

LEGISLATIVE UPDATE



Week of April 27, 2020

State Issues

Guidance on Resuming Deferred Health Care Services

On Monday, the Department of Public Health issued guidelines for “Resuming California’s Deferred and Preventive Health Care.” The document is intended to address, “as soon as practicable,” the broad deferral of many health care services that was needed in response to the surge of COVID-19 patients. While the document offers a statewide framework for the gradual resumption of services, it also notes that all facilities should comply with local guidelines and recognize local or regional circumstances that require different timelines for resumption of services. Among the other considerations for health care facilities that the guidelines lay out for a gradual reintroduction of services are:

- COVID-19 indicators (e.g., infection rates, hospitalizations, emergency department admissions, ICU beds, and skilled-nursing facility outbreaks)
- Adequate personal protective equipment
- Availability of testing when knowing the COVID-19 status of staff or patients is important for clinical care and infection control
- Consultation with local public health officers
- Availability of qualified staff
- Having patient flow systems and infection control precautions in place

The document also details guidance on care prioritization and scheduling, outpatient visits, hospital and outpatient surgery care, dental services, SNF operations, and more.

The full memo on the guidance can be found at:

https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/ResumingCalifornia%E2%80%99sDeferredandPreventiveHealthCare.aspx?_cldee=Y2RldmlAY2FsaG9zcGl0YWwub3Jn&recipientid=contact-fe5edad0afc9e911a842000d3a3b4cee-543a8c22223946269a5d8d8b5bbec676&esid=cbfe7fa7-ba88-ea11-a812-000d3a3abdcf

Assembly Legislative Hearings Resume

The Assembly will back in session starting next Monday, May 4, and have announced that the Assembly Budget Subcommittee No. 1 on Health and Human Services will hold a hearing on the first day they are back. The Subcommittee, Chaired by Dr. Joaquin Arambula, will spend the better part of the day discussing two main themes: Panel 1 will focus on “The Future of our Health Care Workforce: California’s Economic Engine,” and Panel 2 will feature speakers who will try to answer the question “How Our Safety Net Programs are Responding in the COVID 19 and Unemployment Crises and Identifying Challenges and Needs Going Forward.”

(more)

<p>Assembly Legislative Hearings Resume <i>(continued)</i></p>	<p>Presenting the health care issues will be representatives from the California Hospital Association, the California Medical Association, the California Association of Health Facilities (nursing homes) and the California Primary Care Association (community clinics), and Health Access. We also expect Dr. Mark Ghaly, Secretary of Health and Human Services, to provide the Administration’s testimony. While the hearing agenda focuses on workforce, which has been a priority for Dr. Arambula, the hearing is expected to be broader. The financial health and viability of our health care delivery system will be the hot topic, and several Legislators are likely to focus on the role health insurers need to be playing ensuring the financial viability of our health care system and the state’s recovery efforts.</p> <p>The Assembly Leadership also announced the Assembly Committee hearing schedule for each committee, with the Assembly Health Committee’s hearing being held on May 18 at 10:00am. The hearing will take place on the Floor of the Assembly to accommodate social distancing for the large committee. The Committee has not made a final decision on all bills it will hear, but it will likely include 35 or more bills. Health Committee Chair, Jim Dr. Wood, currently is in the process of working with authors to finalize the list.</p>
<p>Senate Announces Return</p>	<p>The Senate has finally committed to returning to Sacramento on Monday, May 11 – exactly one week after the Assembly returns. They have not announced how they will proceed with their committee schedules or which bills will be prioritized but will be releasing more details about bills and process in the next few weeks.</p>
<p>Processes and Parameters on Legislative Hearings and Voting</p>	<p>Senate Pro Tem Toni Atkins shared that details on physical distancing, remote participation, and “other necessary public health precautions” will be announced prior to the Senate’s return. The Senate did pass a resolution allowing remote participation by Legislators within strict parameters. As more of their members fall into COVID-19 risk categories, they have interpreted the law to allow them to have remote participation and even remote voting.</p> <p>The Assembly has a more conservative view and does not believe members can participate remotely, but it will grant members, who chose not to travel to Sacramento to participate in person, excused absences. A recent memo outlined the “Assembly Measures to Facilitate Public Health and Participation in the Legislative Process During the COVID-19 Pandemic” – see attached.</p>
<p>New Senate Special Committee on Pandemic Emergency Response Hearing Set</p>	<p>Pro Tem Atkins has appointed a Special Committee that is tasked with reviewing the state’s response to the COVID-19 health crisis – what has gone right and what could be improved. They will be meeting on Wednesday, May 6, at 1:30pm. The committee will also make findings and recommendations for future preparedness. The special committee is chaired by Senator Lena A. Gonzalez (D-Long Beach), vice-chaired by Senator Patricia C. Bates (R-Laguna Niguel), and will include the following Senators: Andreas Borgeas (R-Fresno), Anna M. Caballero (D-Salinas), Bill Dodd (D-Napa), Hannah-Beth Jackson (D-Santa Barbara), Brian W. Jones (R-Santee), Mike McGuire (D-Healdsburg), Richard Pan (D-Sacramento), Thomas J. Umberg (D-Santa Ana), and Scott D. Wiener (D-San Francisco).</p> <p>As with the Senate’s April 16, 2020 budget hearing on COVID-19, some members of the committee are expected to participate remotely. The public is encouraged to watch electronically at www.senate.ca.gov.</p> <p style="text-align: right;"><i>(more)</i></p>

Proposed 2020 MICRA Initiative Efforts Suspended	This week, the proponents of the “Fairness to Injured Patients Act” are suspending efforts to qualify an initiative for the November 2020 ballot and will instead target the 2022 general election. The initiative would have adjusted the maximum \$250,000 compensation cap on quality of life and wrongful death survivor damages set under the 1975 Medical Injury Compensation Reform Act (MICRA). The ballot measure would adjust the compensation cap for inflation, allows judges and jurors to decide that compensation above the cap is appropriate in certain cases of catastrophic injury or death, and requires that juries be informed about the existence of the cap. Indexing the \$250,000 cap for inflation would raise it to over \$1.2 million in today’s dollars.
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Assembly Measures to Facilitate Public Health and Participation in the Legislative Process During the COVID-19 Pandemic

The Assembly cares about the health of its Members, staff, and the public, and deeply respects the public's right to attend legislative proceedings. Accordingly, the Assembly has taken extensive and multifaceted action to ensure that Members, staff, and the public can safely participate in the legislative process during the era of COVID-19. Here is a summary of the steps we have taken:

- Members will attend hearings in-person but only in rooms, including the Chamber, large enough to accommodate them with physical distancing.
- The Capitol will have health screening at the entrance and controlled movement to committee rooms to preserve physical distancing. Hand sanitizer is to be made available in all spaces used by the public.
- There is limited in-person seating in committee rooms to accommodate physical distancing. Because of this, we strongly encourage usage of web and phone options, described below, rather than in-person testimony.
- Those individuals who attend the hearings in-person will have the opportunity to offer comment in the room.
- There is continued access to the web-based Position Letter Portal for advocates and individuals to register their positions on bills.
- Public Comment and witness testimony may be submitted through a dedicated phone service.
- Witness Videoconferencing Rooms (WVRs) in the Capitol will have dedicated remote, secure videoconferencing devices for hearing live testimony from witnesses in support of and opposition to bills. This will preserve safe physical distancing. These rooms allow invited witnesses to provide testimony on bills without having to attend public hearing rooms in-person.

Hearing Attendance by Members

Members will attend hearings in-person and sit either on the dais or in the Chamber with proper physical distancing. Staff attendance will be limited to exclude all but essential personnel. Committee rooms will be cleaned prior to every hearing and microphone covers will be provided. The Assembly Chamber will be used for larger committees to make certain they can still meet with appropriate physical distancing.

Health Screening and Controlled Movement in the Capitol

Capitol nurses and Assembly Sergeants will be posted at the Capitol entrances to ask public health screening questions and administer voluntary temperature checks. Access to the Capitol will occur in queues that are marked for appropriate physical distancing. Sergeants will direct members of the public to elevators where only one person will be allowed per elevator. Posted signage will encourage physical distancing and direct attendees to the committee rooms while limiting access to the rest of the Capitol.

Limited Public Access to Committee Rooms

Seating in all hearing rooms is measured and marked with signage for physical distancing. Once the pre-determined capacity for a room has been reached, no other individuals will be allowed in the room. Sergeants, and in some cases CHP, will be on-hand to ensure physical distancing.

In-Person Public Comment

This will be available to a limited number of individuals who will be admitted until the hearing room reaches capacity. These individuals can offer public comment in the hearing room, but will do so behind a stanchion and a Plexiglas shield, which protects the public and staff.

Position Letter Portal

The public and advocates can continue to make use of our widely used position letter web portal to submit letters and comments to committees for inclusion in committee analyses.

Public Comment by Phone

Individuals may call in and speak on bills from any location. The Assembly will use a moderated phone service to queue up individuals and organize them for comment during hearings.

Supporters, opponents, and pre-selected witnesses may call in, offer perspective and make their voices heard. This also opens up comment to underserved communities or those who may lack access to the internet. Additionally, committee staff will be standing by to assist any individuals with technical issues using the call-in service.

Witness Videoconference Rooms (WVRs)

Chairs, authors, advocates, and committee staff will work together to select witnesses for both support and opposition on bills. While these witnesses have the option of calling their testimony in, they may also make use of WVRs on the first floor of the Capitol, in Rooms 125, 126, and 127. WVRs enable selected support and opposition witnesses to testify using hygienic, touch-free videoconference devices spaced for physical distancing, and provided by the Assembly.

Witness testimony from the WVR will be displayed on a TV screen in the hearing room. The witnesses in the WVR will be able to see and interact with the Chair and committee Members, including answering any questions they may have. Witnesses waiting to testify on the next two bills to come up in the hearing can wait safely in seats marked for physical distancing in the room. Additional marked seats will be available in the halls outside the WVRs and a special exit will be opened to facilitate orderly exit from the building with safe physical distancing, after witnesses have testified.

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