

Government Relations Update – October 22, 2024

Pennsylvania Issues

Legislation

- **SB1080: Hospice Death Pronouncements by Licensed Practical Nurses (LPNs).** On February 23, 2024, Senator Lynda Culver (R-Columbia) introduced legislation to allow LPNs to have the same authority as registered nurses (RNs) in issuing death pronouncements for home hospice patients. St. Luke’s hospice nurses, many of whom are LPNs, provide care for an average of 200 home hospice patients per day. The Hospital & Healthsystem Association of Pennsylvania (HAP) and St. Luke’s University Health Network support the legislation, so providers employing LPNs can utilize their entire nursing team and provide more timely assistance for patients and their families. On July 2, 2024, the bill passed in the Senate, and an amended version passed the House on October 8, 2024. On October 9, 2024, the Senate concurred with the House amendments and sent the bill to Governor Josh Shapiro (D) for his signature.
- **SB1281: Licensing of Medical Imaging Professionals.** On July 12, 2024, Senator Culver introduced a bill to require all new medical imaging specialists, radiation therapists, and radiologist assistants to become licensed as a prerequisite to performing services in the Commonwealth. Unlike physicians and nurses, Pennsylvania does not currently require medical imaging professionals and radiation therapists to be licensed. On September 17, 2024, the bill was approved by the Senate Consumer Protection and Professional Licensure Committee and referred to the Senate Appropriations Committee. St. Luke’s has requested amendments to clarify the bill does not apply to cardiology technicians or physical therapists who use imaging.
- **HB 2339: Hospital Pricing Transparency and Prohibition on Collections of Medical Debt.** On May 28, 2024, Representative Tarik Kahn (D-Philadelphia) introduced a bill to increase hospital pricing transparency mandates, require additional disclosure of facility fees charged by hospitals, and prohibit medical debt collections by noncompliant hospitals. On July 11, 2024, the House passed the bill and referred it to the Senate Health & Human Services Committee. HAP and St. Luke’s oppose the bill, since it would negatively impact hospitals given the cost of compliance and regulatory burdens. In addition, the bill is duplicative of Federal regulations requiring price transparency.
- **HB2344: Additional Oversight of Hospital Transactions by Office of Attorney General.** On May 28, 2024, Representative Lisa Borowski (D-Delaware) introduced a bill requiring the Office of Attorney General to demand and evaluate an extensive amount of information as a precondition to mergers, acquisitions, and other material transactions impacting hospitals to determine if the public interest would be negatively affected. On July 11, 2024, the House passed the bill, and it was approved by the Senate Health & Human Services Committee on October 7, 2024. HAP and St. Luke’s oppose the legislation, since the Office of Attorney General already has broad powers to approve or reject these transactions, and the additional oversight would cause hospitals to bear additional costs and unnecessary burdens.

- **HB2390: House Liability Reform Legislative Package.** On October 9, 2024, Representative Torren Ecker (R-Adams) and others introduced a package of bills to reverse the highly damaging litigious legal climate currently existing in Pennsylvania. The bills would, among other things: (1) restore the Fair Share Act to its original, equitable, and carefully balanced meaning such that defendants who are minimally at fault are responsible only for the portion of a verdict applicable to the percentage of their negligence; (2) limit outrageous contingency fees charged by personal injury attorneys to 33.3% of the first \$100,000 recovered, 25% of the subsequent \$500,000 recovered, and 15% of any additional amounts recovered; (3) advance a constitutional amendment to expressly permit the legislative branch to pass bills governing practice, procedure, and conduct of courts and the practice of law, so that the Pennsylvania Supreme Court can no longer declare such legislation unconstitutional; (4) advance a constitutional amendment to restore the limitation of venue in medical malpractice cases to the county where the alleged injury occurred; and (5) broaden, simplify, and clarify the confidentiality provisions of the Pennsylvania Peer Review Protection Act and the MCare Act to provide healthcare providers and facilities with clear guidance regarding confidentiality of quality reports and other sensitive documents. The Pennsylvania Coalition for Civil Justice Reform and St. Luke's support the package.

Miscellaneous

- **Shapiro Administration Announces Behavioral Health Reimbursement Rate Increase:** On September 30, 2024, the Pennsylvania Department of Human Services (DHS) announced its intent to increase rates paid through its Behavioral HealthChoices program, which provides access to mental health, substance use disorder, and other behavioral health services for Medicaid recipients. The new rates will be retroactive to July 1, 2024. The increased rates should support improved access to behavioral health care and ensure providers are better positioned to compensate behavioral health workers. St. Luke's is supportive of the announcement and is reviewing the positive impact of the rate increase.
- **Department of Human Services Secretary Visit:** On September 21, 2024, Pennsylvania DHS Secretary Val Arkoosh attended the St. Luke's Penn Foundation Recovery Walk in Souderton. Bucks County Commissioner Robert Harvie, Jr., Penn Foundation President Wayne Mugrauer, Penn Foundation Board Chair Dr. Ronald Souder, and St. Luke's Chief Wellness Officer Dr. Kara Mascitti were also in attendance.

Federal Issues

Miscellaneous

- **Federal Agencies Release Final Rules on Access to Mental Health and Substance Use Disorder Benefits:** On September 9, 2024, the United States Departments of Labor, Health and Human Services and Treasury issued final rules to clarify and strengthen the 2008 Mental Health Parity and Addiction Equity Act. The new rules are intended to close existing loopholes, reduce administrative barriers, and ensure that mental health and substance abuse benefits are provided on par with medical and surgical benefits, ultimately improving access to care for individuals suffering with these diseases. St. Luke's supports the new rules.