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 <u>NOT</u> include scope of practice changes or CON
- No agreement on Medicaid expansion, scope or CON, <u>but</u> 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?
- OCON
 - 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

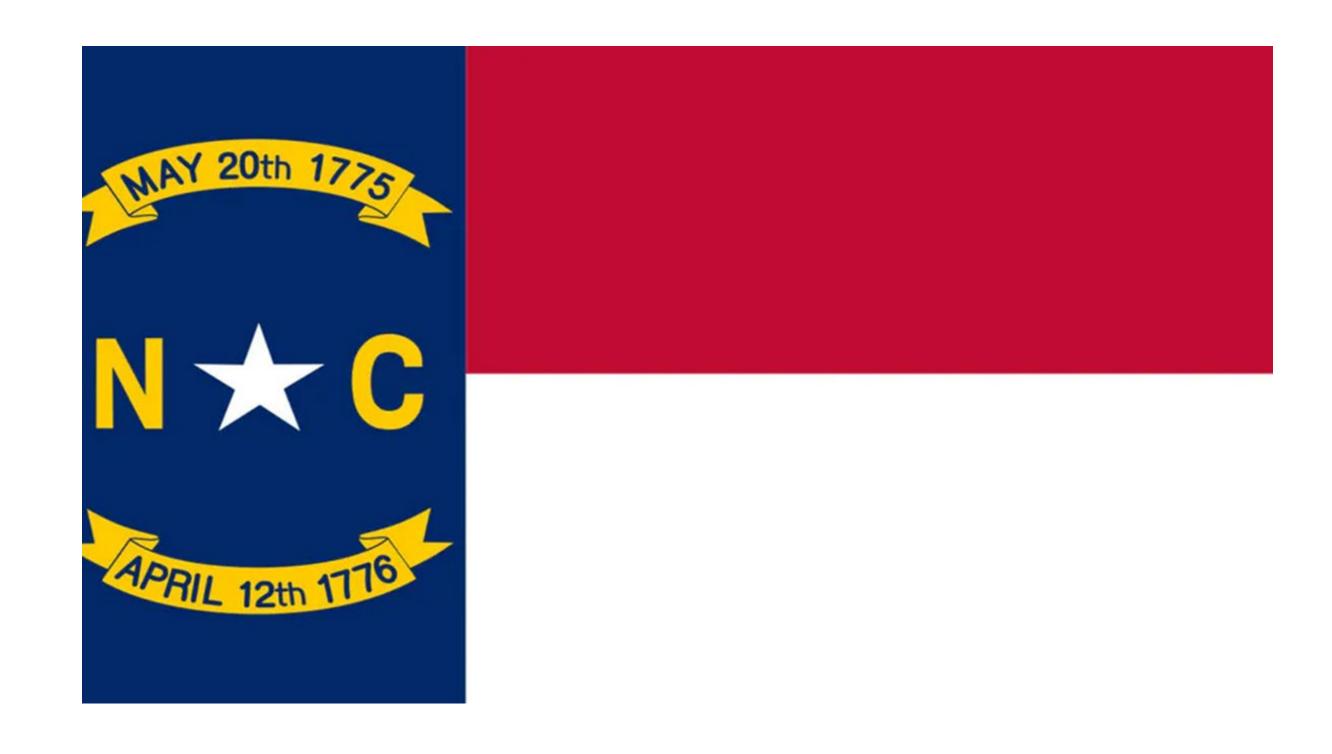
- 4 statewide MCOs
- "Go live" occurred July 1, 2021
- Expect full legislative oversight meetings this Fall regarding provider reimbursement and clinical policy concerns

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:
 - oGOP: 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.

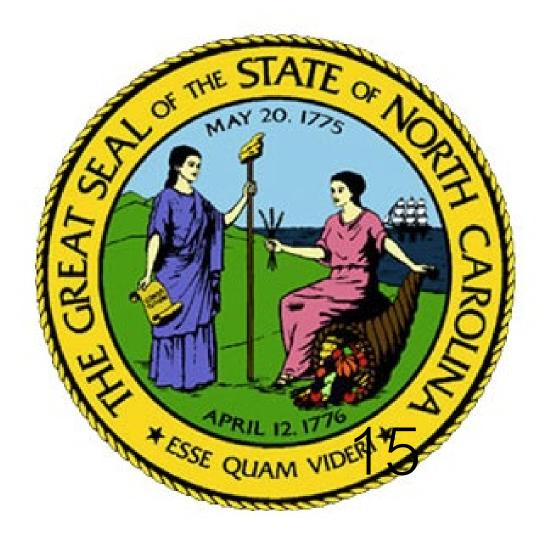
N.C. SUPREME COURT

- 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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