

LEGISLATIVE UPDATE



Week of November 4, 2019

State Issues

Another DHCS Departure	On Thursday, the Department of Health Care Services (DHCS) announced that Mari Cantwell, Chief Deputy Director for Health Care Programs and State Medicaid Director, has decided to leave DHCS at the end of January 2020. You will recall that in late September DHCS Director Jennifer Kent abruptly announced her resignation. Richard Figueroa Jr., who was Governor Newsom’s deputy cabinet secretary, was named and continues as “acting director” and it is not certain whether he will remain in that role or if a permanent director will be named in the coming new year.
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Federal Issues

NY Court Strikes Down HHS Conscience Regulations	<p>As reported in our last Update, several states have filed lawsuits challenging the Trump Administration's new rule to expand and consolidate its enforcement authority over 25 federal health care conscience laws – see Background below. In one of the lawsuits filed in New York, this week that federal district court nullified the Trump Administration rule. The decision was issued in a consolidated case by plaintiffs including Planned Parenthood and two dozen states and cities. Two other lawsuits challenging the regulations are proceeding in federal courts in California and Washington State.</p> <p><i>Background:</i> In early May 2019, the Office for Civil Rights (OCR) within the Department of Health and Human Services finalized a new rule to expand and consolidate its enforcement authority over 25 federal health care conscience laws. The rule was scheduled to go into effect on July 22, 2019 but was immediately challenged by the city and county of San Francisco. Other lawsuits soon followed. Then in July after a flurry of activity, the Department of Justice (DOJ), on behalf of OCR, and the plaintiffs reached an agreement to postpone the rule’s effective date to November 22, 2019, allowing all parties more time for their judicial challenge over whether the rule should be set aside. Plaintiffs argue that the administration exceeded its authority, finalizing a policy that went far beyond conscience protections previously granted to health providers. They argue the change would discriminate against certain patients, particularly those in the LGBTQ community and women seeking abortion services and reproductive care.</p>
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