

CNPA 2014 Legislative Session Report

May 28, 2014

The 2014 session careened to a chaotic close at midnight on May 7, 2014, with over 100 bills passing in the final hours. This has been a busy session for CNPA—earlier, we offered testimony on several bills to a number of different committees. As you will see from this report, CNPA had a number of solid achievements this session, including the first elements of a modernization of the Naturopathic scope of practice. We are pleased to provide you with this update and appreciate the time and dedication many CNPA members have made in contacting their legislators on bills of importance to the profession.

Scope of Practice Expansions—as many of you know by now, CNPA succeeded in gaining legislative approval for a number of expansions to our current scope of practice. We view this as the first step in a two-year process. Although a number of expansions are included, prescriptive authority is not among these. The issue became fairly controversial and CNPA decided to pursue this component in the 2015 session. The new Naturopathic scope language is below and was included as part of HB 5537, the omnibus bill that contains dozens of changes to programs and policies in the Department of Public Health. Please know the new language gives specific authority to diagnose and treat diseases; order diagnostic tests and procedures; order medical devices and durable medical equipment, as well as perform certain procedures in your office including removal of ear wax, tuberculosis testing and venipuncture for blood testing. HB 5537 is now Public Act 14-231.

The practice of natureopathy means the science, art and practice of healing by natural methods as recognized by the Council of Natureopathic Medical Education and that comprises diagnosis, prevention and treatment of disease and health optimization by stimulation and support of the body's natural healing processes, as approved by the State Board of Natureopathic Examiners, with the consent of the Commissioner of Public Health, and shall include (1) counseling; (2) the practice of the mechanical and material sciences of healing as follows: The mechanical sciences such as mechanotherapy, articular manipulation, corrective and orthopedic gymnastics, physiotherapy, hydrotherapy, electrotherapy and phototherapy; and the material sciences such as nutrition, dietetics, phytotherapy, treatment by natural substances and external applications; (3) ordering diagnostic tests and other diagnostic procedures as such tests and procedures relate to the practice of mechanical and material sciences of healing as described in subdivision (2) of this subsection; (4) ordering medical devices and durable medical equipment; and (5) removing ear wax, spirometry, tuberculosis testing and venipuncture for blood testing.

(b)For purposes of subsection (a) of this section, "natural substances" means substances that are not narcotic substances, as defined in subdivision (30) of section 21a-240, do not require the written or oral prescription of a licensed practitioner to be dispensed and are only administered orally.

CNPA recently received an email from Mike Jawer, the director of government and public affairs for the American Association of Naturopathic Physicians (AAPA). Mike stated: *Congratulations to you! This is a huge win – even if not the ultimate step – and I can feel your pride in announcing it. Thanks and kudos on a job well done – and continuing along the path to prescribing rights next year.*

We will be in touch frequently with the CNPA membership over the summer and fall to keep this momentum going. Many of you made calls, sent emails or met with your legislators. These personal contacts are very important and helped us win passage of the scope expansions. If we all continue to work together, we have a good chance of winning the additional authority we seek next year.

Health Insurance Exchange—Connecticut consumers will continue to be able to receive insurance coverage for Naturopathic services on most health plans that are sold on the state’s Health Insurance Exchange. As you know, Connecticut’s exchange has been one of the more successful ones nationally and has enrolled over 70,000 individuals and families in health insurance policies. To be listed, a plan must parallel the services provided by a larger template plan provided by ConnectiCare. CNPA was ready in case an attempt was made to change the law so that health plans would not have to have a wider array of coverage. Fortunately, our efforts helped ensure that the issue did not arise through a floor amendment.

Definition of Surgery, Medical Malpractice and Insurance Notices—CPNA had three good wins this session. We were able to play a key role in seeing that the “Definition of Surgery” bill did not move forward this session. As we have discussed in the past, the proposed legislation would infringe on the Naturopathic scope. We were also successful in derailing the so-called “Certificate of Merit” bill, a proposal that would weaken medical malpractice standards and make it easier for practitioners to be sued. Finally, we won a battle with the Connecticut State Medical Society over their desire to require insurance companies to tell patients the qualifications and scope of practice of medical providers covered by the policy. This is a national effort by the American Medical Association. Although CSMS was advocating for this policy change, they opted not to offer it as a floor amendment.

Peer Review—CNPA is pleased that we played a major role in defeating Senate Bill 192, a bill that would change the requirement as to who reviews appeals of treatment denials by insurers. As drafted, the bill would have permitted an MD to review a treatment appeal made by an ND. We made the case that a medical professional’s decision should be judged by a licensed member of the same profession. We worked with Vicki Veltri, the state’s Healthcare Advocate, on this bill and she will be convening a meeting of provider groups over the interim to see if a consensus can be developed on this issue. We will participate as this proposal is very likely to be back next session.

Scope of Practice Expansions—the 2014 session made major expansions to the scope of practice of Advanced Practice Registered Nurses (APRN). SB 36, now Public Act 14-12, will permit APRNs to practice independently once they have completed a three-year collaborative agreement with an MD. Once the Governor endorsed the bill, its passage became certain. Meanwhile, a bill to license the profession of Medical Assistants (SB 459) stalled in the Public Health Committee. Finally, a bill to license the profession of certified classical homeopaths and permit them to use homeopathic remedies, died in the House. CNPA raised several concerns with the proposal.

Cooperative Health Arrangements—This bill would permit medical practitioners to discuss issues such as fees and compensation with one another in connection with sharing patients or facilities. The Attorney General objected to the proposal on grounds that it would violate anti-trust laws. CNPA suggested that the bill is needed in order to permit practitioners to expand access to care. Although HB 5345 was approved by the Labor and Public Employees Committee, it stalled in the Appropriations Committee and was not passed.

Hospital and Group Medical Practice Conversions—One of the final bills to pass this session is one of the most far-reaching: Senate Bill 35 sets down new rules under which for-profit hospitals can enter the state and purchase existing non-profit hospitals. The bill also contains new requirements for notices to the state when MD practices are sold or absorbed into new entities. The impetus for this element of the bill has been the wave of consolidations coming from hospital systems purchasing individual MD practices (SB 35, now Public Act 14-168).

Budget and Tax Package—The Appropriations Committee reported a \$19 billion budget for the fiscal year that begins on July 1, 2014, and this was passed by both chambers. Meanwhile, the Finance, Revenue and Bonding committee reported a tax package that, among other policy changes, reverses a decision in 2011 to apply the sales tax to over-the-counter medicines. These items will once again be tax-free starting July 1. New tax receipts data in April caused the estimates of the current year's budget surplus to crash by \$500 million. Most observers think the state will get through next fiscal year, but that a \$1 billion deficit could exist for the fiscal year that starts July 1, 2015.

Legislative Leadership Changes- Election 2014

Finally, a brief update on retirements and changes coming to 2015 -2016 General Assembly as well as a preview of Connecticut's political landscape follows. Several veteran long-serving leaders and legislators are not seeking re-election to their current positions, including Senate President Don Williams, House Republican Leader Larry Cafero, and Senate Republican Leader John McKinney. This is of interest as there will be new legislative leaders. Six members of the State Senate are calling it quits, while fifteen members of the House will not be returning. Included in this list of retirements is Senator Ed Meyer, Senate Chair of the Environment Committee Co-Chair, and Rep. Pat Widlitz, House Chair of the Finance, Revenue and Bonding Committee.

The elections will be held in November and Conventions kicked off the second weekend of May. We foresee a competitive Governor's race, continued Democratic control of both chambers of the General Assembly and the likely re-election of the all-Democratic congressional delegation. Of note is the fact that Ted Kennedy, Jr., is a candidate and likely successor to Sen. Meyer in the shoreline's 12th Senatorial District.

Again, we want to thank those CNPA members who took the time to be involved this session with our legislative program—these types of personal contacts really work. We are excited about what happened this session and are poised to get the job finished in 2015 with prescriptive authority for members of the Naturopathic profession.

Please let us know if you have any questions on this report.

Linda Kowalski
The Kowalski Group, LLC

Rick Liva, N.D.
Legislative Committee Chair rickliva@yournaturalhealth.com