

SUMMARY *of* PROCEEDINGS



JOINT LABOR, HEALTH & SOCIAL SERVICES COMMITTEE

COMMITTEE MEETING INFORMATION

November 19-20, 2018 | 8:00 AM
Jonah Business Center, Room L54
3001 E. Pershing
Cheyenne, Wyoming

COMMITTEE MEMBERS PRESENT

Senator Charles Scott, Co-Chairman
Representative Eric Barlow, Co-Chairman
Senator Fred Baldwin
Senator Brian Boner
Senator Anthony Bouchard
Senator Ray Peterson
Representative Scott Clem
Representative JoAnn Dayton
Representative Mike Gierau
Representative Tim Hallinan
Representative Marti Halverson
Representative Lars Lone
Representative Joe MacGuire
Representative Clarence Styvar
Representative Pat Sweeney

OTHERS PRESENT AT MEETING

Representative Connelly
Representative Wilson
Representative-Elect Yin

LEGISLATIVE SERVICE OFFICE STAFF

Ian Shaw, Legal Administrator
Chris Land, Staff Attorney
John Brodie, Staff Attorney
Elizabeth Martineau, Associate Fiscal Analyst
Jill Reinking, Legal Legislative Editor

Please refer to [Appendix 1-02](#) review the Committee Sign-in Sheet for a list of other individuals who attended the meeting.

The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Committee. All meeting materials and handouts provided to the Committee by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at lso@wyoleg.gov. The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at www.wyoleg.gov.

EXECUTIVE SUMMARY

The Joint Labor, Health, and Social Services Committee (the Committee) met for two days in Cheyenne. The Committee considered draft legislation relating to a federal Affordable Care Act Section 1332 waiver, multiple employer welfare arrangements, the optometry practice act, controlled substance education and administration, a hospital cost study, the gender wage gap, unemployment compensation for seasonal employers, as well as workers' compensation and air ambulance costs. The Committee also heard a presentation from the Justice Center of the Council of State Governments, received a report from the Organ Donation Task Force, and received a telemedicine presentation.

The Committee voted to sponsor the following bill drafts in the upcoming 2019 General Session:

- 19LSO-0064 (Health care reinsurance program-federal waiver), as amended;
- 19LSO-0066 (Multiple employer welfare arrangements), as amended;
- 19LSO-0149 (Optometrists practice act amendment v0.4), as amended;
- 19LSO-0157 (Controlled substances education and administration), as amended;
- 19LSO-0253 (Hospital cost study), as amended;
- 19LSO-0274 (Equal pay-penalties);
- 19LSO-0275 (Wage transparency);
- 19LSO-0276 (Wage equality-state employees and programs), as amended;
- 19LSO-0277 (Medicaid benefit recovery-estates);
- 19LSO-0293 (Unemployment compensation-seasonal employers); and
- 19LSO-0315 (Worker's compensation-air ambulances), as amended.

CALL TO ORDER (NOVEMBER 19, 2018)

Co-Chairman Barlow called the meeting to order at 8:00am. The following sections summarize Committee proceedings by topic. Please refer to [Appendix 1-01](#) to review the Committee Meeting Agenda.

DEPARTMENT OF INSURANCE

Co-Chairman Scott provided the Committee with the statutory text of the Affordable Care Act's section 1332 waiver language ([Appendix 2-05](#)). Commissioner Tom Glause and Denise Burke, Department of Insurance (DOI), provided an update regarding preliminary work on a potential section 1332 reinsurance waiver and introduced Julie Peper and Matt Sauter of Wakely Consulting Group ([Appendix 2-01](#) and [Appendix 2-02](#)). Ms. Peper provided a summary of her firm's actuarial report on the potential impact of a section 1332 waiver for Wyoming. Ms. Peper explained that the 1332 waiver could potentially address premium costs, but it would not address the broader issue of high health care costs in Wyoming.

19LSO-0064 v0.4 Health care reinsurance program-federal waiver.

Commissioner Glause and Ms. Burke provided an overview of 19LSO-0064 and explained the structural differences between the draft and the Department's suggestions ([Appendix 2-03](#) and [Appendix 2-06](#)). Commissioner Glause testified to the importance of ensuring waiver funding is self-contained.

Public Comment

Diane Gore and Wendy Curran, Blue Cross, Blue Shield of Wyoming, expressed support for proceeding with a section 1332 waiver, but emphasized that market stability is their primary concern.

Mike Patton, Quandary Insurance, suggested adopting older, ACA-non compliant plans, that could reduce premiums.

Eric Boley, Wyoming Hospital Association, testified in support of the bill draft and noted that hospitals are already seeing more uninsured individuals seeking care, which is the cause of increased cost-shifting.

Committee Action

Co-Chairman Scott moved that the Committee sponsor 19LSO-0064 in the upcoming 2019 General Session, seconded by Representative Sweeney. The Committee adopted the following amendments, and directed LSO to ensure the Department of Insurance language conformed with bill drafting standards:

Throughout the bill draft Except as provided below, replace all 19LSO-0064 language with Department of Insurance's proposed language.

Page 2 (DOI draft) Insert "Federal funds not subject to existing appropriations shall be received in the manner specified by W.S. 9-2-1005(g) and 9-4-206(b).".

Page 10-line 15 (DOI draft) Make the bill effective immediately and sunset the act on June 30, 2025.

The motion to sponsor 19LSO-0064 passed on a roll call vote, with all members voting in favor of the motion.

19LSO-0066 v0.3 Multiple employer welfare arrangements.

Peter Greff, Department of Insurance, provided an overview of the bill draft and explained the proposed changes ([Appendix 2-04](#)). This bill draft establishes licensure and coverage standards for multiple employer welfare arrangements subject to state regulation, consistent with recent federal regulations governing association health plans. The draft is limited to Wyoming multiple employer welfare arrangements that would not otherwise have been regulated by the federal government.

Public Comment

There was no public comment offered on the bill draft.

Committee Action

Co-Chairman Scott moved that the Committee sponsor 19LSO-0066 in the upcoming 2019 General Session, seconded by Senator Baldwin. The Committee adopted the following amendments to 19LSO-0066:

Page 4-line 21 After "individuals" insert "meeting a commonality of interest test".

Page 9-line 15 Make the bill effective immediately.

The motion to sponsor 19LSO-0064 passed on a roll call vote, with all members voting in favor, except Representative Halverson, Representative Styvar, and Senator Bouchard who voted against the motion.

MEDICARE REIMBURSEMENT RATES

19LSO-0253 v0.3 Hospital cost study.

Co-Chairman Scott provided an overview of meetings with Representative Hallinan and other stakeholders and the bill draft. This bill draft requires a study of Medicare reimbursement rates to hospitals and other health care facilities and providers and their effect on Wyoming health care costs. Co-Chairman Scott then provided an overview of the draft bill ([Appendix 3-01](#)).

Public Comment

Eric Boley, Wyoming Hospital Association, discussed his Association's meeting with Co-Chairman Scott and other stakeholders. Mr. Boley felt it was a good discussion but expressed concern that the bill draft went from a review of Medicare discrimination to an overarching review of other health care costs.

Committee Action

Co-Chairman Scott moved that the Committee sponsor 19LSO-0253 in the upcoming 2019 General Session, seconded by Senator Peterson. The Committee adopted the following amendments to 19LSO-0253:

Page 1-line 4 Insert "requiring a study relating to health care services and funding as specified;".

Page 6-line 1 After "uncompensated care" insert ", including bad debt,".

Page 7-after line 5 Insert:

"(ix) Opportunities to broaden the payor base relating to Wyoming health care services, including alternative funding mechanisms and innovative strategies for reducing health care costs."

The motion to sponsor 19LSO-0253 passed on a roll call vote, with all members voting in favor of the motion, except Representative Sweeney, Senator Baldwin, Senator Boner, and Senator Bouchard who voted against the motion.

COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER PRESENTATION

David D'Amora, Justice Center, Council of State Governments, provided a presentation regarding justice reinvestment, in connection with the Joint Judiciary Committee's 2018 interim activities. Mr. D'Amora discussed the increase of drug related offenses in Wyoming, strategies for connecting convicted persons to treatment, and the impact of substance addiction and behavioral health ([Appendix 5-01](#) and [Appendix 5-02](#)).

Public Comment

Byron Oedekoven, Wyoming Association of Sheriffs and Chiefs of Police, expressed appreciation for the Committee's interest in the topic and testified regarding the importance of substance abuse treatment.

Paul Demple, Northern Wyoming Mental Health Center, testified that his facility is assisting with this population already and it is important that he is involved in any discussions to address this issue.

Steve Lindley, Deputy Director, Department of Corrections, testified about potential fiscal impacts and the need for funding to address the issue, including addressing the behavioral health component.

ORGAN DONATION TASK FORCE UPDATE

Phil Nicholas provided an overview of the work completed during the interim by the Organ Donation Task Force ([Appendix 6-01](#) and [Appendix 6-02](#)). He discussed possible interim topics for the Committee to consider, including allowing individuals to sign up as organ donors when obtaining a hunting or fishing license or implementing a \$1 rebate on license costs if an individual signs up to be a donor.

OPTOMETRY PRACTICE ACT

19LSO-0149 v0.4 Optometrists practice act amendments.

Co-Chairman Barlow provided an overview of the discussion from the October 2018 Committee meeting concerning changes to the optometry scope of practice and an overview of bill drafts that set forth potential options the Committee could take ([Appendix 7-01](#), [Appendix 7-02](#) and [Appendix 7-03](#)). Co-Chairman Barlow explained that 19LSO-0149, v.0.4 reorganizes the bill draft for clarity and addresses prescription and advanced procedure authority.

Public Comment

Katharine Wilkinson, Kari Kline, Dr. Dana Day and Dr. Jeremy Nett, Wyoming Optometric Society, addressed Committee questions and explained the purpose of the bill draft. Dr. Day explained that new optometric technologies are introduced each year. The group remarked that listing advanced optometric procedures which are not permitted in the draft bill establishes what can and cannot be done, but also accounts for innovation.

Dr. Ann Miller, Dr. Jennifer Nottage, Dr. Matthew Dodds and Laura Lewis, Wyoming Ophthalmological Society, testified in opposition to the bill draft ([Appendix 7-04](#)). Ms. Lewis testified that the Society is open to discussing the matter further, but that they currently do not support the authorization for optometrists to perform advanced optometric procedures, such as surgery.

Sheila Bush, Wyoming Medical Society, testified in opposition to the bill draft because of the inclusion of surgical procedures. Ms. Bush also explained that it is difficult to recruit physicians into Wyoming, and that if optometrists are permitted to perform surgical procedures, it could adversely impact physician recruitment.

Kevin Bohnenblust, Wyoming Board of Medicine, provided data to the Committee and testified that there are eleven licensed ophthalmologists in Wyoming, and an additional forty licensees who are not residents.

Coby Ramsey, Daniel Perala and Emily Cronbaugh, Wyoming Board of Examiners in Optometry, provided suggested amendments to the bill draft.

Committee Action

Co-Chairman Barlow moved that the Committee sponsor 19LSO-0149 in the upcoming 2019 General Session, seconded by Senator Baldwin. The Committee adopted the following amendments to 19LSO-0149:

- | | |
|---------------------------|----------------------------------------------------------------------------|
| Page 4-line 14 | After " <u>retina</u> " insert " <u>or corneal</u> ". |
| Page 10-line 13 | Delete " <u>allied</u> " insert " <u>licensed</u> ". |
| Page 12-lines 3 through 8 | Reinsert all stricken language; delete all new language. |
| Page 12-line 5 | In the reinserted language in this line strike "and" insert " <u>or</u> ". |

The motion to sponsor 19LSO-0149 passed on a roll call vote, all members voting in favor of the motion, except Representative Gierau, Representative Hallinan, Representative MacGuire and Senator Bouchard who voted against the motion.

MEETING RECESS

The Committee recessed at 6:15 p.m.

CALL TO ORDER (NOVEMBER 20, 2019)

Co-Chairman Scott called the meeting to order at 8:00 a.m.

OPIOID ADDICTION TASK FORCE***19LSO-0157 v0.2 Controlled substances education and administration.***

Lisa Hunt, Executive Director, Board of Pharmacy, provided an overview of the bill draft ([Appendix 10-01](#)). This bill draft specifies continuing education requirements for health care providers relating to opioids and also requires health care providers search the Prescription Drug Monitoring Program (PDMP) database. Ms. Hunt provided additional information regarding the PDMP, database access, and what limitations should be imposed on the database ([Appendix 10-02](#)).

Public Comment

Melinda Carroll, member of the Opioid Task Force, testified that in-state prescriptions are part of the PDMP, but prescriptions from other states are currently not. She noted that the interstate system that includes out-of-state prescriptions will go into effect next year.

Dr. James Bush, Medical Director, Department of Health, testified that the Department has an interest in accessing the PDMP because this data can be important for monitoring Medicaid patients.

Committee Action

Co-Chairman Scott moved that the Committee sponsor 19LSO-0157 in the upcoming 2019 General Session, seconded by Senator Baldwin. The Committee adopted the following amendments to 19LSO-0157:

- | | |
|------------------------|-----------------------------------------------------|
| Page 8-lines 8, 19, 21 | Change dates to "January 1, 2021". |
| Page 9-lines 7 and 14 | Delete “, other than a veterinarian,”. |
| Page 10-line 6 | Delete new language and reinsert stricken language. |
| Page 11-line 16 to 23 | Delete. |

The motion to sponsor 19LSO-0157 passed on a roll call vote, with all members voting in favor of the motion.

MENTAL HEALTH LICENSURE- WYOMING MENTAL HEALTH PROFESSIONS BOARD

Dr. Kelly Heenan, Lance Goede and Greg Searls, Mental Health Professions Licensing Board, explained proposed revisions to the rules of the Board, including changes to reciprocity and renewals ([Appendix 11-01](#)). The rules are currently out for public comment.

19LSO-0305 v0.2 Mental health professions practice act amendments.

Dr. Heenan, Mr. Goede and Mr. Searls provided an overview of the bill draft, which amends licensure qualifications for certain mental health professionals. ([Appendix 11-02](#)).

Page 3-line 6 After "addiction therapy" insert the amendment proposed by Representative Sweeney and included as [Appendix 11-03](#). The language will read as follows:

"or the applicant holds in good standing a current certification as a certified addictions professional assistant with not less than two thousand (2,000) hours of supervised work experience as defined by the board and has demonstrated knowledge in the field of addictions treatment as shown by a passing score on a standard examination as determined and administered by the board".

Page 3-lines 6 through 9 Before "The board" insert the amendment proposed by Representative Sweeney and included as [Appendix 11-03](#). The language will read as follows:

"In performing its duties under this paragraph, the board shall use the professional training and experience standards of ~~the~~ appropriate national professional associations ~~as established by the rules and regulations~~ or the standards of an appropriate federal agency;".

Page 13-line 10 Delete "The" and insert "As confirmed through the criminal records check required by W.S. 33-38-105(j), the".

The motion to sponsor 19LSO-0157 passed on a roll call vote, with all members voting in favor of the motion, except Representative Dayton who voted against the motion.

ADOLESCENT MENTAL HEALTH TREATMENT

Joe Gallagher, Wyoming Behavioral Institute, discussed the Medicaid reimbursement methodology for adolescent mental health services ([Appendix 11-04](#)). Mr. Gallagher expressed concerns with reimbursement rates for residential treatment and the challenges of maintaining these services. Mr. Gallagher believes that Wyoming may experience a crisis as there are adolescents waiting for services and few available facilities. The Committee noted that this issue may be an appropriate interim topic for next year.

The Committee voted to direct LSO to draft a letter to the Joint Appropriations Committee regarding adolescent mental health reimbursement rates under Medicaid.

TELEMEDICINE PRESENTATION

Dr. Lisa Finkelstein, Wyoming Medical Society, appeared before the Committee using telemedicine technology and discussed the importance of promoting the adoption of telemedicine in Wyoming. Dr. Finkelstein suggested creating a task force to look at the issue ([Appendix 13-01](#), [Appendix 13-02](#), [Appendix 13-03](#), [Appendix 13-04](#), and [Appendix 13-05](#)).

Director Tom Forslund, Department of Health, provided comments on the use of telemedicine in Wyoming. Director Forslund stated that additional funding would be needed to effectively promote and develop telemedicine.

Public Comment

Mike Patton, Quandary Insurance, discussed the potential advantages and disadvantages of telemedicine.

Kevin Bohnenblust, Board of Medicine, provided background information about telemedicine in Wyoming (Appendix 13-06).

Kevin Smith, Cheyenne Regional Medical Center, stated his agreement with the comments made by Dr. Finkelstein and Director Forslund.

MEDICAID BENEFIT RECOVERY

19LSO-0277 v0.3 Medicaid benefit recovery-estates.

Franz Fuchs, Department of Health, provided an overview of the bill draft, which inserts a comma in W.S. 42-4-106(g)(ii) to clarify the kinds of estates which are subject to Medicaid benefit recovery (Appendix 14-01).

Public Comment

There was no public comment offered on the bill draft.

Committee Action

Co-Chairman Scott moved that the Committee sponsor 19LSO-0277 in the upcoming 2019 General Session, seconded by Representative Gierau. The motion to sponsor 19LSO-0277 passed on a roll call vote, with all members voting in favor of the motion.

DEPARTMENT OF WORKFORCE SERVICES

Representative Connolly provided a summary of the recent Department of Workforce Services wage gap study. She highlighted information from the study regarding the gender wage gap, including promoting wage equality in ENDOW programs.

19LSO-0276 v0.3 Wage equality-state employees and programs.

Representative Connolly provided an overview of the bill draft, identifying certain steps that the State of Wyoming can take to address the gender wage gap (Appendix 15-10).

Tony Glover, Department of Workforce Services, provided additional explanation of the methodology of the original wage gap report and data sources.

Public Comment

Kim Floyd, Wyoming AFL-CIO, observed that the gender wage gap noted by the study has likely been around for a significant amount of time and that workers deserve to be paid an equal wage regardless of gender.

Tara Muir, Wyoming Coalition Against Domestic Violence and Sexual Assault, testified in support of the bill draft, stating that women are overwhelmingly victims of domestic violence and that the number one barrier for a victim to become self-sufficient is money.

Committee Action

Co-Chairman Scott moved that the Committee sponsor 19LSO-0276 in the upcoming 2019 General Session, seconded by Representative Gierau. The Committee adopted the following amendments to 19LSO-0276:

Page 2-line 5

After "paragraph (v)," insert "and".

- Page 2-line 6 Delete "and 27-2-105(a)(i)".
- Page 3-line 10 Delete "compensation" and insert "pay".
- Page 15-lines 2 through 11 Delete.

The motion to sponsor 19LSO-0276 passed on a roll call vote, with all members voting in favor of the motion, except Representative Clem, Representative Styvar and Senator Bouchard who voted against the motion.

19LSO-0274 v0.2 Equal pay-penalties.

Representative Connolly provided an overview of the bill draft which would increase the maximum penalty for a violation of equal pay laws from \$200 to \$500, similar to other statutes and violations ([Appendix 15-08](#)).

Public Comment

There was no public comment offered on the bill draft.

Committee Action

Representative Clem moved that the Committee sponsor 19LSO-0274 in the upcoming 2019 General Session, seconded by Representative Halverson. The motion to sponsor 19LSO-0274 passed on a roll call vote, with all members voting in favor of the motion, except Representative Hallinan and Senator Bouchard who voted against the motion.

19LSO-0275 v0.2 Wage transparency.

Representative Connolly provided an overview of the bill draft and explained that it would prohibit an employer from penalizing an employee for sharing their wage information with another employee ([Appendix 15-09](#)).

Public Comment

There was no public comment offered on the bill draft.

Committee Action

Representative Gierau moved that the Committee sponsor 19LSO-0275 in the upcoming 2019 General Session, seconded by Representative Dayton. The motion to sponsor 19LSO-0275 passed on a roll call vote, with all members voting in favor of the motion, except Representative Halverson, Representative Styvar, Senator Boner and Senator Bouchard who voted against the motion.

19LSO-0293 v0.3 Unemployment compensation-seasonal employers.

Tobi Cates, Department of Workforce Services, provided an overview of the bill draft, which allows employers to apply to the Department for an exemption from paying unemployment compensation premiums for certain seasonal workers ([Appendix 15-11](#)).

Public Comment

Rick Kaysen, Wyoming Association of Municipalities, testified in support of the bill draft and expressed concern that the bill draft should include provisions for an employer to appeal the decision of the Department.

Committee Action

Co-Chairman Scott moved that the Committee sponsor 19LSO-0293 in the upcoming 2019 General Session, seconded by Representative Gierau. The motion to sponsor 19LSO-0293 passed on a roll call vote, with all members voting in favor of the motion.

19LSO-0315 v0.3 Worker's Compensation-ambulances.

Director John Cox and Jason Wolf, Department of Workforce Services, gave the Committee an update on ongoing air ambulance issues under the Worker's Compensation program and provided an overview of the bill draft. The bill draft allows the Director of the Department of Workforce Services to offer optional payment to air ambulance providers in exchange for an agreement with the provider that the injured worker will not be subject to balance billing. The bill draft also requires preauthorization for non-emergency air ambulance transportation under Worker's Compensation ([Appendix 15-12](#)).

Public Comment

There was no public comment offered on the bill.

Committee Action

Senator Baldwin moved that the Committee sponsor 19LSO-0315 in the upcoming 2019 General Session, seconded by Senator Boner. The Committee adopted the following amendments to 19LSO-0315:

- | | |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Page 1-line 3 | After "injured" insert "providing for assistance to injured employees;" |
| Page 5-lines 12 and 13 | Delete entirely and insert "new subsection (g) and 27-14-601(o)(intro)". |
| Page 6-lines 18 through 23 | Delete entirely. |
| Page 7-lines 1 and 2 | Delete entirely and insert:

"(o) The division pursuant to its rules and regulations may issue a determination of preauthorization for an injured worker's nonemergency hospitalization, <u>nonemergent air ambulance transport</u> , surgery or other specific medical care, subject to the following:" |
| Page-line 4 | Make the bill effective immediately. |

The motion to sponsor 19LSO-0315 passed on a roll call vote, all members voting in favor of the motion, except Senator Bouchard who voted against the motion.

MEETING ADJOURNMENT

There being no further business, Co-Chairman Scott adjourned the meeting at 5:20 p.m.

Respectfully submitted,

Senator Charles Scott, Co-Chairman

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2-03	Department of Insurance	19LSO-0064 v0.4 Health care reinsurance program-federal waiver.	Legislative Service Office
2-04	Department of Insurance	19LSO-0066 v0.3 Multiple employer welfare arrangements.	Legislative Service Office
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7-03	Optometry Practice Act	19LSO-0149 v0.4 Optometrists practice act amendments.	LSO
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13-02	Telemedicine Presentation (Dr. Finkelstein and Director Forslund)	Joint Labor Committee Telehealth Report-2016	Wyoming Department of Health
13-03	Telemedicine Presentation (Dr. Finkelstein and Director Forslund)	Letter-Telemedicine	Blue Cross Blue Shield of Wyoming
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13-05	Telemedicine Presentation (Dr. Finkelstein and Director Forslund)	Telehealth Policy	Wyoming Healthcare Licensing Boards

13-06	Telemedicine Presentation (Dr. Finkelstein and Director Forslund)	Physician Data	Wyoming Board of Medicine
14-01	Medicaid Recovery - Bill Amendment	19LSO-0277 v0.3 Medicaid benefit recovery-estates.	Legislative Service Office
15-08	Department of Workforce Services	19LSO-0274 v0.2 Equal pay-penalties.	Legislative Service Office
15-09	Department of Workforce Services	19LSO-0275 v0.2 Wage transparency.	Legislative Service Office
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15-11	Department of Workforce Services	19LSO-0293 v0.3 Unemployment compensation-seasonal employers.	Legislative Service Office
15-12	Department of Workforce Services	19LSO-0315 v0.3 Worker's Compensation-ambulances.	Legislative Service Office