

# **NORTH CAROLINA POLICY UPDATE**

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# DISCLOSURE OF CONFLICTS OF INTEREST

Dana E. Simpson, JD has the following financial relationships to disclose:

**Consultant:** Gilead Science, Novartis

# OVERVIEW

- 2022 Legislative Session
- Election Preview



# SENATE OMNIBUS HEALTHCARE LEGISLATION

- HB 149 – Expanding Access to Healthcare
- Medicaid Expansion
  - First time a GOP chamber passed
- Tied to “supply-side reforms”
  - Certificate of Need
  - Advanced Practice Nurse Independent Practice
- Telehealth
- Hospital Assessment Payments (HASP)

# SCOPE OF PRACTICE APRN LEGISLATION

- The SAVE Act
  - HB 277/SB 249
- BCBSNC Support for First Time
- SAVE Act Included in Senate Omnibus Bill
- First Time a Chamber of the General Assembly Ever Voted to Remove Physician Supervision of APRNs



# HOUSE RESPONSE

- House Legislation
  - Speaker Moore moved a bill that set up a two-step process for Medicaid expansion by the end of 2022
  - SB 408 – Rural Healthcare Access and Savings Act did NOT include scope of practice changes or CON
- No agreement on Medicaid expansion, scope or CON, **but** the issue is still on the table
  - Possible “lame duck” session after the elections
- House leadership has been strong in opposing scope of practice changes

# WHAT'S NEXT FOR MEDICAID EXPANSION?

- **Process**

- Negotiations this Fall
- Possible Lame Duck session after election

- **Possible Deal?**

- Medicaid expansion
- Hospital assessment program (\$3B)
- Notice for OON hospital-based physicians?
- Telehealth?
- CON
  - Agreed to changes (behavioral health beds)
  - Big Issue = Ambulatory Surgery Centers
    - Issues: Limit to larger counties?, charity care requirements?, timeline for implementation?, incentive for joint ventures?, etc.

# SCOPE OF PRACTICE PHYSICIAN ASSISTANT LEGISLATION

- Physician Assistant – Team-Based Practice
  - SB 345 (Passed Senate)
- Requirements
  - Experience
  - Team-Based Setting
- Passed House, but minor changes not agreed to by Senate
  - Close to law, but may not make it this year
- Viewed by NCMS as a possible model for APRN compromise



# HEALTH INSURANCE ISSUES

- Pharmacy Benefit Manager (“PBM”) Legislation Implementation
  - 2021 law created licensure standards for PBMs/consumer protections – DOI create new office to regulate PBMs
  - Co-pay accumulator
- Interchangeable Biosimilar Legislation
  - Renewed NC law that had sunset
  - Negotiated with pharmacies regarding communication
- Network Adequacy Issues
  - Fallout from federal “No Surprises Act” (primarily HBP focused)
- Oral Cancer Drug Parity Legislation
  - Proposed by House leadership in Medicaid negotiations

# MEDICAID MANAGED CARE

## 1. Transition to Medicaid Managed Care

- 4 statewide MCOs
- “Go live” occurred July 1, 2021
- Expect full legislative oversight meetings this Fall regarding provider reimbursement and clinical policy concerns

## 2. NCOA Advocacy on Medicaid Rates for Certain Biosimilars

- Brought concerns about “underwater” Medicaid reimbursement for certain biosimilars to attention of Medicaid pharmacy director

# 2022 ELECTION PREVIEW



# U.S. SENATE RACE— N.C.

- N.C. could decide control of U.S. Senate (50/50 tie).
- 2020 U.S. Senate race in N.C. was most expensive in American history.
- The Contenders:
  - GOP: Ted Budd
  - Democratic: Cheri Beasley



# COMPETITIVE CONGRESSIONAL RACES

- **U.S. HD 1 (Northeast NC Counties)**
  - With Congressman G.K. Butterfield retiring, NC Sen. **Don Davis (D)** bested former NC Sen. Erica Smith (D).
- **U.S. HD 4 (Durham, Orange, Alamance, Person, Granville)**
  - NC Sen. Valerie Foushee (*D-Orange*), American Idol singer Clay Aiken and Durham County Commissioner Nida Allam ran to replace retiring Congressman David Price (D). **Valerie Foushee (D)** won the race with 46% of the vote.
- **U.S. HD 11 (Western NC Counties)**
  - Controversial Congressman Madison Cawthorn (R) sought to serve a second term, but was defeated by NC Sen. Chuck Edwards (*R-Henderson*).
- **U.S. HD 13 (Western Wake, Harnett, Johnston, Wayne)**
  - Newly drawn HD 13 had packed primaries for both Republicans and Democrats. NC Sen. **Wiley Nickel (D)** will face off against NCSU football player **Bo Hines (R)** in the Fall.

# N.C. SUPREME COURT

- Two of the seven seats are up in 2022
  - Lucy Inman (D) vs. Richard Dietz (R)
  - Sam Ervin (D) vs. Trey Allen (R)
- Issues: tort reform, redistricting, abortion, etc.



# N.C. GENERAL ASSEMBLY

- Current NC House: 65 Republicans & 55 Democrats
  - Republicans need 72 seats to have a supermajority
- Current NC Senate: 28 Republicans & 22 Democrats
  - Republicans need 30 seats to have a supermajority
- 2022 election considered to favor Republicans



# ELECTIONS TO WATCH

- **Dr. Cheryl Russo (SD-42, Mecklenburg)**
  - Cardiologist in Charlotte
  - Friend of NCOA
- **Dr. Tim Reeder (HD-9, Pitt)**
  - Emergency Medicine in Greenville
- **Kristin Baker (HD-82, Cabarrus)**
  - Psychiatrist, only physician in the GA
- **Bill Brawley (HD-103, Mecklenburg)**
  - Former House member
  - Lay member of the Medical Board





# Questions???





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