



Minutes

November 3, 2010

<i>Members Present:</i> Delegate Robert H. Brink	Senator George L. Barker
Delegate David L. Bulova	Senator Harry B. Blevins
Delegate Rosalyn R. Dance	Senator R. Edward Houck
Delegate T. Scott Garrett	Senator L. Louise Lucas
Delegate Algie T. Howell	Senator Ralph S. Northam
Delegate Harvey B. Morgan	Senator Linda T. Puller
Delegate David A. Nutter	Senator William C. Wampler, Jr. (Conference)
Delegate John M. O'Bannon	
Delegate Christopher K. Peace	The Honorable William A. Hazel, Jr.

Next meeting: An additional meeting may be called by the Chairman prior to the 2011 Session.

Call to Order

The Joint Commission meeting was called to order by Vice Chair, Senator Linda T. Puller. Senator Puller recognized Kim Snead, executive director, who provided an overview of the meeting agenda.

Presentations

Steven E. Ford, Director of Policy & Research, Department of Medical Assistance Services presented an overview of the *Medicaid State Plan Options for Home and Community-Based Services*.

Stephen Bowman gave a presentation on *Indigent and Charity Care Provided by Hospitals*, a study requested by Delegate Purkey (HJR 27). Mr. Bowman's study included two policy options for the members' consideration. Delegate Nutter made a motion to add Option 3 (shown below) and Delegate O'Bannon seconded the motion. Senator Puller made the motion to approve Option 2 and Delegate Brink seconded the motion. Options 2 and 3 were passed by voice vote with no negative votes.

- ☑ Option 2: By letter of the Chairman, request that the Virginia Department of Health report to JCHC by August 30, 2012 regarding the impact of federal health reform on existing COPN charity care conditions and recommendations to address any program, regulatory or statutory changes that may be needed.
- ☑ ***Option 3: Include in the JCHC 2011 work plan, a staff review of ways to define hospital-offered charity care to include determining the availability of data to support any charity-care definitions being considered. The purpose of the review would be to further future State-level charity care discussions and analyses.***

Jaime Hoyle briefed members on the interim report *Chronic Health Care Home*.

Michele Chesser presented an interim report on *Replicating James Madison University's Caregivers Community Network*.

A summary follows of the policy options that were voted on and approved by JCHC members. Note that changes and additions to the original Decision Matrix are shown in bold, italicized text.

Decision Matrix – Policy Options for 2011 General Assembly Session

Behavioral Health Care Subcommittee Studies

Health Reform 2010 and Beyond (Presentation was given by Jill Hanken of the Virginia Poverty Law Center during BHC Subcommittee meeting on September 7, 2010)

- ☑ Option 2: Introduce a budget amendment (language and funding) to offer coverage to legal immigrants who are Medicaid eligible pregnant women. (Estimated cost: \$898,275 GFs \$1.13 M NGFs)
- ☑ Option 4: Introduce a budget amendment (language and funding) to offer coverage to legal immigrants who are FAMIS-eligible pregnant women. (Estimated cost: \$90,473 GFs \$168,021 NGFs)

A motion was made by Senator Barker and seconded by Delegate Morgan to approve Options 2 and 4. The motion passed by voice vote. Senator Houck, Delegate Dance and Delegate Howell abstained.

Staff Report: Statutory Language on Barrier Crimes

- ☑ Option 1: Take no action.

A motion was made by Delegate Morgan and seconded by Senator Lucas. The motion passed by voice vote.

Healthy Living/Health Services Subcommittee Studies

Childhood Obesity (Presentation by Elena Serrano, Ph.D., Associate Professor, Human Nutrition, Foods, and Exercise, Virginia Tech)

- ☑ Option 3: **Introduce legislation to** require every student in grades K-8 to participate in ~~daily~~ **regular physical education activity** for the entire school year, including students with disabling conditions and those in alternative education programs.
 - Students in the elementary schools shall participate in physical ~~education~~ **activity** for at least 150 minutes during each school week
 - Students in middle schools shall participate for at least 225 minutes per week.

A motion was made by Delegate O'Bannon to approve Option 3 and Delegate Dance seconded the motion. There were two amendments made to Option 3 by Senator Barker and Senator Puller. Option 3 as amended passed by voice vote. Delegate Bulova abstained.

Adult Obesity and Menu Labeling (Presentation by Elena Serrano, Ph.D., Associate Professor, Human Nutrition, Foods, and Exercise, Virginia Tech)

- ☑ Option 1: Take no action.

A motion was made by Delegate Nutter and seconded by Delegate Garret to approve Option 1. The motion passed by voice vote.

Staff Report: Consideration of FAMIS Eligibility Levels (SB 266)

- ☑ Option 2: By letter of the JCHC Chairman, to the Health, Welfare and Institutions Committee, indicate support for SB 266 to increase the eligibility level for FAMIS to 225% of FPL **if it is possible to return to the lower threshold in the future if funding is no longer available.**

A motion made by Senator Barker to amend and approve Option 2 was seconded by Delegate Brink. Option 2 as amended passed by voice vote.

Staff Report: Prescription of Antibiotic Therapy for Lyme Disease (HB 512)

- ✔ **Option 4:** *By letter of the JCHC Chairman to the Secretary of Health and Human Resources request a report on the findings and recommendations of the Governor’s Task Force on Lyme Disease. In addition, by letter of the JCHC Chairman to the Department of Health Professions and Board of Medicine request that JCHC be notified of any plans to take action or consider regulations to take action against physicians related to prescribing antibiotics over an extended period to treat Lyme Disease, Chronic Lyme Disease, or post-Lyme Syndrome.*

A motion was made by Delegate Nutter and seconded by Delegate O’Bannon to add a fourth option. A suggestion by Delegate Bulova to amended Option 4 was accepted and Option 4 as amended passed by voice vote. Senator Northam voted against Option 4.

Staff Report: Virginia HIV/AIDS Prevention and Treatment Programs

- ✔ **Option 3:** Introduce a budget amendment (language and funding) during the 2011 Session to provide ~~\$12.6 million~~ of additional general funds (*in an amount to be determined*) for ADAP to address the expected shortfall in FY 2012.

A motion to amend Option 3 was made by Senator Barker and seconded by Delegate O’Bannon and Delegate Brink. Option 3 as amended passed by voice vote. Senator Lucas and Senator Wampler along with Delegate Dance and Delegate A.T. Howell abstained.

- ✔ **Option 6:** Request by letter of the JCHC Chairman that the Medical Society of Virginia encourage physicians to routinely offer opt-out HIV testing
 - a) for all patients between 13 and 64 years of age regardless of recognized risk factors, as per the Centers for Disease Control and Prevention (CDC) recommendation; or
 - b) when testing for other sexually transmitted diseases (STDs).
- ✔ **Option 7:** Request by letter of the JCHC Chairman that the Virginia Hospital and Healthcare Association encourage hospitals to routinely offer opt-out HIV testing in their emergency departments for all patients between 13 and 64 years of age.
- ✔ **Option 8:** Request by letter of the JCHC Chairman that the Virginia Association of Health Plans encourage all health plans (including grandfathered/exempt plans) to include HIV testing among the preventive services covered free of cost (as part of the new federal health care reform preventive care provision).

Delegate Peace made a motion to approve Options 6, 7, and 8. Delegate Dance and Delegate Brink seconded the motion. Discussion that followed indicated that the letters should include language to make it clear that the frequency of the testing should be reasonable – perhaps not more frequently than once a year. The motion passed with a voice vote. Delegate Garrett voted against the motion.

Joint Commission on Health Care Studies

Staff Report: State Funding for Cancer Research (SJR 292 – 2009)

- ✔ **Option 2:** Introduce a budget amendment (language and funding) during the 2011 Session to increase the State funding for Virginia’s NCI Cancer Centers from \$1 million GFs for each center to \$5 million GFs for each center.

Senator Wampler made a motion to approve Option 2.

- ✔ **Option 4:** Introduce legislation to grant the Tobacco Indemnification and Community Revitalization Commission permissive authority to fund cancer research grants, which may be partially used for supporting research outside of the South Side and Southwest footprint, for the two Virginia NCI Cancer Centers.

- ☑ **Option 5: Include in the 2011 JCHC work plan, a review of how the various cancer research centers in Virginia could be involved in advancing cancer research and treatment.**

Senator Barker made a motion to add Option 5 and Senator Wampler accepted Option 5 as a friendly amendment. Delegate Garrett made a motion to approve Option 4. After much discussion Options 2, 4, and 5 were put in a block by Senator Puller and passed by voice vote. Senator Wampler voted against the options.

Staff Report: Catastrophic Health Insurance (HJR 99 – 2010)

- ☑ Option 2: Include in the JCHC 2011 work plan, a staff study to review (i) other states' efforts to publicly disseminate expansive cost and quality information by specific facility and provider for selected medical procedures; and (ii) legal, financial, data and other requirements for Virginia Health Information to provide similar specific cost and quality information through an All-Payer Claims Database **in order to improve quality and health outcomes.**

In addition, by letter of the JCHC Chairman, request that Virginia Health Information, the Virginia Association of Health Plans, the Medical Society of Virginia, and the Virginia Hospital and Healthcare Association provide assistance. A report to JCHC will be due by November 2011.

A motion was made by Delegate O'Bannon for Option 2 and seconded by Delegate Brink. The motion was passed by voice vote.

Staff Report: Medical Care for Uninsured Individuals with Life-Threatening Conditions (SJR 339 – 2009)

- ☑ Option 2: By letter of the JCHC Chairman, request that the Department of Social Services: i) work with the Patient Advocate Foundation to communicate with agency case workers concerning VCUP through the most appropriate means, including a "broadcast message" **and ii) communicate with agency case workers concerning the Uninsured Medical Catastrophe Fund through the most appropriate means, including a "broadcast message."**

- ☑ Option 3: By letter of the JCHC Chairman, request that the Department of Social Services emphasize patient assistance organizations **and the Uninsured Medical Catastrophe Fund** on the 2-1-1 Virginia website.

- ☑ Option 5: Introduce a budget amendment to provide an additional \$100,000 GFs in FY 2012 to the Uninsured Medical Catastrophe Fund.

Senator Barker made a motion to amend Option 2 and 3 and the motion was seconded by Senator Lucas. Senator Barker then made a motion to add Option 5 to the motion to be voted on in block with Options 2 and 3. Options 2, 3, and 5 passed by voice vote.

Sunset Date for the Joint Commission on Health Care

- ☑ Option 2: Introduce legislation to amend the *Code of Virginia* § 30.170 to extend the sunset provision to July 1, 2016.

A motion was made by Senator Blevins and seconded by Delegate Brink. The motion passed by voice vote.

Adjournment

There being no further business, the meeting was adjourned.

Prepared by: Sylvia A. Reid
Date: December 1, 2010