

2023 Legislative Recap

HFMA Revenue Cycle Meeting

November 09, 2023

Michael Robinson

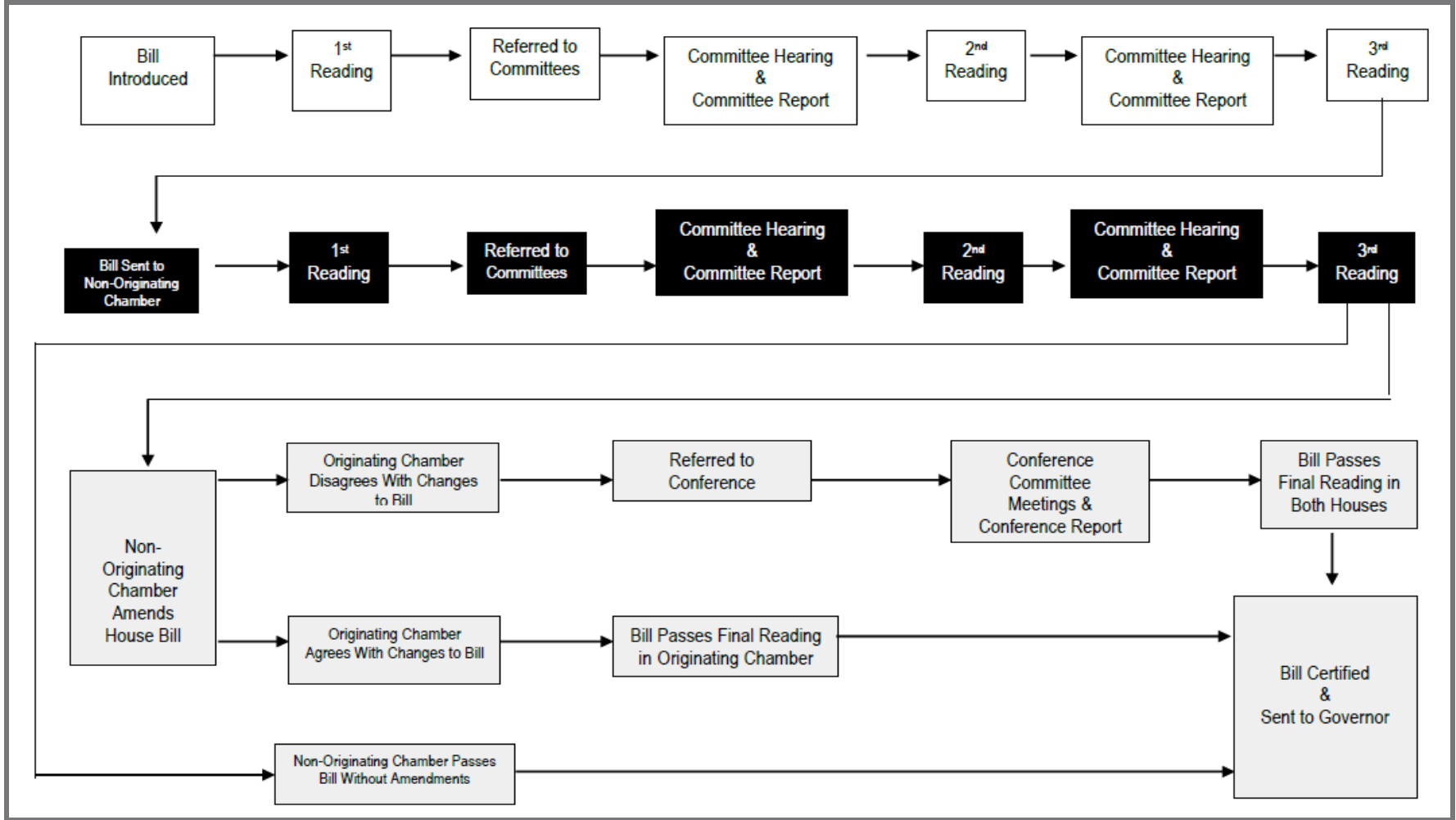
Vice President

Government Relations & Community Affairs

**HAWAI'I
PACIFIC
HEALTH**

KAPI'OLANI
PALI MOMI
STRAUB
WILCOX

2023 Legislative Session January 18, 2023 – May 4, 2023



Legislative Branch 2023 Realities

- **Budget / Federal Relief**
- **Election Year 2022**
- **New Administration**



2023 Legislative Leadership

- **Ron Kouchi (D)**
Senate President

[District 8: Kaua'i, Ni'ihau]



- **Scott Saiki (D)**
House Speaker

[District 25: Ala Moana, Kakaako, Downtown]



*Ronald K. Kouchi (D)
Senate President
[District 8: Kaua'i, Ni'ihau]

2023 House Committee Chairs

Chair, Finance

Kyle Yamashita

[District 12: Portion of Keāhua, Hāli'imaile, Pukalani
Makawao, Pūlehu, Waiakoa, Kēōkea, and 'Ulupalakua]



Chair, Health

Della Au Belatti

[District 26: Makiki, Punchbowl]



Chair, Human Services

John Mizuno

[District 29: Kamehameha Heights, Kalihi Valley,
portion of Kalihi]



Chair, Consumer Protection & Commere

Mark Nakashima

[District 1: Hamakua, portion of Hilo, Ka'ūmana]



**HAWAI'I
PACIFIC
HEALTH**

KAPI'OLANI
PALI MOMI
STRAUB
WILCOX

2023 Senate Committee Chairs

Chair-Ways & Means

Donovan Dela Cruz

[District 17: Portion of Mililani, Mililani Mauka, portion of Waipi'o Acres, Launani Valley, Wahiawā, Whitmore Village]



Chair – Consumer Protection

Jarret Keohokolole

[District 24: Kane'ohe, Kailua]



Joy San Buenaventura (D), Chair – Health & Human Services

[District 2: Puna]



Governor Green Administration/Cabinet



Department of Health
Kenny Fink, MD



Department of Human Services
Administrator/MedQuest
Judy Mohr-Pederson, PhD

Green Administration/Cabinet



**Department of Commerce &
Consumer Affairs**
Nadine Ando



Attorney General
Anne Lopez

2022 Political Party Realities

51 House Districts

Democrats: 47

Republicans: 4

Need 26 for Majority

25 Senate Districts

Democrats: 24

Republicans: 1

Need 13 for Majority



2023 Political Party Realities

51 House Districts

Democrats: 45

Republicans: 6

Need 26 for Majority

25 Senate Districts

Democrats: 23

Republicans: 2

Need 13 for Majority



2023 Political Party Realities

51 House Districts

Democrats: 45

Republicans: 6

Need 26 for Majority

16 new House Members

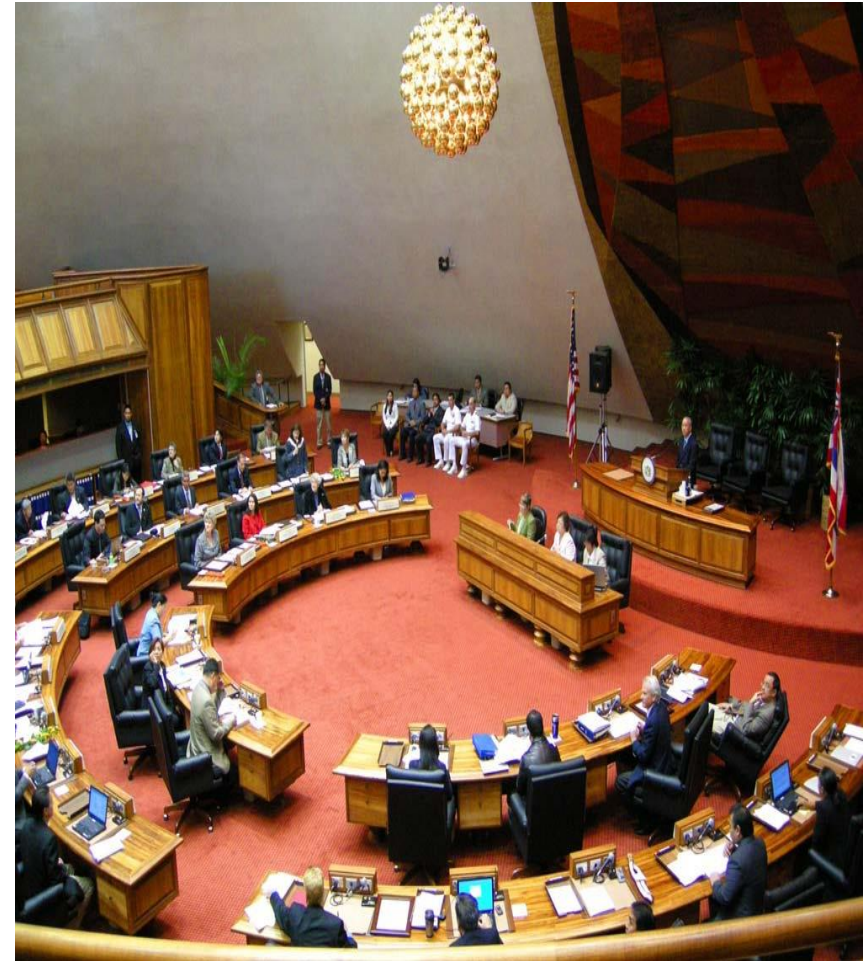
25 Senate Districts

Democrats: 23

Republicans: 2

Need 13 for Majority

5 new Senate Members



Legislative Branch Current Realities

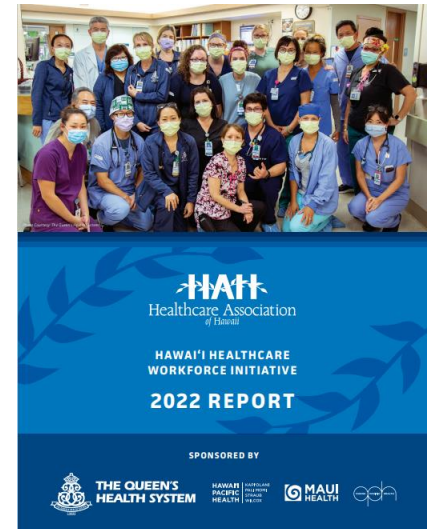
- **Maui Wildfire**
- **Workforce**
- **Affordability**



Hawai'i's Healthcare Sector

- 8.2% of state GDP
- 72,300 Jobs Statewide
 - Healthcare represents 12% of all non-agricultural wage & salary jobs in the state

HAH Hawai'i
Healthcare Workforce
Initiative Report:
Open healthcare
positions **increased by
76%** from 2019 to
2022 report



Jobs in Healthcare

- 90% of healthcare occupations are projected to grow from 2020-30

Top 10 Healthcare Occupations by Employment Volume (2022)

Occupation	Jobs (2022)	Growth (2020-30)	Annual Openings	Median Salary
Registered Nurses	11,800	8.8%	720	\$120,100
Home Health and Personal Care Aides	6,770	32.1%	1,370	\$32,080
Nursing Assistants	4,850	7.5%	540	\$37,250
Medical Assistants	3,630	22.1%	590	\$43,750
Healthcare Support Workers, All Other	1,870	14.6%	190	\$44,910
Physicians, All Other	1,640	6.5%	90	\$235,410
Dental Assistants	1,620	14.7%	220	\$38,450
Pharmacy Technicians	1,350	5.9%	170	\$38,620
Massage Therapists	1,260	49.7%	210	\$61,520
Dental Hygienists	1,110	14.9%	80	\$87,080

Highest Need Healthcare Professions

2019 HAH Report Priority Professions	Total Open Positions
RN specialty	463
Certified Nurse Aide	417
Medical Assistant	106
Licensed Practical Nurse	144
Phlebotomist	124
Personal Care Asst	35
Social Worker	60
Patient Service Rep	110
Radiological Tech	64

**Pandemic
exacerbated
workforce needs**

2022 HAH Report Priority Professions	Total Open Positions
RN specialty	999
Certified Nurse Aide	744
Medical Assistant	278
Licensed Practical Nurse	211
Phlebotomist	128
Personal Care Asst	181
Social Worker	126
Patient Service Rep	111
Radiological Tech	85

Top Healthcare Openings by Care Setting and Island

Island	Total	Hospitals	Health System Clinics	Skilled Nursing Facilities	Assisted Living Facilities	Home Health	Hospice	Other
O'ahu	2,592	1,111	227	426	110	294	73	351
Maui	599	410	53	71	—	19	3	43
Hawai'i Island	487	250	42	77	—	19	33	66
Kaua'i	160	68	3	60	4	—	2	23
Moloka'i	19	2	7	—	—	—	3	7
Lāna'i	16	7	—	—	—	—	2	7
GRAND TOTAL	3,873	1,848	332	634	114	332	116	497

2023 Priority Bills Tracked

Bill No.	Title
HB 82	Relating to Health care Preceptors
HB 353	Relating to Health care Education
HB 660	Relating to HPH/Straub Special Purpose Revenue Bonds
HB 661/SB 164	Relating to Loan Repayment
HB 666/SB 674	Relating to Interstate Medical Licensing Compact
HB 907	Relating to Telehealth
HB 1221	Relating to Pharmacists (Billing)
HB 1248	Relating to Supplemental Nutrition
HB 1369/SB 314	Nursing Facility Sustainability Program
SB 62	Relating to Education & Training
SB 63	Relating to Nurse Licensure
SB 102	Relating to the General Excise Tax
SB 397	Relating to Professional Medicaid Services
SB 404	Relating to the Hospital Sustainability Program
SB 599	Relating to Health (Respiratory Therapists)
SB 689	Loan Repayment for Health care Professionals
SB 693	Relating to Pharmacist Reimbursement
SB 1038	Relating to Telehealth
SB 1118	Relating to General Excise Tax (Grocery exemptions/SNAP)
SB 1128	Relating to Health care Services
SB 1215	Relating to Healthcare Preceptors (Tax Credit)
SB 1570	Relating to Labor Standards at Health care Facilities
HB 517	Relating to Data Sharing
SB 1/Act 002	Relating to Health (Abortion Right Protection)
HB 157	Relating to Unlicensed Birth Attendants
HB 987	Relating to Labor Data Collection
SB 1057	Relating to Employment Earnings
SB 1230	Related to Firearms
SCR 112	Relating to Nurse Compact Licensure
SCR 180	Relating to Workgroup to Study Nurse Staffing Ratios

2023 Bills Enactment

- Act 01 Relating to Health (Reproductive Rights)
- Act 52 Relating to Firearms
- Bill 57 Safe Places (Honolulu County)
- Act 102 Relating to Health (Respiratory Therapist Services)
- Act 103 Relating to Health (Pharmacists/CLIA Waived Tests)
- Act 107 Relating to Telehealth (Reimbursement Audio Only, BH Services)
- Act 109 Relating to Nursing Facilities
- Act 110 Relating to Hospital Sustainability Program
- Act 112 Relating to Interstate Medical Licensing Compact

Relating to Nursing Facility Sustainability Program HB 1369

Summary:

- Makes the nursing facility sustainability program permanent and permanently exempt the nursing sustainability program special fund from the central service and administrative expenses assessments. Makes various amendments to the nursing facility sustainability program and nursing facility sustainability special fund.
- Repeals the nursing facility tax. Appropriates funds out of the nursing facility sustainability program special fund.
- **Enacted, Act 109**

Relating to Hospital Sustainability Program

SB 314

Summary:

- Makes various updates to the Hospital Sustainability Program, including amending the definition of "private hospital"; clarifying the uses of the Hospital Sustainability Program Special Fund; increasing various hospital sustainability fee caps; requiring the Department of Human Services to consult and negotiate with the hospital trade association regarding fee participation and rates; clarifying when the hospital sustainability fee shall be discontinued and the distribution of remaining funds; to make the program permanent and permanently exempting the program from the central service and administrative expenses assessments;
- Appropriates \$170M out of the Hospital Sustainability Program Special Fund
- **Enacted, Act 110**

Relating to Health Care (Reproductive Rights)

SB1

Purpose:

1. Allows licensed physician assistants to perform certain abortions.
2. Repeals the requirement that abortions be performed at certain locations.
3. Clarifies the State shall not deny or interfere with a pregnant person's right to choose to (1) obtain an abortion or (2) if necessary protect the life or health of a patient to terminate pregnancy.
4. Prohibits agencies from providing information or expending resources in the furtherance of out-of-state or interstate investigations or proceedings relating to reproductive health care services.
5. Requires Governor to deny any demand or surrender of a person charged with a crime involving reproductive health care services unless the conduct is a crime in the State
6. Prohibits the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services.
7. Clarifies under various licensing statutes that the provision or assistance in receipt or provision of certain services related to the human productive cannot be a basis for disciplinary action.
8. Prohibits the enforcement of a judgement/order arising from a foreign penal law or other penal law with respect to reproductive health care services.

- **Status: Signed into law, Act 002 (March 23, 2023)**

Relating to Telehealth

HB 907

Purpose:

- Authorizes reimbursement of audio-only telehealth services of behavioral health services at 80% of reimbursement of face-to-face services, provided that the patient has had:
 - (a) Either an in person/tele-health service within 6 months prior to an audio only visit;
AND
 - (b) At least 12 months prior to any subsequent audio only visit.
- **Enacted, Act 107**

Relating to Firearms

SB 1270

Summary:

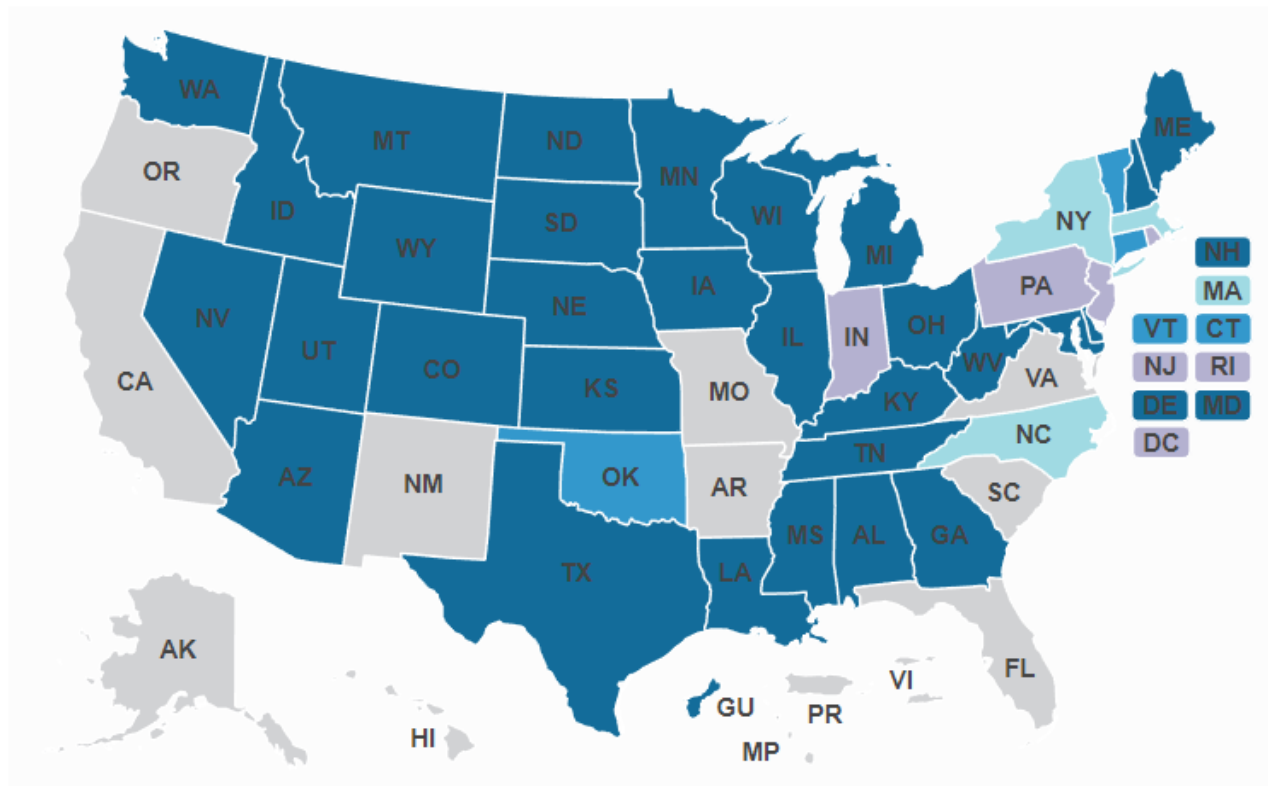
- Prohibits firearms in certain locations and premises in “safe places” – including healthcare facilities & requires possession and disclosure of a license to carry.
 - “Any public or private hospital, mental health facility, nursing home, clinic, medical office, urgent care facility, or other place at which medical or health services are customarily provided, including adjacent parking areas.”
- **Enacted, Act 052**

Relating to Interstate MD Licensure Compact SB 674

Summary:

- Adopts the Interstate Medical Licensure Compact to create a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states.
- Removes an administrative barrier to the recruitment of MDs from other Medical Licensure Compact member states.
- **Enacted, Act 112**

IMLC Member States (Physician Compact)



- = Compact Legislation Introduced
- = IMLC Member State serving as SPL processing applications and issuing licenses*
- = IMLC Member State non-SPL issuing licenses*
- = IMLC Passed; Implementation In Process or Delayed*

2023 Budget Bill/ HB 300

MD Loan Repayment & Medicaid Reimbursement

Medical Professional Loan Repayment

- SB164-Relating to Loan Repayment (Died)
- Provides State loan reimbursement for medical professionals (MD, RN) in primary care shortage areas
- **Requested \$1M**
- Budgeted: \$30M
- [Hawai'i Healthcare Education Loan Repayment Program \(HELP\) - AHEC \(hawaii.edu\)](http://hawaii.edu)

Medicaid Reimbursement for Healthcare Professionals

- SB 397-Relating to Professional Medicaid Services (Died)
- Increases Medicaid reimbursement for professional fees to 100% of Medicare
- **Requested: \$45M**
- Budgeted: \$60M

2023 Bills Died

- HB 955 - Relating to Unlicensed Midwives
- HB 667 - Relating to the Nurse Licensure Compact
- SB 63 - Relating to Nurse Licensure (Expedited Licensure)
- SB 693 - Relating to Pharmacist Reimbursement
- SB 1580 - Relating to Labor Standards (Mandatory Staffing Ratios)
- HB 517 - Relating to Data Sharing
- SB 62 - Relating to Medical Education & Training

Workforce Bills Related to Nursing

2023 Session

Bill	Summary	Introducers	Outcome
HB 1264	Requires state participation in the multistate Nurse Licensure Compact, which will allow a nurse who is licensed by a home state to practice under a multistate licensure privilege in each party state.	SAYAMA, AMATO, BELATTI, COCHRAN, GANADEN, GARRETT, HASHIMOTO, HUSSEY-BURDICK, ICHIYAMA, KAHALOA, KAPELA, KILA, KITAGAWA, KOBAYASHI, LAMOSAO, LOWEN, MARTEN, MARTINEZ, MIZUNO, NAKASHIMA, PERRUSO, PIERICK, POEPOE, TAKAYAMA, TAM, TARNAS	Introduced, Died in House, 1 st Reading
HB 667	Allows the Governor to enter the State into the multi-state Nurse Licensure Compact, which will allow a nurse who is licensed by a home state to practice under a multi-state licensure privilege in each party state.	BELATTI, AMATO, GARRETT, HUSSEY-BURDICK, MARTEN, MIZUNO, NISHIMOTO, SAYAMA, TAKENOUCI, TAM, TARNAS, WOODSON, Kobayashi	Introduced, Died in House, 1 st REading
SB 63_HD3	Authorizes the board of nursing to issue temporary permits for six-month periods to out-of-state licensed practical nurses and registered nurses or who hold a multistate license issued by another state, territory, or foreign country, under certain circumstances. Provides an exception from licensing requirements to nurses who are licensed in another state, territory, or foreign country and accompanying a patient from out-of-state for a period of less than two weeks and who are not employed or affiliated with a health care entity in the State. Appropriates funds. Effective 6/30/3000. (HD3)	KEOHOKALOLE, ELEFANTE, FUKUNAGA, KEITH-AGARAN, RHOADS, Dela Cruz, Shimabukuro	Introduced, House Cross Over, Died in Conference Committee

Relating to RN Licensing (Expedited Licensing) SB 63

Summary:

- Replaces Temporary Permits granted by Governor's Proclamation utilized during the pandemic.
- Authorizes the board of nursing to issue temporary permits for six-month periods to out-of-state licensed practical nurses and registered nurses or who hold a multistate license issued by another state, territory, or foreign country, under certain circumstances.
- **Status: Bill died in Conference Committee**

Relating to RN Licensure Compact HB 667

Summary:

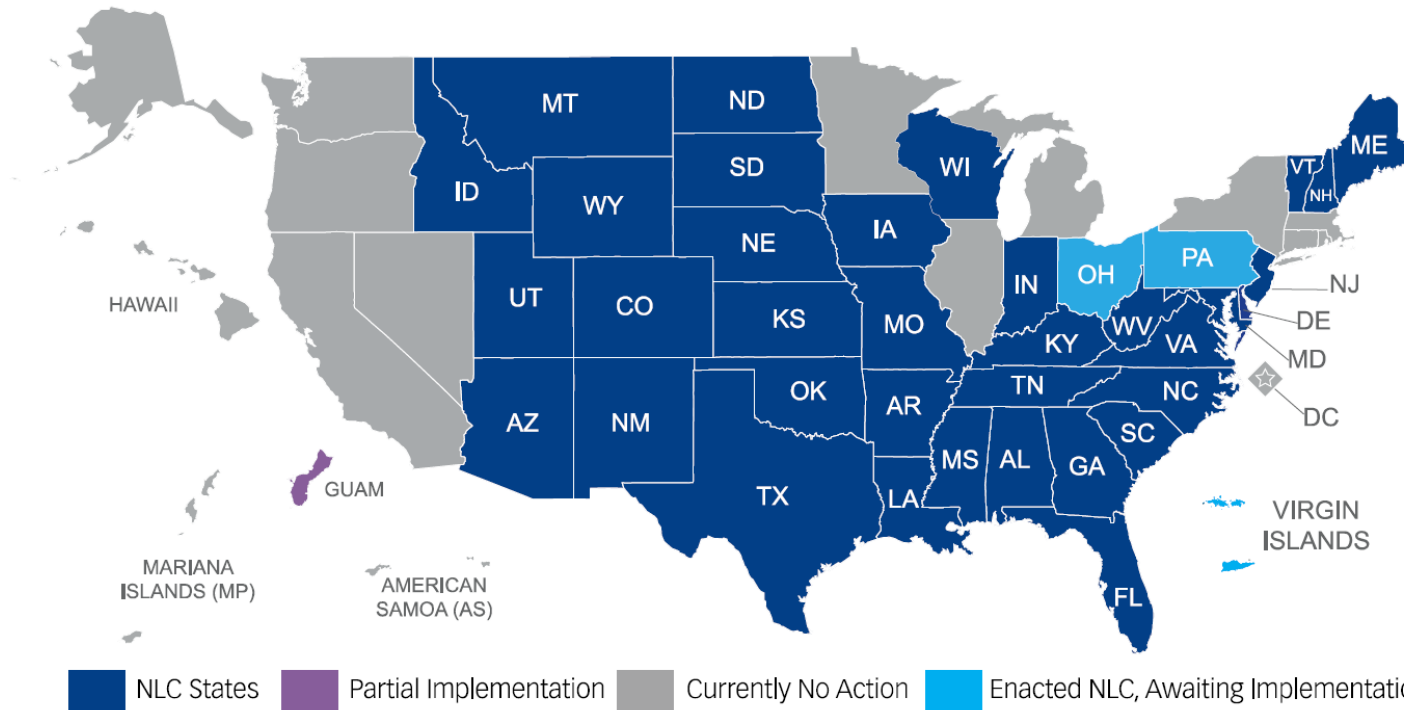
- Allows the Governor to enter the State into the multi-state Nurse Licensure Compact, which will allow a nurse who is licensed by a home state to practice under a multi-state licensure privilege in each party state.
- Workgroup created to study effects of Hawaii joining RN Compact (SCR 112) convened by the Hawaii Center for Nursing.
- **Status: Bill introduced, but not scheduled for hearing.**

NLC Member States (Nursing Compact)



NLC States

39 states have enacted the NLC



2023 Budget Bill/ HB 300 - Reductions

University RN Education Positions

Budget Code	Sequence	Campus	Description	Board of Regents		Governor		House		Senate	
				FY24 \$\$\$	FY25 \$\$\$	FY24 \$\$\$	FY25 \$\$\$	FY24 \$\$\$	FY25 \$\$\$	FY24 \$\$\$	FY25 \$\$\$
INDUSTRY INITIATIVE: HEALTH											
UOH700	102-001	West O'ahu	Health & Wellness	\$ 147,158	\$ 294,316	\$ 147,158	\$ 294,316	\$ 147,158	\$ 294,316	\$ -	\$ -
UOH100	105-001	Mānoa	Health Science Initiative	\$ 477,009	\$ 688,473	\$ 477,009	\$ 688,473	\$ 477,009	\$ 688,473	\$ -	\$ -
UOH800	102-001	Community Colleges	KapCC - Allied Health Profes	\$ 761,000	\$ 761,000	\$ 761,000	\$ 761,000	\$ 761,000	\$ 761,000	\$ -	\$ -
UOH800	103-001	Community Colleges	WinCC - CNA Program Supp	\$ 86,000	\$ 86,000	\$ 86,000	\$ 86,000			\$ -	\$ -
UOH800	104-001	Community Colleges	KauCC - Medical Assisting P	\$ 232,000	\$ 232,000	\$ 232,000	\$ 232,000	\$ 232,000	\$ 232,000	\$ -	\$ -
UOH800	105-001	Community Colleges	KapCC - Nursing Clinical Fac	\$ 259,998	\$ 259,998	\$ 259,998	\$ 259,998	\$ 259,998	\$ 259,998	\$ -	\$ -
UOH800	106-001	Community Colleges	HawCC - Nursing Program M	\$ 474,000	\$ 474,000	\$ 474,000	\$ 474,000	\$ 474,000	\$ 474,000	\$ -	\$ -
UOH800	107-001	Community Colleges	KauCC - Nursing Faculty	\$ 258,000	\$ 258,000	\$ 258,000	\$ 258,000			\$ -	\$ -
UOH800	108-001	Community Colleges	Maui College - Nursing Facu	\$ 172,000	\$ 172,000	\$ 172,000	\$ 172,000	\$ 172,000	\$ 172,000	\$ -	\$ -
UOH800	109-001	Community Colleges	Maui College - CNA to LPN R	\$ 86,000	\$ 86,000	\$ 86,000	\$ 86,000	\$ 86,000	\$ 86,000	\$ -	\$ -
UOH100	106-001	Mānoa	UHWO-UHM Nursing Collab	\$ 503,000	\$ 503,000	\$ 503,000	\$ 503,000			\$ -	\$ -
UOH100	107-001	Mānoa	NAWSON Programs and Tra	\$ 661,430	\$ 661,430	\$ 661,430	\$ 661,430	\$ 661,430	\$ 661,430	\$ -	\$ -
UOH210	104-001	Hilo	Nursing Faculty Support	\$ 198,000	\$ 198,000	\$ 198,000	\$ 198,000			\$ -	\$ -
UOH100	213-001	Mānoa	Adjust UHWO-UHM NAWSON Collaboration Request			\$ -	\$ 423,000		\$ 1	\$ -	\$ -
UOH210	213-001	Hilo	Adjust UHH School of Nursing Request			\$ 430,306	\$ 461,717	\$ 1	\$ 1	\$ -	\$ -
UOH100	213-003	Mānoa	Thompson School of Social Work and Public Health - Tra			\$ 457,000	\$ 457,000	\$ 1	\$ 1	\$ 228,500	\$ 457,000
UOH100	213-002 (re places 213-001 and 106-001)	Mānoa	UHWO-UHM NAWSON Collaboration Request			\$ 628,306	\$ 659,717	\$ 1	\$ 1	\$ -	\$ -
UOH210	213-002 (re places 213-001 and 104-001)	Hilo	UHH Nursing Faculty			\$ 503,000	\$ 926,000	\$ 1	\$ 1	\$ -	\$ -
								Comparison to Gov's Budget House		Comparison to Gov's Budget Senate	
								FY24 \$\$\$	FY25 \$\$\$	FY24 \$\$\$	FY25 \$\$\$
Green: Matches previous requests.								\$ 3,270,595	\$ 3,629,217	\$ -	\$ -
Light Green: Adjust to have 6 month delay								\$ -	\$ -	\$ 228,500	\$ 457,000
Pink: No allocation as compared to previous								\$ 3,063,612	\$ 3,972,434	\$ -	\$ -
Light Blue: FIN is still looking into these through B								\$ 4.00	\$ 5.00	\$ -	\$ -

Relating to Labor Standards (RN Staffing Ratios)

SB 1580

Summary:

- Establish certain minimum staff-to-patient ratios for hospitals, care homes, and dialysis facilities. Requires hospitals to create hospital staffing committees and staffing plans. Establishes certain meal break, rest break, and overtime provisions applicable to health care personnel at hospitals, care homes, and dialysis facilities.
- **Status: Bill died in Senate Health & Human Services**

Waitlist: CMS Rules/SNF Staffing Ratios

Proposed CMS Rule, minimum staffing requirements released September 6, 2023

- SNFs would need to meet a 0.55 Hours Per Resident Day (HPRD) minimum for RNs and 2.45 HPRD minimum for CNAs $HPRD = (\text{hours worked by each type of staff}) / (\text{total number of residents})$
- HPRD would be calculated through PBJ data **per day and not averaged over a week**
- CMS is also interested in a 3.48 “total nurse staffing” (RNs, LPNs, and CNAs) HPRD minimum as an alternative
- Facilities would be required to have an RN onsite 24/7 SNFs are currently required to have an RN onsite for an 8-hour shift, 7 days a week
- Facilities would be subject to more extensive facility assessment requirements
- Substantial administrative burden

Relating to Data Sharing

HB 517

Purpose:

- Establishes the Hawai'i health data exchange framework. Establishes a working group to assist the department of health on legislation developing and implementing the framework. Requires certain health care organizations to execute a health data sharing agreement by 9/1/2032. Establishes deadlines for certain entities to begin sharing health information.
- **Status: Bill Withdrawn/DEAD**

Relating to Unlicensed Birth Attendants

HB 955

Summary:

- Provides another class of individuals to practice midwifery who are not (1) RN-Midwives; (2) Traditional Midwives
- Exempts individuals from practicing midwifery without a license under certain conditions.
 - Person is a student studying under a licensed Midwife
 - Person acting as a “birth attendant” before 2025 who
 - Does not utilize drugs or devices during delivery
 - Does not advertise themselves as performing midwife services
 - Discloses to patient limitations of their education
- **Status: Bill died in House FIN committee.**

HB 955 (Unlicensed Birth Attendants)

- Traditional midwives are demanding a floor vote on a bill that would extend their practices - YouTube

2024 Anticipated Issues

- RN Interstate Licensing Compact
- Medical cannabis use in facilities
- Nurse staffing ratio
- SHPDA Universal Access/All Payer All Claims Database
- Artificial Intelligence/Claim Review

SHPDA Universal Access All Payer All Claims Database

- State Health Planning and Development Agency (SHPDA)
 - All Payer All Claims Database
- CMS Advancing All-Payer Health Equity Approaches and Development Model (AHEAD)

SHPDA Universal Access All Payer All Claims Database

“CMS will partner with states to redesign statewide and regionwide health care delivery to improve the total population health of a participating state or region by improving the quality and efficacy of care delivery, reducing health disparities, and improving health outcomes. AHEAD also includes specific payment models for participating hospitals and primary care practices as a tool to achieve Model goals. Through AHEAD, CMS aims to strengthen primary care, improve care coordination for people with Medicare and Medicaid, and increase screening and referrals to community resources like housing and transportation to address social drivers of health.”

Artificial Intelligence/Claim Review

§431:13-103 Unfair methods of competition and unfair or deceptive acts or practices defined. (a) The following are defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:...

(11) Unfair claim settlement practices. Committing or performing with such frequency as to indicate a general business practice any of the following.....:

(D) Refusing to pay claims without conducting a reasonable investigation based upon all available information;

Artificial Intelligence/Claim Review

- **§431:9-242** Compensation by contingency fee prohibited. An independent bill reviewer shall not be compensated on a contingency fee basis. [L 2000, c 288, pt of §1]

Questions

Michael Robinson

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Community Affairs

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535-7124