



Top Advocacy Issues



WINTER 2022

OSMA's Government Relations team serves as the voice of Ohio's physicians—advising state departments and influencing state policy on health issues. Through leadership and education, we support and advance the physician profession in the state of Ohio.

Priorities we're working on:

1

Insurance Issues

OSMA Insurance Reform Initiative

OSMA continues to hear concerns from our members about the administrative burdens that insurer policies and processes create for them and their practices, along with certain roadblocks to care that their patients encounter due to those policies. Over the past year, your OSMA advocacy team has been exploring and researching these issues in preparation for pursuit of further legislative reform in Ohio.

Some of the issues we are looking into taking action on include:

- Downcoding
- Insurance Company Takeback Payments
- Prior Authorizations

If your practice is experiencing issues related to these topics, and you would like to get involved in this effort, please contact the OSMA Government Relations team by emailing Monica at mhueckel@osma.org.

Surprise Billing

Governor DeWine signed House Bill 388 into law on January 7, 2021. This law is designed to protect patients from receiving surprise medical bills for emergency care or, in certain circumstances, unexpected out-of-network care. Primarily, the law prohibits the practice of balance billing in these instances, leaving negotiation of payment terms to be handled between the health provider and the health plan.

The Ohio Department of Insurance's (ODI) new rule, Ohio Administrative Code 3901-8-17, Reimbursement for Unanticipated Out-of-Network Care, is effective as of January 1, 2022. OSMA was an active participant throughout the rule drafting process. The new rule requires health insurers to reimburse out-of-network physicians at a reasonable rate based on payments made to similar providers and facilities who are located in a comparable geographic region, and creates and standardizes a dispute resolution process.

While we now have a state surprise billing rule in Ohio, there is also a federal surprise billing rule that goes into effect in 2022. ODI will be educating providers and health systems about how the federal and state law interact, because while the laws are similar, they aren't exactly the same. For example, the new Ohio law is for fully-insured health plans, while the federal law covers fully insured, Medicare advantage and self-insured patients.

OSMA is closely following all federal and state activity related to surprise billing and we will report any movement, and any additional guidance related to rule implementation as we learn more. Additionally, we will be working with ODI on implementation throughout the next few years. Please report any challenges, questions, and concerns with the new rule/process to OSMA so we can communicate these to ODI including those that relate specifically to calculation of average in-network rates, the arbitration process or significant changes in terms of future contract negotiations.

Non-Medical Switching

Non-medical switching occurs when patients are forced to switch to a different medication in the middle of a plan year for no medical reason due to formulary changes from the health insurer. OSMA is joining the Ohio Association of Rheumatology in support of House Bill 153, which would prohibit insurers from engaging in the practice of non-medical switching.

This bill, sponsored by Rep. Beth Liston (D-Dublin) and Rep. Sara Carruthers (R-Hamilton), would avoid the disruption of a physician's ability to exercise their medical expertise and help their patients caused by abrupt and unwarranted treatment changes. Additionally, HB 153 would prohibit private health plans from increasing patient cost-sharing or from moving drugs to a more restrictive tier during a plan year.

Co-Pay Accumulator

Health plans and pharmacy benefit managers (PBMs) may apply co-pay accumulator adjustment policies when patients attempt to use copay assistance programs. These prohibit a patient's copay assistance amount from count toward their deductible and maximum out-of-pocket cap.

House Bill 135, another OSMA-supported bill, would require insurers and PBMs to count all payments made by patients directly or on their behalf toward their deductibles and out-of-pocket costs, increasing predictability as vulnerable patients face high out-of-pocket costs for their prescriptions. This legislation is sponsored by Rep. Susan Manchester (R-Waynesfield) and Rep. Thomas West (D-Canton). There have been several hearings on the bill. OSMA will continue to support HB 135 and push for it to progress through the legislature.



2

Vaccines

OSMA has fought against a series of anti-vaccination proposals over the past year, the latest of which being House Bill 218. OSMA expects the issue to continue to be in the spotlight in 2022. HB 218 would prohibit Ohio schools, employers, and institutions of higher education from requiring vaccines, drugs, or other products that use mRNA, DNA, or other genetic technology that has not been approved by the U.S. Food and Drug Administration. Furthermore, it would broaden vaccine requirements such that most Ohio workers and students could refuse a COVID-19 vaccine requirement with a simple written statement.

As a reminder, our OSMA advocacy team has continued to help lead the coalition against the bill, which is comprised of over 100

organizations in business, manufacturing, education and health care, representing over a million Ohioans.

OSMA also rallied a massive grassroots effort across the state to communicate to legislators about the dangers posed by proposals that discourage community vaccination rates. In response to our recent call-to-action, over 650 of our members and allies all over Ohio have sent messages to their elected officials in the Ohio Senate, urging them to reject HB 218.

Prior to HB 218, OSMA was actively involved in a similar effort against a similar proposal, HB 435, and HB 248, which would have prohibited employers and schools from requiring ANY vaccinations (not just COVID-19).

3

Other Public Health Issues

Health Equity

The pandemic and elevated conversations about racial justice have brought the issue of healthcare equity to the forefront. OSMA is dedicated making sure health care is fully inclusive and attainable so that everyone has access to necessary medical services regardless of race, ethnicity, sexual orientation, or any other defining characteristic.

Mental Health

OSMA will continue our advocacy for increased access to mental health and substance use disorder care, including access to medication-assisted treatment. Additionally, the OSMA Foundation, in partnership with the Ohio Physicians Health Plan (OPHP) and

the American Foundation for Suicide Prevention (AFSP), recently launched **OSMA CARES: Well-being Checkup And Referral Engagement Service**. This is a free, simple and anonymous tool to help physicians and all Ohio-licensed health care providers check up on their mental and emotional health.

Tanning Ban for Minors

OSMA joins the Ohio Dermatological Association again in support of a measure that would prohibit individuals under age 18 from using tanning beds (HB 159). If enacted, this proposal would protect the youth in our state from exposure to dangerous ultraviolet radiation that drastically increases the chance of developing skin cancer, particularly when exposure occurs before adulthood.

4

Scope of Practice (APRNs)

OSMA stands in opposition to HB 221, legislation that would allow Ohio APRNs to practice independently and without physician supervision. Along with other physician groups, and much like we have historically, we will continue to advocate against this, stressing the importance of patient safety and maintaining physician oversight. The bill has yet to have any legislative hearings, but OSMA continues to monitor the issue carefully.

5

2022 Election

It is critical that our elected officials at the state and federal levels understand the challenges facing physicians and work with us to better Ohio's health care system for both patients and providers. 2022 will be another big election year—with key statewide races including Governor and state Supreme Court—and the OSMAPAC is prepping for all that elections bring. The OSMAPAC makes election endorsements based upon a complete review of all relevant information concerning a candidate. The candidates in each election are subject to thorough scrutiny by all individuals involved in the endorsements process. The OSMAPAC will undergo its endorsement process this spring and summer, involving physicians from all over the state. Stay tuned for endorsements announcements in the coming months prior to the election!

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