

LEGISLATIVE UPDATE



Week of February 14, 2022

State Issues

New Bill
Introduction
Deadline

Today is the deadline for bills to be introduced for this legislative session. It will take a few days for the bills to come into print and it is expected that hundreds of bills will be published over the weekend. Outlined below are a few bills of interest:

SB 923 (Weiner) would require health care providers to go through sensitivity training for providing services to the LGBTQ community and it would require plans to clarify who in their provider networks offer gender-affirming services.

SB 988 (Hueso) addresses medical marijuana use in hospitals and is currently a spot bill; but it is the author's attempt to find a fix for his SB 311 from last year that was amended and rushed through the last few days of session. It requires hospitals to categorize medical marijuana as a Schedule II drug, despite it being a Schedule I drug at the federal level – putting hospitals in a difficult regulatory position.

SB 939 (Pan), on prescription drug pricing, seeks to address drug prices by prohibiting pharmacy benefit managers from discriminating against a covered entity in the 340B program.

SB 913 (Limon), Biomarker Testing, is sponsored by the American Cancer Society-Cancer Action Network and seeks to mandate that health plans cover biomarker testing for all stages of cancer, which is a critical tool in cancer treatment and precision medicine.

SB 871 (Pan) will add COVID-19 vaccines to the list of vaccines children must have to enroll in school.

SB 866 (Weiner) will allow minors 12 and older to consent to being given the COVID-19 vaccine, without parental consent.

AB 1721 and AB 1770 (Rodriguez), regarding ambulance off load times, stems from a long-standing issue of overcrowded hospitals and emergency rooms that lead to ambulances with noncritical patients having to wait to admit patients to the emergency department.

AB 1880 (Arambula) on step therapy is a follow up to a successful bill last year. There were a few elements of the original bill that did not make it through the legislative process. Among the elements included again in this bill is a requirement that physicians with similar expertise review step therapy exemptions.

(more)

<p>New Bill Introduction Deadline (continued)</p>	<p>AB 1882 (Robert Rivas), sponsored by Cal Labor Federation, would require hospitals to provide annual updates on the status of each building towards meeting the 2030 hospital seismic standards. It also requires all buildings not yet compliant with the 2030 standards to post a notice in the lobby that states “...the hospital owner is aware that the hospital is at risk of not being functional to provide care to its patients or the community after an earthquake.”</p> <p>AB 2080 (Wood) is a re-emergence on hospital consolidation from SB 977 (Monning) several years ago. It would grant the Attorney General the authority to approve or reject partnerships between health care entities (plans, hospitals, physician groups, etal). The coalition that opposed SB 977 will be reconvening to state its concerns with this provision.</p> <p>AB 2020 (Gallagher) addresses gravely disabled patients and is a Republican caucus spot bill. This bill likely will be amended to attempt to address how to allow for involuntary treatment for homeless, mentally ill patients. There are several other bills that have been introduced related to involuntary commitment that attempt to address the same or similar issue.</p> <p>AB 2092 (Weber), sponsored by Adventist Health, Sharp Health and the California Hospital Association, will be amended to allow the Department of Public Health to authorize acute care services to be delivered in a home setting in certain circumstances.</p>
<p>COVID Response</p>	<p>The Governor just announced his “SMARTER” plan for post-pandemic California. You can find the official plan here: https://www.gov.ca.gov/2022/02/17/governor-newsom-unveils-smarter-plan-charting-californias-path-forward-on-nation-leading-pandemic-response/. The Governor summarizes the plan as follows:</p> <p>Shots: Vaccines are the most powerful weapon against hospitalization and serious illness. Under the plan, California will maintain capacity to administer at least 200,000 vaccines per day on top of existing pharmacy and provider infrastructure.</p> <p>Masks: Properly worn masks with good filtration help slow the spread of COVID-19 or other respiratory viruses. The state will maintain a stockpile of 75 million high quality masks and the capability to distribute them as needed.</p> <p>Awareness: We will continue to stay aware of how COVID-19 is spreading and evolving variants, communicate clearly how people should protect themselves, and coordinate our state and local government response. California will maintain capability to promote vaccination, masking and other mitigation measures in all 58 counties and support engagement with at least 150 community-based organizations.</p> <p>Readiness: COVID-19 isn’t going away and we need to be ready with the tools, resources and supplies that will allow us to quickly respond to protect public health and to keep the health care system well prepared. The state will maintain wastewater surveillance in all regions and enhance respiratory surveillance in the health care system while continuing to sequence at least 10 percent of positive COVID-19 test specimens. The state will also maintain the ability to add 3,000 clinical staff within 2-3 weeks of need and across various health care facility types.</p> <p style="text-align: right;"><i>(more)</i></p>

COVID Response
(continued)

Testing: Getting the right type of tests – PCR or antigen – to where they are needed most. Testing will help California minimize the spread of COVID-19. California will maintain commercial and local public health capacity statewide to perform **at least 500,000 tests per day** – a combination of PCR and antigen.

Education: California will continue to work to keep schools open and children safely in classrooms for in-person instruction. The state will expand by **25 percent school-based vaccination sites** supported by the state to increase vaccination rates as eligibility expands.

Rx: Evolving and improving treatments will become increasingly available and critical as a tool to save lives. The state will maximize orders for the most clinically effective therapeutic available through federal partnerships, ensuring allocations of effective therapeutics are ordered **within 48-hours**.

Of particular relevance to health care providers, the Governor is continuing to leave in place some of the Executive Orders that are allowing providers some level of flexibility to access staff needed during this serious staffing shortage.

The next big announcement should come in two weeks (February 28) when the Governor may be announcing plans related to mask mandates in schools. On Wednesday the Governor lifted the indoor mask mandate for vaccinated residents, but California HHS Secretary, Dr. Ghaly, has reiterated that they may re-instate it should it be necessary to keep hospitals from becoming overwhelmed by any new surges in cases.

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