

Government Relations Update – April 23, 2024

Pennsylvania Issues

Legislation

- **HB1512: Ensuring Telemedicine Access for Pennsylvanians.** As previously reported, on June 26, 2023, Representative Christina Sappey (D-Chester) introduced legislation requiring insurers to provide telehealth coverage to members and reimburse providers of telehealth services for medically necessary services. Representatives Mike Schlossberg (D-Lehigh), Bob Freeman (D-Northampton), Maureen Madden (D-Monroe), and Steve Samuelson (D-Northampton) serve as cosponsors for the bill. On April 10, 2024, the legislation was passed by the House and sent to the Senate Health & Human Services Committee. The Hospital and Healthsystem Association of Pennsylvania (HAP) and St. Luke’s University Health Network support the bill.
- **HB1633: Barring Non-Compete Agreements in Healthcare Employment.** As previously reported, on August 29, 2023, Representative Dan Frankel (D-Allegheny) introduced legislation prohibiting non-compete agreements binding any healthcare practitioners, other than within certain rural counties. On April 17, 2024, the House approved the bill by a vote of 150 to 50. All House Democrats and 48 House Republicans, including Milou Mackenzie (R-Lehigh), Ryan Mackenzie (R-Lehigh), and Joe Emrick (R-Northampton), voted in favor of the bill. The bill was sent to the Senate Health & Human Services Committee. HAP and St. Luke’s oppose the bill.
- **HB2012: Commonwealth Antitrust Law.** On February 5, 2024, Representative Nick Pisciotto (D-Allegheny) introduced legislation to prohibit restraint of trade or commerce and the monopolization of trade or commerce. The bill would empower the Pennsylvania Office of Attorney General to sue for abuse of market power and recover costs and treble damages. It would also allow the Office of Attorney General to pursue criminal sanctions. The bill requires 120-days prior notice to the Office of Attorney General before the completion of any merger, acquisition, or contracting affiliation between two or more health care entities. On April 17, 2024, the House Judiciary Committee approved the bill and sent it to the House for consideration. HAP and St. Luke’s oppose the legislation, since federal antitrust rules and regulations already exist to prohibit unfair competition.
- **HB2200: Implementation of Licensure Compacts.** Pennsylvania joined several interstate licensure compacts over the last decade, yet the two largest – the Nurse Licensure Compact (NLC) and the Interstate Medical Compact – have never become fully operational, since background checks required by Pennsylvania were deemed unacceptable by the FBI, the United States Department of State, and the Pennsylvania State Police. On August 22, 2023, Governor Shapiro (D-PA) announced the Commonwealth would permit a partial implementation of the NLC, allowing registered nurses and licensed practical nurses who hold a multistate license through the NLC to practice in the Commonwealth.

On April 9, 2024, Representative Frank Burns (D-Cambria) introduced legislation to require applicants for a multi-state compact license to obtain an FBI background check with fingerprints, which would finally allow the interstate compacts to be fully implemented in Pennsylvania. HAP and St. Luke’s support the legislation.

Federal Issues

Miscellaneous

- **Telehealth Services Hearing:** During the COVID-19 public health emergency, the Centers for Medicare & Medicaid Services (CMS) worked with Congress to waive Medicare’s restrictions on telehealth utilization, such as geographic restrictions, originating site requirements, and provider reimbursement. Without Congressional action, many of these key telehealth flexibilities will expire on December 31, 2024.

On April 10, 2024, the House Energy and Commerce Health Subcommittee held a legislative hearing to discuss continued telehealth utilization. The hearing evaluated 15 telehealth bills, including several with overlapping provisions. During the hearing, Democrats and Republicans indicated support for maintaining expanded telehealth payment for older adults but raised several issues, including cost. A key question raised during the hearing is whether virtual visits would be reimbursed at the same rate as in-person care. The American Hospital Association and St. Luke’s support the extension of telehealth flexibilities.

- **Medicare and Medicaid Improper Payments Hearing:** On April 16, 2024, the House Energy and Commerce Oversight & Investigations Subcommittee held a hearing to examine Medicare and Medicaid improper payments. According to the Government and Accountability Office (GAO), over \$100 billion in improper payments were made in the Medicare and Medicaid programs during federal fiscal year 2023, representing 43% of improper payments by all federal agencies. The Office of Inspector General (OIG) has requested more funding from Congress to investigate healthcare fraud cases.