains

by Emily Bishop, Program Manager, CMS Division of Government Relations



Featured in the [July-August 2020 Colorado Medicine](#) *Colorado Medicine*.

The Colorado Legislature adjourned on June 15 after an unprecedented 2020 session as a result of the coronavirus pandemic. After a 53-day recess to promote social distancing and protect the health of members, staff and the public, the legislature returned on May 26 to a very different landscape. Facing economic turmoil, a historic budget shortfall, and continued public health concerns, legislators worked to pass priority legislation swiftly.

Despite the challenges, CMS continued to advocate for Colorado physicians at the Capitol and championed legislation to expand telehealth, address the opioid crisis, improve statewide vaccination rates and improve the affordability of health care.

This year’s wins are a reflection of CMS’s engaged membership and the tireless work of physicians to address the needs of their patients during this challenging time. CMS is proud to represent these interests at the Capitol.

Telehealth expansions adopted during COVID-19 made permanent

As demand for telehealth skyrocketed during the COVID-19 pandemic, almost every physician practice either ramped up existing telehealth services or started offering new telehealth services. Restrictions were eased and reimbursement was bolstered on both the state and federal levels in order to ensure more patients could access needed health care services through telehealth. As soon as the benefits of these expansions were seen,

CMS began advocating strongly that these advances be maintained post-pandemic and not lost by reverting to pre-pandemic telehealth coverage and payment rules.

This advocacy paid off with the passage of SB20-212, which was not even contemplated at the beginning of the session in January. The bill enables reimbursement for telephone calls, prohibits private insurance carriers from putting restrictions on the use of telehealth and requires Medicaid to cover telehealth more broadly. Upon the governor's signature, this will be an important win that will increase telehealth coverage, access and reimbursement for all HIPAA-compliant technologies.

A big step toward improving Colorado's vaccination rates

SB20-163 was another high priority bill of the 2020 session. The legislation aimed at improving the state's overall vaccination rates requires the creation of a standardized form and education module to claim a nonmedical immunization exemption for a school-age child. The bill also sets a goal of a 95 percent vaccination rate for each school.

While the bill does allow an exception to these requirements for homeschooled children, overall the bill is a huge win that has been long fought over the last several sessions. Heading into the final weeks of the session, it was unclear if legislative leadership would even allow SB20-163 on the calendar over concerns about overcrowding in the Capitol amidst social distancing measures. However, in part because of the grassroots efforts by CMS and its partners, the bill continued through lively debate until eventually being sent to the governor's desk on the penultimate day of session.

Colorado's liability climate remains stable

Initial legislation aimed at expanding the potential payout of civil claims by allowing a plaintiff to hold an employer responsible for the actions of its employees in certain circumstances – reversing a state Supreme Court decision and long-held precedent – was waylaid by the interrupted session. HB20-1348 was a bill supported by the Colorado Trial Lawyers Association that met with considerable opposition from the business and health care communities. While it was pulled down due to the shortened session and revised priorities of the legislature, CTLA leadership have vowed to return with the bill in 2021. CMS is working closely with its partners, including COPIC, to educate legislators on the adverse impact of such liability expansion.

Pain management alternatives get coverage boost

Colorado Medical Society's continued collaboration with the General Assembly's Opioid and Other Substance Use Disorders Interim Study Committee, the Colorado Consortium for Prescription Drug Abuse Prevention, the Colorado Pain Society and others has led to more progress in the fight against the opioid crisis. CMS's Council on Legislation supported all five bills that came out of the 2019 Interim Committee and all were passed by the legislature, though budgetary constraints forced modifications to be made.

The five bills address prevention, treatment, recovery, harm reduction and the criminal justice system. Of note is HB20-1085's requirement that private insurance carriers provide increased coverage for atypical opioids and nonopioids without barriers – like step therapy or prior authorization – as well as increased coverage for alternatives to opioids like physical therapy, occupational therapy, chiropractic visits and acupuncture visits. The governor vetoed HB20-1085 due to concerns the mandated coverage of services would raise health insurance premiums.

Legislative declaration on hospital visitations balances safety and patient needs

HB20-1425 was a late bill introduced in the final days of session, which addressed visitation for patients during the coronavirus pandemic. While the bill sponsors had good intentions in addressing a challenging situation, CMS and its partners raised concerns over respecting patient-centered care, existing hospital visitation policies, and autonomy of clinical decision-making. After emotional testimony, the bill was amended to a legislative declaration calling for hospitals to revisit their policies to ensure that loved ones can safely visit patients as the pandemic continues. CMS committed to collaborate in this work.

Public option delayed but health insurance affordability addressed

Perhaps the most anticipated bill of the 2020 session before the coronavirus pandemic was the state affordable health insurance option, sometimes referred to as the public option. HB20-1349 was introduced just a week before the legislature took their temporary recess and was deemed too complex and controversial to tackle when the legislature reconvened nearly two months later. The sponsors pulled the bill down but vowed to return in 2021 with a renewed effort. Before the shutdown, the CMS board had voted to take a monitor position on the bill and will continue to be involved in the stakeholder process throughout the interim.

However, as the COVID-19 pandemic wore on and shutdowns caused unemployment to surge, a new bill addressing health insurance affordability gained momentum. SB20-215 establishes the Health Insurance Affordability Enterprise to assess a fee on health insurance premiums and an assessment on hospitals for two years to fund the state's reinsurance program and provide subsidies to lower health insurance premiums on the individual market. As a result, more patients will have coverage and physicians can expect less uncompensated care.

Practice acts continued without dangerous scope expansions

The 2020 session saw sunsets of the practice acts for the Nursing Board, NPATCH, Naturopaths and Board of Chiropractic Examiners. The CMS Council on Legislation, with the advisement of the Scope of Practice subcommittee, carefully monitored the legislation to ensure no dangerous scope expansions were included.

HB20-1216 continued the Nurse Practice Act, aligning the act with that of other health care professionals, eliminating articulated plans, and allowing delegation of certain patient care to qualified health care professionals in very specific circumstances. CMS fought hard against an initial proposal for the bill to also reduce the number of experience hours to zero for an APRN to obtain prescriptive authority. After extensive negotiations between the bill sponsor, nursing groups, and physician organizations including CMS, an agreement was reached to reduce the required hours to 750.

CMS worked closely with naturopathic doctors on HB20-1212 to continue their registration and practice act. The bill adds a pediatrician and a physician representative of a statewide, multispecialty medical society to the Naturopathic Medicine Advisory Committee. The bill also limits any formularies that can be added by rule to biological substances.

Tobacco tax on the November ballot to fill budget shortfall

HB20-1427 puts a measure on the November ballot asking voters to increase the tax on cigarettes, tobacco products and nicotine products (including vaping) starting next year. Revenues from the tax will be used to backfill some of the state budget shortfall, support tobacco education programs, and fund affordable housing and preschool programs.

As CMS worked to close the truncated 2020 session with positive outcomes for physicians and the patients you serve, the bipartisan COMPAC was also working behind the scenes to interview candidates before the June 30 primary election. COMPAC endorsed 71 candidates running for state House and Senate districts, and 70 won their primary races. Find the latest list at cms.org/advocacy/compac-endorsements with final endorsements included in the September/October *Colorado Medicine*.

The great work that has been done on behalf of our members and your patients is thanks in large part to the relationships physicians build during these campaigns. If you have not already contributed to COMPAC, there is still time and your support is critical. In addition, we strongly encourage you to contribute to the Small Donor Committee that is exclusively used to support candidates who have committed to protect Colorado's stable liability climate and enact comprehensive liability reform. Go to cms.org/contribute for our secure payment platform.

To see the article on the CMS website, please click [here](#).



THE COLORADO AFFORDABLE HEALTH CARE OPTION

Reducing health care costs without impacting the quality of care

Sponsors: Representatives Dylan Roberts, Chris Kennedy, and Senator Kerry Donovan

Lobbying Contacts: Jerry Johnson (303-905-0227) and Dan Jablan (303-870-6347)

The Issue — Physicians agree that the cost of care is exorbitantly high for their patients. However, proposed solutions to reducing cost often do not take the importance of high-quality health care into consideration. While we do not take a position on the Affordable Option without first seeing the 2021 bill, The Colorado Medical Society (CMS) and the Northern Colorado Medical Society (NCMS) ask legislators to keep physicians at the table in order to ensure quality care remains a top priority.

The Background — The 2020 Affordable Option bill (HB20-1349) was pulled by its sponsors due to the COVID-19 public health emergency. The sponsors have committed to reintroducing the bill during the 2021 legislative session. While HB1349 was pulled before the complete legislative and stakeholder process could take place, CMS did appreciate that there was no rate setting for physicians included in the bill. Especially when tied to Medicaid, set reimbursement rates for health care professionals are often insufficient to cover the true cost of care and allow providers to practice independent medical judgement

The CMS Workgroup on Health Care Cost and Quality recommends the 2021 Affordable Option bill do the following:

- Increase competition in the multi-payer system utilizing current commercial payers.
- Fund the option through reduction of waste and taxes on goods known to damage health, such as nicotine rather than through rate setting.
- Standardize the benefit package across all carriers offering the option using value-based insurance design principles.
- Standardize formularies, provider contracting, prior authorization, utilization & claims management, guidelines, and cost & quality metrics across carriers offering the option.
- Continue to include physicians in the conversation, including on any advisory or governing boards overseeing the option.

CMS and NCMS ask for your support to keep physicians at the table for the 2021 Affordable Option bill

The Colorado Medical Society champions health care issues that improve patient care, promote physician professional satisfaction and create healthier communities in Colorado. To learn more about CMS, visit www.cms.org.



MAINTAINING COLORADO'S STABLE MEDICAL LIABILITY

Stable liability entices more high-quality physicians to the state, reduces the cost of health care, and increases patient access

Lobbying Contacts: Jerry Johnson (303-905-0227) and Dan Jablan (303-870-6347)

The Issue — At least once a session, trial lawyers introduce legislation aimed at increasing the potential payout of medical malpractice suits. This has little to do with protecting patients and is actually harmful to the state's health care system, increasing cost and reducing access to health care professionals.

The Background — The consequences of increased liability are serious and counter to the legislature's current goals:

- Higher health care costs as medical liability insurance premiums increase and physicians practice defensive medicine, ordering more unnecessary, high-cost tests and services in an effort to protect themselves.
- Increased liability drives physicians out of high-risk specialties such as obstetrics or even out-of-state, creating access issues for communities around the state.
- Physician burnout, especially as they continue to navigate the COVID-19 pandemic.

CMS anticipates 3 potential liability issues in the coming session:

- An attempt by trial lawyers to increase the cap on noneconomic damages for malpractice suits. The cap is currently set at \$300,000, although a judge may award more if they deem it appropriate. This cap strikes the correct balance between fair compensation for impacted patients and not placing undue burden on our health care system. CMS and NCMS oppose any attempts to increase it.
- An effort by CMS and its partners to retroactively increase liability protections for health care providers responding to the COVID-19 public health emergency. Providers working outside their typical scope of practice, caring for patients with altered assessment via telemedicine, making decisions relative to the crisis for patients who are not COVID-19 positive, triaging care based on public health needs as opposed to the specific needs of a patient, and using their professional judgment when attempting to adhere to Executive Orders are exposed in the case of adverse outcomes.
- The trial lawyers sponsored HB20-1348 during the 2020 session as an attempt to allow plaintiffs in civil actions to bring duplicative and unnecessary claims against an employer who has admitted they are 100% responsible for the negligent acts of their employees or agents. This bill would overturn a long-standing Colorado Supreme Court rule established in *Ferrari v. Okbamicael* and significantly increase health care costs. CMS is joined in opposing this bill by the Colorado business community. Trial lawyers have indicated they plan to bring the bill back in 2021.

CMS and NCMS ask for your NO vote on any efforts to destabilize Colorado's medical liability

The Colorado Medical Society champions health care issues that improve patient care, promote physician professional satisfaction and create healthier communities in Colorado. To learn more about CMS, visit www.cms.org.

ASA Statement on the Use of Ketamine for a Non-medical Purpose

The American Society of Anesthesiologists firmly opposes the use of ketamine or any other sedative/hypnotic agent to chemically incapacitate someone for a law enforcement purpose and not for a legitimate medical reason. Ketamine is a potent analgesic, sedative and general anesthetic agent which can elevate blood pressure and heart rate, and can lead to confusion, agitation, delirium, and hallucinations. These effects can end in death when administered in a non-health care setting without appropriately trained medical personnel and necessary equipment.