

## MMA Legislative, Legal and Legislative Committee

Meeting

Monday, October 21, 2024, 7:00 p.m.

Zoom Link: <https://us02web.zoom.us/j/88174974404>

### Agenda

**Meeting Goals:** establish how committee will operate, make decisions in coming year; consider a decision-making matrix tool; set an initial legislative agenda for 2025

#### I. Call to Order by Dr. Kristin Anderson, Chair

7:00 pm

A. Review and Approve Agenda

B. Review and Approve Meeting Minutes

**Action:** Approve by motion the agenda and minutes

#### II. Ground Rules

**Action:** Determine and adopt ground rules ([sample](#)) for committee operation through a motion.

#### III. Decision Making Matrix

**Action:** Consider if a matrix ([sample 1](#), [sample 2](#)) will assist in ranking legislative bills. If so, adopt a matrix by motion.

#### IV. MMA Legislative Agenda

7:35 pm

A. \*Non-economic damages cap (BOT priority)

a. MMA [bill draft](#) as of 9-10-24, MMA Resolution related to supporting [Tort Reforms](#)

b. [AMA Policies on Noneconomic Damages](#)

B. \*SafeHaven Legislation (BOT priority, presented at Interim Committees, BOME, planned pitch to Alliance)

a. [SafeHaven/Career Fatigue](#) bill, MMA Resolution on [Physician Health](#)

b. [AMA Policies on Physician Wellbeing, Burnout](#)

C. \*Prior Authorization – chronic disease (2023 priority); other (planned pitch to Alliance)

a. [MMA Bill components from prior session](#), [SB 493](#)(Gross bill), [LC 4073](#) (Lenz bill)

b. [AMA Policies on Prior Authorization](#), AMA Prior Authorization [Chart](#)

D. \*Noncompete agreements: don't allow for all physicians (psychiatrist only bill passed 2023)

a. [MMA bill draft from previous session](#)

b. [AMA Policies on Restrictive Not-To-Compete Covenants](#)

E. \*Reciprocity for physicians providing follow-up care (committee priority in 2023, presented to BOME)

a. DLI requested [bill draft on Reciprocity](#)

b. [AMA Policies on License Reciprocity](#)

F. \*Licensure for residents – fix for facilities to get payment when residents moonlight

a. Proposed Resident Licensure [draft](#)

b. [AMA Policies on Resident Physician Licenses](#)

G. Other

a. Medicaid expansion (coalition effort)

b. GME funding (coalition effort) – current and anticipated programs

i. [AMA Policies on GME Funding](#)

c. GME funding – grants to grow new programs

\*MMA has drafted bill or amendment

**Action:** Determine initial ranking by priority on bills to give direction on work effort, select physician champion for each priority bill, acknowledging comparison with physician member [survey](#) in works

**V. Legal Happenings** (informational only)

- a. HB 702 lawsuit and petition

**VI. State Agency Happenings**

7:50 pm

A. Department of Labor and Industry

- a. BOME investigation of MMLP decisions
- b. SafeHaven partnership

**Action:** Hear updates, determine any concerns or areas for action. Pass by motion any action needed.

B. DPHHS

- a. Legislation
- b. Value-based Models of Care

**Action:** Hear updates, determine any concerns or areas for action. Pass by motion any action needed.

C. Administrative Rules – adoption (informational only)

a. Department of Labor and Industry

[Board of Pharmacy, MAR 24-174-81](#). Rule adopted, MMA submitted comments

b. Department of Public Health and Human Services

- [Pertaining to licensure of abortion clinics, MAR 37-1052](#)

The department intends these licensure requirements to be effective upon adoption, subject to the stipulation in Planned Parenthood et al. v. State of Montana et al., Cause No. ADV 2023-592 (1st Jud. Dist.) and any subsequent order of the court. Amendments adopted to clarify what is not an abortion clinic.

- [Pertaining to updating Medicaid and non-Medicaid provider rates, fee schedules, MAR 37-1067](#)

This rule is adopted. MMA questioned use of a negative CPI for medical care, sources provided.

- [Pertaining to Healthy Montana Kids Benefits, MAR 37-1083](#)

This rule adoption is effective September 21, 2024. MMA supported.

- [Pertaining to Health Care Facility Standards, MAR 37-1094](#)

This rule adoption is effective September 21, 2024. MMA submitted comments.

- [Pertaining to financial assistance and community benefit provided by certain types of hospitals and related certificate of need requirements, MAR 37-1096](#) This rule adoption is effective September 21, 2024.

**Action:** None needed

**VII. Brain Death Policy Request to establish medical standard**

[2023 American Academy of Neurology \(AAN\)/American Academy of Pediatrics \(AAP\)/Child Neurology Society \(CNS\)/Society of Critical Care Medicine \(SCCM\) Pediatric and Adult Brain Death/Death by Neurologic \(BD/DNC\) Criteria Consensus Practice Guideline](#)



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AAP endorsed guidelines already:

[Pediatric and Adult Brain Death/Death by Neurologic Criteria Consensus Guideline | Pediatrics | American Academy of Pediatrics \(aap.org\)](#)

Montana Code Annotated on death being determined by accepted medical standards, [50-22-101. Determination of death. MCA \(mt.gov\)](#)

Montana court case regarding a pediatric patient in which the parents successfully blocked physicians from declaring their child brain dead by preventing the use of an apnea test. Review article:

[Controversies in Brain Death Declaration: Legal and Ethical Implications in the ICU - PMC \(nih.gov\)](#)

**Action:** Consider request to adopt policy. Pass a motion as needed.

### VIII. Other Business

8:00 pm

#### A. What's ahead

a. Co-chairs

b. Strategy meetings

c. Tuesday evening committee meetings – monthly, bi-weekly or weekly?

B. Alliance for Healthy Montana Legislative Forum [schedule \(and local events\)](#)

C. PA and Physician [Collaboration Guidelines](#)

**Action:** Consider meeting plan for session, determine meeting schedule, identify any physicians able to participate in Alliance meetings, and for guidelines discuss comments on need to provide direction on determination/maintenance of competencies.

**IX. Adjournment** - Kristin Anderson, MD

### Parking Lot:

- Oncology and team based care with PCP
- ER and involuntary commitments
- DPHHS Legislation Review and Comment (no comments received)
- DLI Legislation Review and Comment
  - Standardize License Applications
  - Reciprocity
  - Standardize License Discipline
  - Complaint Protection

MMA Legislative Committee

9/16/24

- o Service of Process
- o Injunction and Penalty Cleanup
- o Licensing Procedural Rulemaking Authority
- o Other pending: Repeal of MMLP report, Apprenticeship, new Allied Health Care Board, Contingent Litigation Fund

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