

Health Care Bills Signed into Law—Governor Tom Corbett has signed the following bills:

State Budget (Act 1A of 2011)—The Governor has signed into law [House Bill 1485](#), sponsored by Representative Bill Adolph (R-Delaware), which is the appropriations for fiscal year 2011-2012.

Joint and Several Liability (Act 17 of 2011)—The Governor has signed into law [Senate Bill 1131](#), as amended. The bill reforms Pennsylvania's joint and several liability rule by making most defendants in civil case responsible for only their share of any damages. *HAP supported the bill.*

Welfare Code (Act 22 of 2011)—The Governor has signed into law [House Bill 960](#), sponsored by Representative Mauree Gingrich (R-Lebanon). The bill contains numerous changes to the Welfare Code, including granting the Secretary of Public Welfare expanded authority to ensure the savings indicated in the state fiscal year 2011-2012 budget. Several pieces of the House Republicans' welfare reform plan also were included. Components of the bill impacting hospitals include increasing the statewide hospital Quality Care Assessment from 2.95 percent to 3.22 percent and changing the DPW hospital readmission requirement from 14 to 30 days. In addition, the act allows inmates of county or state correctional facilities who meet current MA eligibility requirements to be deemed eligible for MA benefits in order to draw down federal matching funds. Payment for care for inmates of state and county correctional facilities would be limited to Medicaid fee-for-service rates for inpatient care and Medicare fee-for-service rates for outpatient care. *HAP objected to several sections of the bill and will be working with DPW to implement payment policy provisions impacting hospitals.*

Fiscal Code (Act 26 of 2011)—The Governor has signed into law [Senate Bill 907](#), sponsored by Senator Pat Browne (R-Lehigh). The bill implements the FY 2011-2012 state budget.

HIV Testing (Act 59 of 2011)—The Governor has signed into law [Senate Bill 260](#), sponsored by Senator Ted Erickson (R-Delaware). The bill amends the Confidentiality of HIV-Related Information Act to reflect the recommendations of the CDC for increased testing of the general population. It removes Pennsylvania's requirement for written permission to test and the requirements for pretest and post-test counseling that currently dissuades general testing. Health care providers could offer opt-out HIV testing, where the subject is informed that he or she will be tested unless he or she refuses. *HAP supported the bill.*

Workforce Development (Act 67 of 2011)—The Governor has signed into law [Senate Bill 552](#), sponsored by Senator Michael Brubaker (R-Lancaster). The bill amends the Workforce Development Act by adding a chapter providing for industry partnerships. *HAP supported the bill.*

Teen Driver Safety—(Act 81 of 2011) The Governor has signed into law [House Bill 9](#), sponsored by Representative Kathy Watson (R-Bucks). The bill imposes stricter driving standards on learner's permit holders and junior drivers and is intended to reduce the number of auto accidents involving teenage drivers. *HAP supported the bill.*

Safe Driving (Act 98 of 2011)—The Governor signed [Senate Bill 314](#), sponsored by Senator Tommy Tomlinson (R-Bucks) which enacts a ban on the use of any kind of hand-

held texting device by drivers. The law makes texting while driving a primary offense, with violations that would carry a \$50 fine.

Student Health (Act 101)—The Governor signed [Senate Bill 200](#), sponsored by Senator Pat Browne (R-Lehigh) which establishes standards for managing concussions and traumatic brain injuries to student athletes, and assigns duties to the Department of Health and the Department of Education.

Abortion Facilities (Act 122)—The Governor signed [Senate Bill 732](#), sponsored by Senator Pat Vance (R-Cumberland). The act strengthens state regulations governing abortion facilities and requires licensure of the facility. HAP was successful in having the bill amended to clarify that hospitals are not required to obtain separate licenses for providing such services.

Informal Dispute Resolution for Nursing Homes (Act 128)—The Governor signed [House Bill 1052](#), The Long-Term Care Nursing Facility Independent Informal Dispute Act, introduced by Representative Mauree Gingrich (R-Lebanon). The act establishes an informal review process for long-term care nursing facilities to dispute Department of Health (DOH) survey deficiencies using an independent agent. The bill also requires DOH to establish an informal dispute resolution process to determine whether a cited deficiency contained in a statement of deficiencies against a facility should be upheld. *HAP supported the bill.*

Health Insurance (Act 134)—The Governor signed [Senate Bill 1336](#), sponsored by Senator Don White (R-Indiana). The act ensures state review of the small group health insurance market and brings the state into compliance with the federal Affordable Care Act. S.B. 1336 would require rate increases of more than 10 percent that affect the small group insurance market to be reviewed by the state, instead of the federal government. *now goes HAP supported the bill.*

Genetic Counselors (Acts 125 & 126)—The Governor signed [House Bill 332](#) and [House Bill 333](#), sponsored by Representative Tom Killion (R-Delaware). The acts amend the Medical and Osteopathic Practice Acts to provide for licensing of genetic counselors. The bill was amended in the Senate Appropriations Committee to include nurses with graduate degrees who are clinical specialists or certified nurse practitioners with a certification in genetics. *HAP supported both bills.*

The following bills are pending before the House and Senate:

Health Information Technology

Health Information Technology—Representative Eddie Pashinski (D-Luzerne) introduced [House Bill 863](#), the Health Information Technology Act. The bill establishes the Pennsylvania Health Information Exchange to promote the expansion and use of health information technology. *HAP supports the bill.*

[Senate Bill 8](#), introduced by Senator Mike Folmer (R-Lebanon) proposes to establish the Pennsylvania Health Information Partnership Authority. The Pennsylvania Health Information Technology Act would provide definitions, composition as well as the powers and duties of the Authority. The bill further establishes the Pennsylvania Health Information Partnership Account to be administered by the Authority and permits health care providers to obtain medical records without consent so long as they are necessary for the care of the patient. Confidentiality of patient medical records is provided with a proviso that a patient may deny the release of such medical records. The Authority shall create a form to allow the denial. Immunity from civil liability is included. HAP testified before the Senate Communications and Technology Committee and provided recommended changes to the bill.

Electronic Prescriptions—Representative Matt Baker (R-Tioga) introduced [House Bill 341](#), which requires adoption of electronic prescriptions in health care facilities and provides incentive payments for adoption of health information technology. *While HAP has some concerns with the bill, HAP supports the overall intent of the legislation.*

Telemedicine—Representative Mark Cohen introduced [House Bill 238](#), which requires the Department of Public Welfare to establish rates for telemedicine services to be the same as if those services were provided in person to a Medicaid beneficiary. *HAP supports the bill.*

Health Information Technology—Representative Bryan Cutler introduced [House Bill 1065](#), which establishes grants to health care facilities to implement medical safety automation systems. *HAP supports the bill.*

Telehealth—Representative Doyle Heffley (R-Carbon) introduced [House Bill 1939](#), which would allow the Medical Assistance program to provide reimbursement for telehealth services. *HAP supports the legislation.*

Telehealth—Senator Pat Browne (R-Lehigh) introduced [Senate Bill 1357](#), which amends the Public Welfare Code requires the Department of Public Welfare to eliminate any regulation which requires a health care professional utilizing telehealth to be in the physical presence of the patient in order for Medicaid reimbursement to occur. The bill also requires the Department to adopt rates for telehealth services delivered to a Medicaid beneficiary shall be the same as if those services were provided in person to a Medicaid beneficiary. A similar bill, House Bill 238, sponsored by Representative Mark Cohen (D-Philadelphia) was introduced in the House. HAP supports both bills.

Licensure and Tax Exemption

Tax Exemption—Senator Wayne Fontana (D-Allegheny) introduced [Senate Bill 1281](#), which amends the Institutions of Purely Public Charity Act (Act 55 of 1997) to permit municipalities to impose real estate taxes on hospitals, colleges, universities and other nonprofit organizations. The bill exempts those with property assessments less than \$200,000. *HAP opposes the bill.*

Health Care Facilities Licensing—There are several bills related to the licensing of health care facilities.

Representative Doug Reichley (R-Lehigh) introduced [House Bill 1570](#), which revamps hospital licensure regulations to comply with national accreditation standards. HAP continues to work with the PAMED Society and the Department of Health to further this initiative. *HAP supports the bill.*

Senator Tim Soloby (D-Washington) introduced [Senate Bill 1009](#), which amends the Health Care Facilities Act to include sleep centers. *HAP is reviewing the bill.*

Senator Rich Kasunic (D-Fayette) introduced [Senate Bill 492](#), which requires the Department of Health to maintain a 24-hour-a-day, toll-free telephone number for receiving complaints regarding a health care facility. He also introduced [Senate Bill 493](#), which requires the Department of Health to annually conduct random, unannounced inspections of 25 percent of the licensed health care facilities. *HAP opposes the bills.*

Senator Rich Kasunic (D-Fayette) introduced [Senate Bill 491](#), which requires the Department of Health to publish a summary report of every long-term care nursing facility inspection in a newspaper within the county where the facility is located. He also introduced [Senate Bill 495](#), the Nursing Home Performance Information Act, which requires the

Department of Health to publish in electronic and paper media on an annual basis a consumer guide on nursing home performance. *HAP opposes the bills.*

Controlled Substances—Senator John Rafferty (R-Montgomery) introduced [Senate Bill 535](#), which requires that a nursing home, assisted living facility, pharmacy, or hospital to promptly notify local law enforcement agencies and the Office of Attorney General, Bureau of Narcotics Investigation and Drug Control in the event controlled substances are stolen or lost. *HAP is reviewing the bill.*

Tax Exemption—Senator Jim Ferlo (D-Allegheny) introduced [Senate Bill 585](#), which prohibits nonprofit organizations from entering into a contract for services provided by individuals located outside the commonwealth if the services could otherwise be provided by the organization's employees or through a contract with an entity or individuals located in the commonwealth. *HAP opposes the bill.*

Insurance

Insurer-Provider Contracts—The House has approved, by a vote of 186-6, [House Bill 2052](#), sponsored by Representative Randy Vulakovich (R-Allegheny). The bill was developed in response to the UPMC-Highmark contract dispute. The legislation empowers the Insurance Department to hold investigative public hearings, and if the department finds that the contract termination or expiration would substantially affect public health in the area serviced by the insurer, the parties would be required to submit to mediation by the department. If mediation fails and the secretary of health finds that termination or expiration of the contract would substantially disrupt the delivery of health care services in the area served by the insurer and that continuation of the contract is in the public interest, the legislation requires the parties to submit to binding arbitration. The Senate Banking and Insurance Committee approved [Senate Bill 1358](#), sponsored by Senator Don White (R-Indiana). The bill gives the insurance commissioner greater authority to extend the terms of the existing contract between Highmark and UPMC, thereby providing additional time to allow for adjustments to the health care marketplace in western Pennsylvania. Under Act 94 of 1975, the Insurance Department can suspend for up to six months the termination of the contract, now set for June 30, 2012. Act 94 was enacted to stabilize the relationship between Blues plans and hospitals and to ensure that services remain available to subscribers. *HAP opposes both bills.*

Insurance Exchanges and Elective Abortions—The House approved [House Bill 1977](#), sponsored by Representative Donna Oberlander (R-Clarion). The bill prohibits health insurers participating in the taxpayer-subsidized state health insurance exchanges from providing coverage for elective abortions. Under the Affordable Care Act, states have the authority to prohibit certain abortion coverage in these health plans. The bill is similar to a Senate-approved bill, [Senate Bill 3](#), sponsored by Senator Don White (R-Indiana).

Auto Insurance—Senator Don White (R-Indiana) introduced [Senate Bill 1339](#), increases the minimum dollar amounts of required auto insurance coverage for damage and medical coverage. *HAP supports the bill.*

Physician Credentialing—Representative Bryan Cutler (R-Lancaster) introduced [House Bill 1551](#), which establishes criteria for health insurers to conduct physician credentialing in a reasonable time frame. *HAP supports the bill.*

Mammographic Examinations—Senator Bob Mensch (R-Montgomery) introduced [Senate Bill 1333](#), which requires health insurers to provide coverage for mammographic examinations. *HAP is reviewing the bill.*

Health Insurance Exchange—Senator Mike Stack (D-Philadelphia) introduced [Senate Bill 940](#), the American Health Benefit Exchange Act, which provides for the establishment of a

health benefit exchange to facilitate the purchase and sale of qualified health plans in the individual market in Pennsylvania, and for the establishment of a Small Business Health Options Program to assist qualified small employers in facilitating the enrollment of their employees in qualified health plans offered in the small group market. Representative Tony DeLuca (D-Allegheny) introduced [House Bill 627](#), the American Health Benefit Exchange Act, which establishes a health insurance exchange in accordance with the Affordable Care Act. *HAP is reviewing the bills.*

Fee Schedule Disclosure—Senator Tommy Tomlinson (R-Bucks) introduced [Senate Bill 335](#), the Fee Schedule Disclosure and Multiple Surgical Procedures Policy Act. The bill requires insurers to provide physicians with a copy of their fee schedule, including all applicable rules and formulas used by the insurer to determine the amount a physician will be compensated for performing any single procedure and any group of procedures during a single treatment session. *HAP is reviewing the bill.*

False Claims—Senator Tony Williams (D-Philadelphia) introduced [Senate Bill 125](#), which provides for liability for false claims, for treble damages, costs and civil penalties, for powers of the Attorney General, and for qui tam actions. *HAP opposes the bill as drafted.*

Health Insurance—Representative Matt Baker (R-Tioga) introduced [House Bill 42](#), the Freedom of Choice in Health Care Act, which attempts to block the individual mandate and the employer mandate under the federal Affordable Care Act, is intended to protect the rights of patients to pay directly for medical services, and prohibits penalties levied on patients for declining participation in a particular health plan. Similar legislation has been introduced in 38 states and has been enacted into law in six. *HAP has raised concerns about the bill, since it sets up a legal battle between the federal government and the commonwealth.* The constitutionality of the insurance mandate in the Affordable Care Act is already making its way through the federal court system, and Pennsylvania should wait until this issue is decided by the U.S. Supreme Court before consideration of this bill.

Health Insurance—Senator Joe Scarnati (R-Cameron) introduced [Senate Bill 10](#), which is a Joint Resolution proposing an amendment to the Pennsylvania Constitution providing for health care services by adding that a person shall be entitled to the freedom of providing for the person's own health care. With the exception of providing indemnity and medical benefits to injured workers, no law shall be enacted: (1) requiring a person to obtain or maintain health insurance coverage, except as required by a court; (2) prohibiting a person from or penalizing a person for making direct payment to a health care provider for tendering health care services; or (3) rendering a person liable for any penalty, tax, assessment, fee or fine as a result of the failure to maintain health insurance coverage. The bill was approved by the Senate Banking and Insurance Committee. Because the constitutionality of the insurance mandate in the Affordable Care Act is already making its way through the federal court system, Pennsylvania should wait until this issue is decided by the U.S. Supreme Court before further consideration of this bill.

Market Conduct

Certificate of Need—Representative Phyllis Mundy (D-Luzerne) introduced [House Bill 225](#), which reinstates the certificate of need program for health care facilities under the Department of Health. *HAP opposes the bill, since it would restrict local decision-making and increase health care costs.*

Prohibitions on Self-Referral—Representative Tony DeLuca (D-Allegheny) introduced [House Bill 319](#), the Prohibition on Health Care Provider Self-Referral Act. *HAP is reviewing the bill.*

PHC4—Senator Pat Browne (R-Lehigh) introduced [Senate Bill 499](#), which requires hospitals to report annually to the Department of Health the charges for the 25 most common inpatient diagnostic-related groups for which there are at least ten cases rendered by the health care facility during the 12 months preceding the report. The Department of Health would make the reports available on its website. *HAP opposes the bill.*

Medicaid

Medicaid Managed Care—Representative Mike Peifer (R-Monroe/Wayne) introduced [House Bill 1480](#), which would expand HealthChoices statewide. *HAP has concerns about the bill and is working with the prime sponsor on making changes.*

Medicaid Managed Care—Senator Jane Orié (R-Allegheny) introduced [Senate Bill 935](#), which allows Medicaid managed care organizations to customize plans for recipients. *HAP is reviewing the bill.*

Critical Access Hospitals—Representative Matt Baker (R-Tioga) introduced [House Bill 211](#), which requires the Department of Public Welfare to reimburse critical access hospitals the same as the way Medicare pays critical access hospitals. Senator Lisa Baker (R-Susquehanna) introduced [Senate Bill 482](#), which is the same bill same bill. *HAP supports the bills since it will help to preserve access to health care in rural areas.*

Medical Liability

Certificate of Merit—Representative Bryan Cutler (R-Lancaster) introduced [House Bill 1419](#), which strengthens the requirements for certification of medical liability actions by requiring the identification of the medical expert certifying a medical liability lawsuit. *HAP supports the bill.*

Apologies/Benevolent Gesture—The House approved [House Bill 495](#), sponsored by Representative Keith Gillespie (R-York), which would make any benevolent gesture made prior to the start of a medical liability action by a health care provider inadmissible as evidence of liability or an admission of guilt. Senator Patricia Vance (R-Cumberland) introduced [Senate Bill 565](#), which is a similar bill. *HAP supports the bills as a means of reducing medical liability lawsuits.*

Mcare Fund—There are several bills that relate to the Mcare Fund.

Senator John Rafferty (R-Chester) introduced [Senate Bill 739](#) which establishes the Mcare commission to review and approve funding of the Mcare Fund. *HAP opposes the bill since HAP seeks to retire the Mcare Fund.*

Senator John Rafferty introduced [Senate Bill 811](#), which makes the Mcare Fund permanent. *HAP opposes the bill.*

Representative Nick Micozzie (R-Delaware) introduced [House Bill 913](#) which clarifies the calculation of Mcare assessments. He also introduced [House Bill 914](#), which requires the basic insurer to bill and collect the Mcare assessment. He also introduced [House Resolution 110](#), which directs the Legislative Budget and Finance Committee to conduct a study of the Mcare Fund administered by the Insurance Department. *HAP supports the bills and the resolution.*

Representative Nick Micozzie (R-Delaware) introduced [House Bill 1358](#), which clarifies that if a basic insurance carrier does not submit a health care provider's Mcare assessment on time to the Insurance Department, it does not jeopardize the health care provider's Mcare coverage. *HAP supports the bill.*

Senator Kim Ward (R-Westmoreland) introduced [Senate Bill 902](#), which clarifies the calculation of Mcare Fund assessments so that the Fund may not accumulate surplus funds beyond a minimum amount. *HAP supports the bill.*

Representative Bob Godshall (R-Montgomery) introduced [House Bill 711](#), which amends the Medical Care Availability & Reduction of Error (Mcare) Act to end the Mcare Fund. *HAP opposes the bill since the bill does not provide for a funding mechanism to pay the Mcare Fund unfunded liabilities.*

Representative Glenn Grell (R-Cumberland) introduced [House Bill 1907](#), which amends the Medical Care Availability and Reduction of Error (Mcare) Act adding language providing that except in cases alleging intentional misconduct or illegal conduct on the part of the facility, punitive damages against a licensed personal care home, assisted living community, long-term nursing facility or an officer, employee or agent of such entities shall not exceed 200 percent of the compensatory damages awarded. Further provides punitive damages, when awarded, shall not be less than \$100,000 unless a lower verdict amount is returned by the trier of fact. *HAP supports the bill*

Total Quality Management—Representative Phyllis Mundy (D-Luzerne) introduced [House Bill 228](#), which provides for a discount on Mcare Fund assessments to health care providers that implement a total quality management (TQM) program approved by the Department of Health. *HAP opposes the bill because of its lack of definitions, conflicts with current provisions in the Mcare Act, and a lack of a funding mechanism in the bill.*

Medical Liability Arbitration—Senator Mike Stack (D-Philadelphia) introduced [Senate Bill 999](#), which requires mandatory arbitration of medical liability cases. *HAP is reviewing the bill.*

Liability Reform—The House Judiciary Committee has approved [House Bill 1976](#), sponsored by Representative Bryan Cutler (R-Lancaster). The bill would restrict “venue shopping” in personal injury suits against corporations. Venue shopping is prohibited in medical liability suits under [Act 127 of 2002](#) and has had a major impact on reducing medical liability lawsuits being filed in “plaintiff friendly” jurisdictions. HAP supports the bill.

Patient Care

Controlled Substance Monitoring—The House Human Services Committee this week approved [House Bill 1651](#), as amended. The bill, introduced by Representative Gene DiGirolamo (R-Bucks), establishes the Pharmaceutical Accountability Monitoring System (PAMS) program, which requires the Department of Drug and Alcohol Programs to establish and maintain an electronic system for monitoring all scheduled drugs that are dispensed in Pennsylvania by all professionals licensed to prescribe or dispense such substances. Inpatient and hospice services are not affected. The bill provides for maintenance of PAMS and the privacy of prescription information. *HAP supports the bill.*

Volunteer Health Services—Representative Kate Harper (R-Montgomery) introduced [House Bill 1961](#), which is intended to increase the availability of mental health services by establishing a procedure through which physicians and other health care practitioners who are retired from active practice may provide mental health services as a volunteer to United States military personnel and their families through an approved clinic. *HAP supports the bill.*

Anatomical Gifts—The Senate Judiciary Committee approved [Senate Bill 750](#), sponsored by Senator Stewart Greenleaf (R-Montgomery). The bill extensively revises provisions on anatomical gifts in the areas of authorizations, procedure, amendment, revocation, refusal, receipt, for rights and duties of hospitals and organ procurement organizations, prohibitions, and limited immunity. *HAP is reviewing the bill.*

Blood Pathogen Standards—Senator Tim Solobay (D-Washington) introduced [Senate Bill 1011](#), which requires the Department of Health to establish blood-borne pathogen standards for emergency services personnel and public employees, and establishes the Blood-borne Pathogen Fund. *HAP is reviewing the bill.*

Hemophilia Care—Representative Larry Curry (D-Montgomery) introduced [House Bill 635](#), the Hemophilia Standards of Care Act, which mandates certain protocols for care. *HAP opposes the bill since it mandates specific treatment protocols, rather than allowing clinical flexibility.*

Distracted Driving—Representative Josh Shapiro (D-Montgomery) introduced [House Bill 330](#), which imposes a ban on texting and use of hand-held wireless communication devices while driving. The bill also imposes stricter driving guidelines on teen motorists. *HAP is reviewing the bill.*

Health Clinics—The Senate approved [Senate Bill 5](#), sponsored by Senator Ted Erickson (R-Delaware). The bill establishes the Community-Based Health Care (CHC) program in the Department of Health and provides financial support for hospital health clinics. HAP supports the bill. Representative John Evans (R-Erie) introduced [House Bill 261](#), which establishes the community-based health care provider assistance program to provide grants to health clinics. *HAP is reviewing the bill.*

Organ and Bone Marrow Donations—Representative Robert Godshall (R-Montgomery) introduced [House Bill 1164](#), which provides for a special leave of absence for organ and bone marrow donors and provides for a tax credit. *HAP is reviewing the bill.*

Methadone Death and Incident Review Teams—Representative Gene DiGirolamo (R-Bucks) introduced [House Bill 140](#), the Methadone Death and Incident Review Act. The bill requires a review of all deaths where methadone was either a primary or secondary cause of death. Health care providers will be required to submit medical records to the team without permission from parties of interest. *HAP is reviewing the bill.*

Community Reporting of MRSA Infections—Representative Dick Hess (R-Bedford), introduced [House Resolution 42](#), which urges the Department of Health (DOH) to revise its disease monitoring practices to include MRSA infections from the community on the list of communicable diseases that must be reported to DOH. Schools, athletic activities, and correctional facilities are cited as possible sources of infection outbreaks, which should be monitored by DOH. *HAP supports the resolution.*

Stroke Centers—The House unanimously approved [House Bill 1400](#), sponsored by Representative Doug Reichley (R-Lehigh). The bill provides the requirements necessary for a health care facility to be recognized as a primary stroke center. HAP was successful in getting the bill amended so that DOH must use national accreditation standards. *HAP supports the bill.*

Pharmacists/ Injectables—Representative Seth Grove (R-York) introduced [House Bill 817](#), which amends the Pharmacy Act to require parental consent for individuals under age 18 to receive injections from a pharmacist. Further allows pharmacy interns to administer injectables after meeting certain enumerated requirements. Currently pharmacists are not permitted to administer injections to children. *HAP is reviewing the bill.*

Representative Kathy Rapp (R-Warren) introduced [House Bill 1077](#), entitled The Women's Right-to-Know Act. The bill requires an ultrasound test to be performed at least 24 hours before an abortion, which shall be used to make a determination of the gestational age of the unborn child and to provide other information to the patient. The bill outlines duties of the physician in ordering the ultrasound and for the rights of the patient. Further, the bill provides for powers and duties of the Department of Health and for duties of physicians performing abortions; requires certain reports to be filed with the Department of Health; imposes administrative sanctions and criminal penalties; and provides for remedies. There are no payment provisions for the mandated test. *HAP is reviewing the bill.*

Senator Bob Mensch (R-Montgomery) introduced [Senate Bill 1332](#), identified as The Breast Density Notification Act. The bill requires the notification of breast density to patients who receive a mammogram and requires an explanatory report to be sent to patient's physician. This bill is a companion bill to Senate Bill 1333 requiring insurance coverage for mammograms. *HAP is reviewing the bill.*

Home Care—[House Bill 210](#), introduced by Representative Matthew Baker (R-Tioga), and [Senate Bill 639](#), sponsored by Senator Kim Ward (R-Westmoreland), are both known as the Family Caregiver Support Act. The bills would increase reimbursements to primary home caregivers in order to avoid nursing home care. Funding for both bills would come from the state Lottery Fund and the Federal Older Americans Act of 1969. *HAP is reviewing the bills.*

Patient Safety Authority—Representative Phyllis Mundy (D-Luzerne) introduced [House Resolution 407](#), which requires the Legislative Budget and Finance Committee to study the Patient Safety Authority. The study would determine if a state authority tasked with reducing medical errors and infections at health care facilities is carrying out its mission. *HAP is reviewing the resolution.*

Welfare Reform

Public Welfare—The Senate approved [Senate Bill 9](#), sponsored by Senator Joe Scarnati (R-Jefferson), which requires identification of lawful presence in the United States as a prerequisite to the receipt of public benefits. The bill does not apply to individuals under the age of 18.

Workforce

Overtime—The House Labor and Industry Committee approved [House Bill 1820](#), sponsored by Representative Sheryl DeLozier (R-Cumberland), with HAP amendments that remove the inconsistency between state and federal law with respect to calculating overtime. Many hospitals calculate overtime pay for employees relying on a federal waiver contained in the Fair Labor Standards Act, which permits hospitals to use an alternative method of calculating overtime, called the "8-80" method, but a Philadelphia Court of Common Pleas ruling last year places hospitals across the state at risk for class action suits for reliance on federal law. H.B. 1820 clarifies Pennsylvania law to permit use of the federal waiver. The bill now moves to the full House for consideration. The bill contains the same language as [Senate Bill 1099](#), sponsored by Senator Pat Vance (R-Cumberland), which was approved by the Senate Labor and Industry Committee. *HAP worked on the development of these bills.*

Nurse Staffing—Representative Bill Adolph (R-Delaware) introduced [House Bill 1880](#), which would establish requirements for hospital nurse staffing. While the bill does not include staffing ratios, it does establish hospital nurse staffing requirements. Representative Phyllis Mundy (D-Luzerne) introduced [House Bill 1874](#). This bill, modeled on California's 1999 law,

would amend the Health Care Facilities Act to establish nurse-to-patient ratios throughout the hospital. A companion bill, [Senate Bill 438](#), was introduced by Senator Daylin Leach (D-Montgomery). *HAP opposes the bills.*

Professional Licensure—[House Bill 48](#), introduced by Representative Mario Scavello (R-Monroe), amends the Medical Practice Act to provide for the licensing of prosthetists, orthotists, pedorthists, and orthotic fitters. *HAP continues to monitor all licensing bills for cost implications in delivering care.*

Nurse Anesthetists—Senator Mary Jo White (R-Venango) introduced [Senate Bill 936](#), which requires the state Board of Nursing to promulgate regulations relating to certified registered nurse anesthetists and disallowing the use of the term “certified registered nurse anesthetist” unless duly licensed. *HAP is reviewing the bill.*

Physician Supply—Senator Bob Mensch (R-Lehigh/Montgomery) introduced [Senate Resolution 84](#), directing the Legislative Budget and Finance Committee to study the issue of the number of physicians in Pennsylvania and present a report to the General Assembly assessing any physician shortage in the commonwealth and providing recommendations as to steps being taken to address the problem. *HAP supports the resolution.*

Nurse Anesthetists—Representative Steve Barrar (R-Delaware) introduced [House Bill 212](#), which amends the Professional Nursing Law by providing that the state Board of Nursing shall promulgate regulations related to the certification, conduct, and discipline of nurses to administer anesthesia. *HAP is reviewing the bill.*

Freedom of Choice—Representative Jim Cox (R-Berks) introduced [House Bill 383](#), the Freedom of Conscience Act, which states that no health care providers must participate in a medical procedure that violates their conscience. *HAP is reviewing the bill.*

Mandatory Influenza Vaccinations—Representative Steve Barrar (R-Delaware) introduced [House Bill 657](#), which requires all general acute-care hospitals to implement a policy that requires their employees to receive influenza vaccinations or, if the employee elects not to be vaccinated, to declare in writing that he or she has declined the vaccination. *HAP opposes the bill, since HAP issued “Universal Flu Immunization Programs for Health Care Personnel,” as part of its Quality Best Practice Series, to assist organizations in implementing policies and practices that require health care personnel to obtain influenza vaccinations. HAP opposes the bill because voluntary compliance with Centers for Disease Control and Prevention guidelines are working, and the bill would increase administrative burdens on hospitals.*

Nursing Licensure—Senator Pat Browne (R-Lehigh) introduced [Senate Bill 463](#), which amends the Professional Nursing Law by establishing the Nurses Health Program, a statewide peer assistance program. This program would identify, assist, and monitor nurses experiencing mental health, alcohol, and drug problems which may impair their ability to practice, so that they may return or continue to practice safe nursing. *HAP opposes the bill since there is a program already in place.*

Employee Background Checks—Senator Patricia Vance (R-Cumberland) introduced [Senate Bill 656](#), the Hospital Employee Background Check Act. The bill requires hospitals to perform criminal background checks on employees who have direct contact with patients or unsupervised access to patient rooms and is either employed by a hospital or a contract employee, acts in a managerial capacity, or is a student or intern. *HAP is reviewing the bill.*

Medical Residents—Senator Mike Stack (D-Philadelphia) introduced [Senate Bill 771](#), which limits the hours a medical resident can work in a week. *HAP opposes the bill.*

Whistleblower Protection—Representative Tony DeLuca (D-Allegheny) introduced [House Bill 1579](#), which provides protection from retaliation against any patient or employee who reports to an accrediting agency or an agency of state government a grievance or violation of quality measures in health care facilities. *HAP is reviewing the bill.*

Unemployment Compensation—The House Labor and Industry Committee approved changes to [Senate Bill 1310](#), sponsored by Senator John Gordner (R-Columbia), that seeks to help Pennsylvania address its more than \$3 billion unemployment compensation debt to the federal government. The bill has been approved by both the House and Senate. *HAP supports the bill.*

Nurse Title Protection—[House Bill 469](#) and [House Bill 470](#), sponsored by Representative Jim Cox (R-Berks), were unanimously approved by the House. The bills amend the Practical and Professional Nursing Laws to disallow the use of the title “nurse” unless duly licensed. HAP had the bill amended to allow for the continued use by individuals of a descriptive title for nurse assistive personnel. *HAP supports the bills.*

Workplace Violence—Representative Nick Micozzie (R-Delaware) introduced [House Bill 1992](#), which would require hospitals and other health care facilities to take proactive steps to protect nurses and other health care workers from suffering from violence on the job. *HAP opposes the bill as currently drafted.*

Physician Assistants—[House Bill 1832](#) and [House Bill 1833](#) introduced by Representative Curt Sonney (R-Erie) respectively amend the Medical Practice Act the Osteopathic Medical Practice Act authorizing physician assistants to order athletic trainer referrals, sign and approve certain kinds of physicals, authenticate certain forms, and lay out rules for their supervision. The proposals remove the boards’ approval of agreements between physicians and physician assistants but not the requirement that the agreements be submitted to the boards. Although these items are currently addressed in the boards’ regulations, these bills provide for immediate implementation of the changes. HAP supported the bills as amended by the Committee on Professional Licensure.

Death Certificates—Senator Pat Vance (R-Cumberland) introduced [Senate Bill 1351](#), which amends the Vital Statistics Law allowing a Certified Nurse Practitioner to sign a death certificate or fetal death certificate for a patient under the care of the Certified Nurse Practitioner. HAP supports the bill.