



LEGISLATIVE REPORT #254

End of First Year of Two Year Session - Scope Bills and PCI Bills Main Focus for 2013

October 18, 2013: The Governor has finished taking action on bills on his desk. He ended up signing 805 bills while only vetoing 96, which is less than 11% of the bills he saw.

In the previous two-year session, Governor Brown vetoed 13% of the bills, which reached his desk. This had been the lowest veto rate by a Governor since Governor Brown was first in office when he only vetoed 4% of the bills he saw. This is also compared to Governor Schwarzenegger who vetoed 27% of the bills, which reached his desk during his time as Governor.

With the Legislature recessed until next year, much of the attention has turned to the continued rollout of the Affordable Care Act, aka Obamacare. The state's health exchange, Covered California, was launched on October 1st to much fanfare. Covered California is the first exchange created per the ACA to launch in the U.S. Covered California will act as a health insurance marketplace for Californians to purchase health insurance. Anyone who receives a subsidy from the federal government for their health insurance will be required to purchase their insurance through Covered California.

The first few days were rough for Covered California as their website has not been able to handle the volume of inquiries and phone lines have resulted in wait times as much as 30 minutes. All eyes will be focused on Covered California as they push to sign folks up for health insurance. Reports are coming in stating more than 16,000 applications have been completed in its first week of being "open". Peter Lee, Executive Director of Covered California, described this as "phenomenal".

Another issue in the healthcare area which continues to be a big focus is MICRA. Although persistent rumors existed suggesting a legislative attack on MICRA was imminent no bill was introduced. Most felt the trial attorneys recognized they did not have the votes in the Legislature to pass a bill. Californians Allied for Patient Protection (CAPP), which the organization chartered to protect MICRA, has done an excellent job coalescing various groups to help protect MICRA in the Legislature.

The trial attorneys also put forward a slightly updated initiative to buy them more time before needing to make a decision on whether they will pursue gathering signatures to qualify an initiative for the November ballot. Their initiative will still change the cap on non-economic damages to more than \$1.1 million and the cap would be updated annually at the rate of inflation.

The provider community has responded to the initiative threat with tremendous immediacy. More than \$60 million has been committed by the provider community to fight a MICRA initiative. This is a huge amount of money to be raised in a short period of time for an initiative that has not even qualified for a ballot.

This sends a clear message to the trial attorneys they have a major fight in front of them if they choose the initiative route. The trial attorneys will need to make a decision soon as to whether they want to exchange in this expensive fight. It is the understanding of CAPP; the trial attorneys only have roughly \$2 million to gather signatures.

The trial attorneys will need to make a decision by the end of November on whether to gather signatures for their initiative to provide them enough time to gather the needed signatures for the November 2014 election.

Consumer Watchdog has partnered with the trial attorneys to be more of the "face" of the MICRA campaign and they have started some aggressive actions on the initiative. They recently pulled together a video highlighting the lack of drug testing for physicians. They hired an ad truck to play the video while the truck drove around the Disneyland park where the CMA was holding its' House of Delegates meeting over the past weekend.

[>Click to view the video](#)

Looking back at the 2013 legislative year from an advocacy perspective, CA-ACC had a good year. We were involved in the scope debate over nurse practitioners, SB 491 (Hernandez), and we were actively involved in the passing and signing of SB 357 (Correa).

SB 491 would have expanded the scope of practice for nurse practitioners essentially allowing them to perform the same medical procedures they do today but without the supervision of a physician. This bill ended up being held on the Assembly Appropriations suspense file.

Senator Hernandez is still very intent on bringing back this bill so we should expect another extensive debate next year. Discussions between NPs and medical providers may begin before the end of the year.

SB 357 made some modest changes to the PCI Pilot program looking at six hospitals performing elective PCI procedures without having onsite surgical backup. This pilot is scheduled to end next year so there will be a new bill introduced next year which will look at possibly extending to any hospital in California the ability to perform elective PCI procedures without having onsite surgical backup.

Looking ahead to 2014, we expect it to be another busy year for the Chapter. As mentioned above, we will be engaged in the scope discussion on NP. We will also be playing an active role with legislation to extend the PCI pilot program for elective PCI procedures.