



2009 SINE DIE REPORT MARYLAND GENERAL ASSEMBLY

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Nurse Practitioner Association of Maryland (NPAM)

IT'S OVER! Happy Sine Die¹ NPAM members! The 2009 Legislative Session of the Maryland General Assembly came to a close at Midnight on Monday, April 13, 2009. Now our life, liberty and property are safe for another 9 months. Minus a few bumps and bruises along the way, this was a great Session for you and everyone should be pleased with our accomplishments!! Many thanks go to Susan for her leadership and perseverance, Sandi for her willingness to assist in letter writing, and of course Diana and Julie for their knowledge and expertise throughout session and especially for the committee hearings.

GENERAL ISSUES

During the 2009 Session, members of the House of Delegates and the Senate introduced 2,672 (increase of 21 since 2008!) bills and resolutions. Of that, 799 bills and 1 joint resolution were successfully passed.

Some of the heavily debated issues for the Session included Maryland's looming budget deficit, health care, the environment, death penalty, and reregulation of electricity. One topic of interest came about in the final days of Session was saving the Preakness Race. Emergency legislation was introduced (SB 1072) on April 4th and signed into law ten days later that will authorize the State to acquire by purchase or condemnation private property relating to Pimlico Race Course, Laurel Park Race Course, and the Bowie Race Course Training Center. The law even allows the Governor to seize the Woodlawn Vase (the million-dollar Preakness trophy), a catering company, a training track, and all copyrights, trademarks and intellectual property of the private company.

BUDGET ISSUES

Due to the economic crisis that not only Maryland, but the entire U.S. is facing, Maryland House and Senate Leadership issued memorandums to Committee Chairs requesting that all legislation with a fiscal note of more than \$1 be reviewed by the Chairs and approved by the Budget Committee Chairs before passing favorably out of the policy committees. This edict drastically slowed down and in many cases killed potential legislation this year. In past years of fiscal instability, fiscal notes of more than \$250,000 were typically scrutinized, this year the threshold affected everyone.

The General Assembly passed the Budget Bill (HB 100), the Budget Reconciliation & Financing Act (BRFA) (HB 101), and the Maryland Consolidated Capital Bond Loan of 2009, known as the Capital Budget (HB 102). As enacted, the \$32.3 billion Budget Bill increases spending by 3.5% (lowest increase in history) and includes \$2.5 billion in Federal Stimulus Funds for FY 2009 & FY 2010. The General Assembly made \$866 million in budget reductions, of which \$561 million are contingent upon language in BRFA, leaving a General Fund balance at the end of FY 2010 of \$96.2 million and a Rainy Day Fund balance of \$651.1 million.

¹ The term "Sine Die" from the Latin "without a day" means "without any future date being designated for resumption" or "indefinitely". It is often used with reference to meetings or when an organized body's existence terminates.

NPAM LEGISLATIVE PRIORITIES

HB 250/SB 759: Public Health - Certificates of Death - Nurse Practitioners

NPAM had a very successful legislative year! The association decided to put forth a bill that would clarify language regarding death certificate certification that originated during the 2008 legislative session and also include other areas of the Maryland statute to include a nurse practitioner signature.

The bill was assigned to a different committee in the Senate then in years past which required significant additional efforts on the part of NPAM and lobbying team to bring those committee members up to speed with the current proposed legislation and its relationship to the 2008 legislation.

Due to the variety of topics presented in HB 250/SB 759 and the lack of understanding of the previous legislation, the committee chose to only pass forward the clarification of the death certificate language. While this may appear as a “defeat” to some, it is still a victory for NPAM especially in a year where many “policy oriented” bills were left behind due to the massive economic and budgetary pressures that all of the General Assembly was consumed with during the 90 days.

Successfully passing legislation is not an easy task and in this new age of high speed and multi-faceted political topics that are ever-changing, a multi-pronged approach of grassroots and individual lobbying is necessary for organizations small and large to be successful in gaining and maintaining the attention of legislators enough to be successful in proactive legislation.

HB 304/SB 272: Maryland False Claims Act

Leading the list of challenges for the 2009 Session the False Claims Act, an Administration bill that seems to have nine lives. It was jointly assigned in the House to Judiciary and Appropriations, and in the Senate to Judicial Proceedings and B&T. Accompanied by Jonathan, we participated in full hearings in all those committees, plus we met with the two Deputy Attorneys General, the DHMH Medicaid Fraud Control Unit head, the Speaker, The President of the Senate, the Fiscal Note writer, the fiscal committees’ staff members, and every member of the primary legislative Committees. We helped organize a coalition of over a dozen stakeholder groups and their lobbyists, including the MD Hospital Association, MedChi, and a host of specialty societies and organizations, the MD Community Health Centers, Psychologists, Nurse Practitioners, BIO and the MD Chamber of Commerce. We hosted dinner meetings with the primary Committees, organized grass roots lobbying efforts through Frank Howard’s firm, and left no stone unturned.

SB 272 was defeated on the Senate floor on 3rd Reader on a 23-24 vote.

With less than 2 weeks before the end of Session, the Governor sought to leverage the House version of the bill out of committee by including language in the Supplemental Budget to cut State aid to Hospitals and provider reimbursements by \$29 million, but with the proviso that those cuts were contingent on the non-passage of a False Claims Act. The budget committees held fast, so the Administration turned to **HB 1476 - The Health Program Integrity and Recovery Act of 2009**. This bill had many of the same provisions that were considered and killed three years ago and which are intended to give the DHMH new fraud fighting tools. But the Chairman of HGO, Pete Hammen, and the Speaker closed the door to any more wrangling over the bill this session. They plan to hold interim meetings this summer or fall to discuss the issue further.

OTHER BILLS OF INTEREST

HB 229: Prescribers – Controlled Dangerous Substances – Exemption from Registration

Position: Support

Outcome: Withdrawn

This bill would exempt providers (NPs, MDs, Dentists, and Pharmacists) from the \$120 registration fee for the Maryland CDS Registration. Bill would decrease revenues to DHMH by \$2.1 million. The sponsor withdrew the bill due to the current economic climate and will reintroduce in better fiscal times.

HB 1275/SB 956: Health Occupations Boards – Revisions

Position: Concern

Outcome: Failed in Senate

This bill stems from 2008's HB 811 (Task Force on Disciplinary Procedures for Boards). The bill would require health occupations boards to provide notification to licensees or certificate holders of board vacancies; requiring health occupations boards to collect racial and ethnic information; requiring that members of health occupations boards reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State; requiring the Secretary of Health and Mental Hygiene to confirm the appointment of executive directors.

The bill failed due to concerns from the Attorney General's Office, clashing support/opposition from different health occupations boards, as well as a general dislike of the legislation from the committee members. Strong possibility that this bill will resurface in 2010.

HB 1431: Professional Boards – Transfer of Funds – Repayment

Position: Support

Outcome: Failed

This bill would prohibit the Governor and General Assembly from taking monies from the Health Occupations Boards to add to the General Fund. Currently, the Governor is taking \$3 million from the Board of Physicians, \$500,000 from the Board of Nursing, and \$150,000 from the Audiologists Board to fill budget gaps in the General Fund.

The bill was strongly supported by many professions and health associations, however, due to the fiscal climate the budget gaps had already been filled by the monies from the professional funds, so the bill failed. However, the Appropriations Committee was very interested in the protection of the professional boards and will most likely seek legislation in future years.

SB 205: State Board of Nursing - Licensing - Licensure by Endorsement - Temporary Limited Licenses

Position: Support

Outcome: Failed in House

Departmental bill to address the situation when an individual applies for licensure from out of state or another country but misses the approval for a small reason, they receive a denial letter and then they typically never apply in Maryland ever again. This has significantly contributed to the shortage of Nurses in MD. Bill would allow applicants for licensure to enter into a "summer school" type program – finish extra credits, retake exams, etc. and have the chance to reapply for licensure at a later date.

MNA strongly opposed this legislation due to misinformation regarding the specifics of the bill language. Out firm worked with MNA and the BON towards a possible solution, however, the BON received an opinion from the AG's office that they can promulgate regulations to accomplish this goal internally.

NPAM's input is very valuable to the legislators and they want to hear from you, the experts, when considering health care legislation. As your lobbyists, we will be your eyes, ears, and advocates on the ground in Annapolis, but nothing compares to your experience as health care providers. So we encourage all of you to come to Annapolis and contact your legislators and tell them how you feel about issues that are important to NP's and health care in Maryland.

Please contact me or Bill, if we can assist you in any legal or lobbying matters. I have been honored to represent your organization for the past three legislative sessions and I look forward to the future of representing this association in many different capacities and possible new legislation in coming years. We are looking forward to an exciting new year in Maryland!

Take Care,
Julia

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