



THE CORYDON GROUP

2/5/2016

SESSION - Week 5

IOA Weekly Update

Click here for current bill track:

<http://tinyurl.com/IOAbilltrack>

As you will read in the general portion of your update, a very important deadline has been passed at the Statehouse this week. We have made it through the halfway point of session, meaning that all filed bills have either passed out of their house of origin or are effectively "dead" for the session. Any dead bills have been removed from your track list.

There was no discussion of Medical Malpractice this week. We do believe there will be efforts to address issues as reported in previous updates, those will begin in earnest next week.

Many of the significant issues in the health care space were resolved prior to this week. Two important issues that moved this week are as follows:

Telemedicine

HB 1263, authored by Rep. Cindy Kirchhofer, is the electronic prescribing/telemedicine bill. The bill seeks to remove that a patient be seen in person by a prescriber before a prescription can be issued. There seems to be significant support for that concept. There continues to be discussion regarding what, if any, additional regulation should be put on an e prescriber that are not placed on a prescriber who sees the patient in person. The table

contact

125 West Market Street
Suite 300
Indianapolis, IN 46204
www.thecorydongroup.com

below shows areas where there is agreement and disagreement. Even within Associations such as the Indiana Hospital Association, there is not agreement among their members. The same is true in the physician community.

Agreement	Non Agreement
Indiana Medical License	Affiliation with and Indiana Health System
Indiana Malpractice Act	Must Participate in a Health Information Exchange
Prohibit Controlled Substances	Should eyeglasses and contacts be excluded
Prohibit Abortion Drugs	
Must Establish Patient-Physician Relationship	
Medical Record must be created and sent to the patient's physician upon request	

HB 1263 did pass the House yesterday. Rep. Kirchhofer asked that the bill keep moving. The Senate Sponsors of the bill are Sens. Patricia Miller, Mike Crider and Karen Tallian.

Pseudoephedrine

Rep. Frizzell's HB 1157 on pseudoephedrine passed out the House this week on a vote of 94-3. More notable, however, is the near unanimous passage of HB 1390, Rep. Smaltz's pseudoephedrine bill. As described in last week's update, the version that passed out of the House 92-7, is a large compromise on the part of stakeholders. The bill allows a person who has a relationship with a pharmacy to purchase the same amount of pseudoephedrine products as they can today. However, if no relationship with a pharmacy exists, the pharmacist may make a professional judgment as to whether there is a medical necessity for the product, or offer a tamper-resistant version, a 30mg per tablet package, or deny the sale without a prescription if they believe it will be used for the production of methamphetamine.

It is extremely noteworthy to mention that the Speaker of the House Brian Bosma signed onto the bill as a co-author, along with a number of others from both sides of the aisle. This bill has broad bipartisan support and Rep. Smaltz received a standing ovation upon the passage of the bill. His hard work and dedication to the issue did not go unrecognized. The bill now heads over to the Senate for consideration where Sen. Head, Steele, Messmer, and Houchin are sponsors.

The General Assembly reached the procedural halfway point this week with the passage of the third reading deadline for bills in their house of origin. In the House, out of 430 bills filed, 160 passed and were referred to the Senate – 65 having passed this week alone. Across the hall the Senate passed 103 bills this week bringing the total number of bills passed by the Senate to 152 from 411 filed. Highlights of the first half of the session include the passage of competing road funding and meth control legislation in the House and Senate, failure of civil rights rights legislation, and the expedited passage of legislation shielding teachers and schools from the effects of last year's ISTEP.

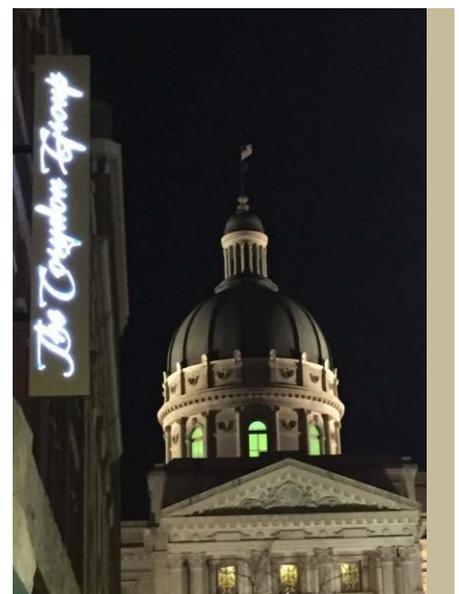
On Monday the House Democrats launched a final attempt to introduce their road funding plan after defeat in committee. The amendment was defeated along a partisan vote and HB 1001 passed third reading the following day with eight Republicans voting against the measure. The GOP plan, which includes raising taxes on gasoline by 4 cents, cigarettes by \$1 and allows local governments to levy a wheel tax, encountered some resistance from GOP members facing reelection who had made campaign promises to not raise taxes. In a move seeming to make the plan more appealing to tax-averse

Republicans, a personal income tax cut was amended into the bill which would decrease the rate from 3.23% in 2019 to 3.06% by 2026. Opponents of the bill argued that if the bill was able to overcome resistance in the Senate it would encounter a veto from the governor who has noted that he opposes a tax increase. However, the author of the bill, Rep. Ed Soliday (R – Valparaiso) suggested that the passage of the bill would be important in conference committee and that if the House bill failed, “then the only road bill is the Senate bill. That gives them control in the conference committee and I bet they’re going to be really warm to your (House Democrat) ideas.” The Senate GOP road funding plan, SB 333, passed the Senate floor on Wednesday.

In national circles, primary season was kicked off with the Iowa caucuses on Monday. Iowa Democratic Party chairman Andy McGuire commented that the results were the closest in Iowa Democratic caucus history with Hillary Clinton and Bernie Sanders claiming 49.9% and 49.6% of the vote respectively. On the Republican side, many who had predicted a victory for Donald Trump were proven wrong with Ted Cruz coming in first, claiming 27.6% compared to Trump's 24.3%. In the wake of the Iowa caucus results

three candidates, Democratic candidate Martin O'Malley and Republican candidates Sen. Rand Paul and Rick Santorum, officially suspended their campaigns.

Several Indiana politicians have endorsed presidential candidates, including Congressman Luke Messer (R – Shelbyville) who heads the state steering committee for Jeb Bush. Rep. Messer is the only member of Indiana's congressional delegation who has endorsed Bush. Rep. Todd Rokita, (R – Indianapolis) and Rep. Larry Bucshon (R – Newburgh) have backed Marco Rubio while Rep. Susan Brooks (R – Carmel) has endorsed New Jersey Gov. Chris Christie. Both Rep. Brooks and Rep. Rokita traveled to Iowa to campaign for their favored candidates in the days leading up to Monday's caucus.



Dates to Remember

February 25th: Senate Committee Report deadline on House Bills

February 29th: House Committee Report Deadline on Senate Bills

March 2nd: 3rd reading Deadline for Senate

March 3rd: 3rd Reading Deadline for House and conference committees begin

March 14th: House and Senate adjourn Sine Die

In addition to HB 1001, several other major pieces of legislation passed from the House floor. Among them were measures touching on education and methamphetamine.

On Monday, the House unanimously passed HB 1370, which requires universities to create plans to help high school teachers with a master's degree to be eligible to teach dual credit courses. The bill came in response to a change in requirements by the Higher Learning Commission, an independent organization that accredits colleges and universities. In February 2015, the commission created a policy that requires all dual-credit teachers to have eighteen credit hours in postgraduate education in their specific content area, in addition to a master's degree, by 2017.

HB 1395, another bill affecting education, passed the House floor on Tuesday. According to the bill's author, Rep. Bob Behning (R – Indianapolis), HB 1395, "repeals ISTEP as we know it, creates a commission...they will come up with the next generation test, that when adopted, will replace ISTEP." However, the bill also allows the Department of Education and the State Board of Education to re-score the 2015 ISTEP test so that the baseline under the new ISTEP test can be validated. While the rescore

would not be mandated, opponents argued the potential \$10 million cost of rescoring the whole exam was unnecessary. If the measure passes the Senate, it would maintain the current contract with the test vendor but allow it to expire following the 2016-2017 school year.

Three measures also passed the house addressing the rising use and production of methamphetamine. HB 1211, which establishes a separate charge for the manufacturing of methamphetamine, aims to implement harsher punishments for meth producers while HB 1157 and HB 1390 aim to make obtaining the drug more difficult. HB 1157 requires individuals who have been convicted of a felony drug crime to obtain a prescription for the purchase of ephedrine or pseudoephedrine products. HB 1390 allows pharmacists to make a "professional determination" on whether ephedrine or pseudoephedrine products should be sold. The bill allows pharmacists to urge the sale of alternative, tamper-resistant products to an individual who does not have an established history with the pharmacy, or deny the sale without a prescription if the individual turns down the alternative product.



Overshadowing much of the Senate's activity this week was the debate over LGBT legislation. SB 344, which narrowly passed out of committee last week, would have offered protections to gay, lesbian and bisexual Hoosiers but punted the topic of transgender protections to a summer study committee. However, on Tuesday the bill died without public discussion when the bill's author Sen. Travis Holdman (R – Markle) declined to call the bill to second reading claiming, "it has become apparent that Senate Bill 344 lacks the support in our Senate to advance any further." Legislators had filed 27 amendments to the bill which was scheduled for second reading on Tuesday. Reactions to the failure of the bill were mixed. Sen. Brent Waltz (R – Greenwood) claimed the move as a, "victory for common sense conservatism," while LGBT rights organizations

expressed disappointment in the failure of the bill. Representatives of business interests, such as the Indiana Chamber of Commerce and Indiana Competes, also expressed concern that the failure of the bill would compound negative perceptions of the state. If the bill had passed it would have faced substantial resistance in the House and a potential veto from the governor. President Pro Tempore Sen. David Long (R – Fort Wayne) has already pledged to revive the issue next year, claiming that LGBT rights are inevitable, "it just depends on when."

While the issue of LGBT civil rights is finished for the session, the passage of the Senate road funding plan - SB 333 - further signals the impending conflict between Senate and House leadership on how to fund improvements to the state's roads.

The Senate also moved along legislation on Tuesday which would ban abortions sought due to the gender or disability of a fetus. Similar legislation failed last session in the House. Current Indiana law restricts most abortions after 20 weeks of pregnancy but allows abortions before then.

Legislation mirroring house bills aimed at curbing meth production were passed by the Senate on Tuesday. SB 161, which is similar to HB 1157, would require individuals with a drug related felony to be entered into a registry which would generate a no sale alert to pharmacists for ephedrine and pseudoephedrine products. Instead, these individuals would be required to obtain a prescription.

contact

THE

 CORYDON

 GROUP

125 W Market St, Suite 300
 Indianapolis IN 46204
 317.634.5963